



Central Coast Council

Welcome to Central Coast Council

Central Coast Council Business Paper Ordinary Meeting 09 July 2018



Meeting Notice

**The Ordinary Meeting
of Central Coast Council
will be held in the Council Chamber,
Level 1, 49 Mann Street, Gosford on
Monday 9 July 2018 at 6.30pm,
for the transaction of the business listed below:**

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Brian Glendenning
Acting Chief Executive Officer

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



9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13265764

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

Section 451 of the LG Act states:

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

1.1 Disclosure of Interest (contd)

- (a1) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and*
 - (b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*
- (5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*
- (a) be in the form prescribed by the regulations, and*
 - (b) contain the information required by the regulations.*

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

Recommendation

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

Attachments

Nil.

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

9 July 2018 Ordinary Council Meeting



Summary

Confirmation of minutes of the Ordinary Meeting of the Council held on 25 June 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 25 June 2018.

Attachments

1 MINUTES - Ordinary Meeting - 25 June 2018 D13264175



Central Coast Council

Minutes of the Ordinary Meeting of Council

Held in the Council Chamber

2 Hely Street, Wyong

on 25 June 2018

Commencing at 6.30pm

Present

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

In Attendance

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

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

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

Ms Julie Vaughan read details of the Local Government Awards at which Council received an award for the Tuggerah Lakes Digital Resource and Communication Program carried out by Nick Carson and Danielle Hargreaves.

At these same awards Council received a Highly Commended in the Creative Communities category for the work Madalyn Ward and Matt Sonter have done with the community on the Maliga Indigenous Arts and Cultural Showcase.

Council was also named a finalist in four other categories:

- Innovative Leadership and Management for Central Coast Future Council Learning Community Team
- Community Partnerships and Collaboration for Harvest Festival Central Coast – Events Team
- Special Project Initiative for the Central Coast Community Strategic Plan – Community Engagement, Community Partnerships and Planning and Corporate Strategy teams
- Service Delivery Initiative for the Desexing Saves Lives – Responsible Pet Ownership on the Coast – Learning Community Team

At the Bob Ward Vocational Service Awards 2018, the Community Strategic Plan project team were nominated by Gosford Rotary Club and awarded a service award for their efforts in developing and engaging the community in the plan development.

The Mayor, Jane Smith congratulated Nick Carson, Environmental Education Officer, on behalf of Council and presented him with his Environmental Leadership and Sustainability Award for the Tuggerah Lakes Digital Resource and Communications Program.

At the commencement of the Ordinary Meeting report nos 1.1, 2.1, 5.1 and 1.2 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

Apologies/Leave of Absence

Apologies were received from Councillor Pilon and Councillor Matthews.

Procedural Motion – Leave of Absence

Moved: Mayor Smith
Seconded: Councillor Marquart

Resolved

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

For:
Unanimous

1.1 Disclosure of Interest

1.3 Notice of Intention to Deal with Matters in Closed Session

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she is in contact with a member of the Gliders Association. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the group do not use the airport.

2.1 Consideration of submissions and adoption of the Delivery Program and Operational Plan 2018-19 and Resourcing Strategy

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she has participated in many sports on the Central Coast and her two children are now actively involved in sport on the Central Coast including representative teams. Councillor Greenaway chose to remain in chambers and participate in discussion and voting as the conflict is minimal and does not affect her ability to deal with the matter in the best interests of the community.

Councillor Hogan declared a less than significant non-pecuniary interest in the matter as she is associated with sporting clubs through personal and professional interest. Councillor Hogan chose to remain in chambers and participate in discussion and voting as she will be objective and treat all sports fairly and equitably when making decisions.

Councillor MacGregor declared a less than significant non-pecuniary interest in the matter as he played cricket for Southern Spirit from 2017 to 2018. Councillor MacGregor chose to remain in chambers and participate in discussion and voting as he is not currently playing for the club and has no monetary or business relationship with the cricket club at present.

Councillor Vincent declared a less than significant non-pecuniary interest in the matter as his family participate in many sports on the Central Coast including representative teams. Councillor Vincent chose to remain in chambers and participate in discussion and voting as the conflict is minimal as this is a region wide report which does not affect his ability to deal with the matter in the best interests of the community.

2.5 Awarding Sponsorship Program - Round 2 - Recommendations for Funding

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she worked with Chambers of Commerce in Sydney and the Central Coast with regards to the awarding sponsorship program. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting. This item was resolved via the exception method.

2.8 Long Jetty Festival Update

Councillor Hogan declared a significant non-pecuniary interest in the matter as in 2017 the organisers of the Long Jetty Street Festival donated \$500 to the organisation she works for, San Remo Neighbourhood Centre, for the purpose of supporting our support groups for LGBTQI young people, G-Links and transgender group, Tea Party.

Councillor Hogan left the chamber at 9.49pm during consideration of this item, returned at 9.55pm and was absent for the vote.

Councillor McLachlan declared a less than significant non-pecuniary interest in the matter as he was a previous sponsor and therefore the previous pecuniary interest declared is now withdrawn as the festival is cancelled. Councillor McLachlan chose to remain in the chamber and participate in discussion and voting as his sponsorship is no longer as festival is cancelled.

6.1 Legal Advice – Commercial Dispute

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she is in contact with a member of the Gliders Association. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the group do not use the airport.

Moved: Mayor Smith

Seconded: Councillor Sundstrom

Resolved

541/18 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:

Unanimous

Procedural Motion – Address by Invited Speakers

Moved: Councillor Sundstrom

Seconded: Councillor MacGregor

Resolved

542/18 That Council invite the following speakers to address Council:

SPEAKERS	REPORT
Mr Riley Sohier Against the recommendation	Item 2.1 - Consideration of Submissions and Adoption of the Delivery Program and Operational Plan 2018-19 and Resourcing Strategy
Ms Diane Dales Against the recommendation	
Mr Bill Symmington For the recommendation	Item 5.1 - Deferred Item - Notice of Motion - Gwandalan Playground

For:

Unanimous

Procedural Motion – Suspension of Standing Orders**Moved: Councillor MacGregor****Seconded: Councillor Vincent****Resolved****543/18 That Council suspend standing orders and consider items 2.1 and 5.1 after each speaker address and then the remaining items in agenda sequence.****For:****Unanimous****1.2 Confirmation of Minutes of Previous Meetings**

Moved: Councillor Gale Collins**Seconded: Councillor MacGregor****544/18 That Council confirm the minutes of the Ordinary Meeting of the Council held on 12 June 2018.****For:****Unanimous****1.3 Notice of Intention to Deal with Matters in Closed Session**

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she is in contact with a member of the Gliders Association. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the group do not use the airport.

Moved: Councillor Best**Seconded: Councillor Gale Collins**

- 1 *That further to this Council's commitment to the proactive release of information in keeping with the intentions of the GIPA Act refer item 3.1 (25 June 2018), that Council now deal with this item 6.1 in open session.*
- 2 *That Council request the Acting Chief Executive Officer in accordance with the 1998 Privacy and Personal Information Act redact where necessary commercial, key legal and personal details from this report.*
- 3 *That this matter now be deferred until the redactions can take place and be represented at the 9 July 2018 Ordinary Meeting.*

A division was called by Councillors Marquart and Gale Collins.

For:

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

Against:

Mayor Smith and Councillors Mehrtens, Sundstrom, MacGregor, Burke, Hogan and Vincent

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

Foreshadowed Motion Moved: Mayor Smith
Foreshadowed Motion Seconded: Councillor Sundstrom

Resolved

545/18 That the Council resolve that the following matter be dealt with in closed session, pursuant to s. 10A(2)(g) of the Local Government Act 1993 for the following reasons:

Item: 6.1
Title: Legal Advice – Commercial Dispute

Reason for considering in closed session:

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

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

Against:
Councillors Marquart, Gale Collins, McLachlan and Best

Procedural Motion – Exception

Moved: Councillor MacGregor
Seconded: Councillor Sundstrom

Resolved

546/18 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:

Exception	
2.2	Consideration of submissions and adoption of the Community Strategic Plan, One - Central Coast
2.3	Making and fixing of 2018-19 Rates and Charges
2.4	Delegations to CEO from 2 July 2018
2.6	Amendments to Code of Meeting Practice
2.7	Meeting Record of the Coastal Open Space (COSS) Committee held on 23 May 2018
2.8	Long Jetty Festival Update
3.1	Proactive Release
3.2	Investment Report for 31 May 2018
3.3	2017/18 Capital Works Project Status
5.2	Notice of Motion - Committee Meeting Costings
6.1	Legal Advice – Commercial Dispute

547/18 That Council adopt the following items en-masse and in accordance with the report recommendations.

En-masse

2.5 Awarding Sponsorship Program - Round 2 - Recommendations for Funding
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For:

Unanimous

2.1 Consideration of Submissions and Adoption of the Delivery Program and Operational Plan 2018-19 and Resourcing Strategy

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she has participated in many sports on the Central Coast and her two children are now actively involved in sport on the Central Coast including representative teams. Councillor Greenaway chose to remain in chambers and participate in discussion and voting as the conflict is minimal and does not affect her ability to deal with the matter in the best interests of the community.

Councillor Hogan declared a less than significant non-pecuniary interest in the matter as she is associated with sporting clubs through personal and professional interest. Councillor Hogan chose to remain in chambers and participate in discussion and voting as she will be objective and treat all sports fairly and equitably when making decisions.

Councillor MacGregor declared a less than significant non-pecuniary interest in the matter as he played cricket for Southern Spirit from 2017 to 2018. Councillor MacGregor chose to remain in chambers and participate in discussion and voting as he is not currently playing for the club and has no monetary or business relationship with the cricket club at present.

Councillor Vincent declared a less than significant non-pecuniary interest in the matter as his family participate in many sports on the Central Coast including representative teams. Councillor Vincent chose to remain in chambers and participate in discussion and voting as the conflict is minimal as this is a region wide report which does not affect his ability to deal with the matter in the best interests of the community.

Mr Riley Sohler addressed Council at 6.42pm.

Ms Diane Dales addressed Council at 6.49pm.

Moved: Mayor Smith

Seconded: Councillor Greenaway

- 1 *That Council note that the draft Delivery Program and Operational Plan for the 2018-19 financial year ("Delivery Program and Operational Plan 2018-19") and draft Resourcing Strategy were publicly exhibited from Friday 18 May 2018, as required by ss. 404(4) and 405(3) of the Local Government Act 1993.*
- 2 *That Council consider, as required by ss. 404(4) and 405(5) of the Local Government Act 1993, the submissions received by Council during the public exhibition of the draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy.*

- 3 *That Council endorse the amendments to the exhibited draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy that are set out in attachments 4,5, 6, 7 and 8 to the report.*
- 4 *That Council authorise the Acting Chief Executive Officer to make final editorial amendments to the exhibited draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy, to ensure correctness and clarity.*
- 5 *That Council adopt, pursuant to ss. 403, 404 and 405 of the Local Government Act 1993, the exhibited draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy with the amendments authorised by resolutions 3 and 4 above.*
- 6 *That Council approve the estimates of income and expenditure as detailed in the Operational Plan for the 2017-18 financial year, as adopted by resolution 5.*
- 7 *That Council endorse, for public exhibition pursuant to s. 610F of the Local Government Act 1993, the additional fees set out in attachment 8 to this report.*
- 8 *That Council note for proposed fees subject of resolution 7 have not been adopted and that a further report will be presented to Council after the public exhibition of those fees has been completed.*
- 9 *That Council authorise the Chief Executive Officer to waive or reduce fees in appropriate cases.*
- 10 *That Council note that fee 08.10018 Right of Internment – niche purchase Memorial Wall be re-exhibited as the fee should be \$627.00 per request and not \$62.00 per request as originally exhibited.*
- 11 *That Council note that for Project K3.028 the Design and engage with the community on a skate park in the Peninsula is in the suburb of Umina Beach and authorises the Acting Chief Executive Officer to make this amendment to the Delivery Program and Operational Plan 2018-19 on page 125.*
- 12 *That Council note that a grant application has been submitted for the Tuggerawong Shared Pathway as part of the Stronger Country Communities Fund for \$964,549 to construct stage 1 of the shared pathway which covers the section from Friday to Tuesday Street and authorises the Acting Chief Executive Officer to make an amendment to the Delivery Program and Operational Plan 2018-19 to include Construction of Stage 1 of the Tuggerawong Shared Pathway from Friday to Tuesday Street in the listing of pending grant funding projects on pages 149 to 151.*
- 13 *That Council note that grant funding has been allocated for the following projects from the list of Pending Grant Funding Projects included in pages 149 to 151 of the Delivery Program and Operational Plan 2018-19. Once grant funding agreements are received and executed a report will be presented to Council to include the projects in Council's capital works program in line with the grant funding agreement deliverables and timeframes.*

Project Ref	Project Name	Grant Funding Allocated
H4.008	Upgrade Gosford City Centre water infrastructure	Part of Housing Acceleration Fund Program
H4.009	Upgrade Gosford City Centre sewer infrastructure	Part of Housing Acceleration Fund Program
K1.001	Construct cliff top walk at Winney Bay	4,615,000
K2.001	Construct Terrigal boardwalk	2,900,000
K4.009	Upgrade Central wharf	150,000
K4.011	Upgrade Kendal Road wharf	150,000
K4.012	Upgrade Spencer wharf	75,000
L1.032	Design and construct new public toilets at North Entrance Surf Club	260,000

- 14 That the Resourcing Strategy be amended to provide that the Workforce Management Strategy include the following with appropriate action and performance measure:
- a requirement that economic, social and environmental sustainability be promoted in the culture of Council's workforce
 - Governance (page 65) include CSP objective G2 with appropriate actions and performance
 - G2 – communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.
- 15 That a Councillor workshop be held no later than the end of August, 2018 to review the progress of the Operational Plan in preparation for the Q1 Budget Review.
- 16 That Council request the Chief Executive Officer hold a meeting with representatives of the Sports Council and then provide a report to the Council prior to the workshop referred to in recommendation 15 and include discussions around the following proposed amendments:
- Refund of competition and/or training fees booked on a seasonal basis for facilities not utilised under the twenty week period, due to inclement weather or withdrawn for maintenance issues
 - Refund of training fees to be booked on a daily basis for facilities not utilised, due to inclement weather or withdrawn for maintenance issues
 - Be able to choose an hourly lighting rate or a seasonal lighting rate.
 - Sports Council the Fees and Charges for seasonal hire be amended to include all final series games/matches.
 - In regards to the Bond Monies, the members of Central Coast Sports Council indicated at our meeting on 7 June 2018 that they wish the bond monies remain as is and held with Central Coast Sports Council.
 - Foreshadow a return on fees and charges as at 2017/18 for a period of 3 years
 - To reduce the level 2 grading fees to level 3 for sports fields

17 That Council fast track the master plan of the Carters Road upgrade with the view of starting intersection, parking and signage changes within the 2018/19 financial year.

Amendment Moved: Councillor Best

Amendment Seconded: Councillor Vincent

1 That the Operational Plan 2018/19 now be deferred pending an urgent briefing around equity, sustainability and the issues raised this evening.

2 That Council notes in light of the number of amendments and budget adjustments, Council is now not yet ready to legislate this budget.

3 That as this is a financial supply issue, Council recognises the need for this matter to now be urgently reported back to Council at an Extraordinary Meeting on or before Friday 29 June 2018.

For:

Councillors Marquart, Vincent, Hogan and Best

Against:

Mayor Smith and Councillors Holstein, Mehrtens, Sundstrom, Gale Collins, MacGregor, McLachlan, Greenaway and Burke

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

Resolved

548/18 That Council note that the draft Delivery Program and Operational Plan for the 2018-19 financial year ("Delivery Program and Operational Plan 2018-19") and draft Resourcing Strategy were publicly exhibited from Friday 18 May 2018, as required by ss. 404(4) and 405(3) of the Local Government Act 1993.

549/18 That Council consider, as required by ss. 404(4) and 405(5) of the Local Government Act 1993, the submissions received by Council during the public exhibition of the draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy.

550/18 That Council endorse the amendments to the exhibited draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy that are set out in attachments 4,5, 6, 7 and 8 to the report.

551/18 That Council authorise the Acting Chief Executive Officer to make final editorial amendments to the exhibited draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy, to ensure correctness and clarity.

552/18 That Council adopt, pursuant to ss. 403, 404 and 405 of the Local Government Act 1993, the exhibited draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy with the amendments authorised by resolutions 3 and 4 above.

- 553/18** That Council approve the estimates of income and expenditure as detailed in the Operational Plan for the 2017-18 financial year, as adopted by resolution 5.
- 554/18** That Council endorse, for public exhibition pursuant to s. 610F of the Local Government Act 1993, the additional fees set out in attachment 8 to this report.
- 555/18** That Council note for proposed fees subject of resolution 7 have not been adopted and that a further report will be presented to Council after the public exhibition of those fees has been completed.
- 556/18** That Council authorise the Chief Executive Officer to waive or reduce fees in appropriate cases.
- 557/18** That Council note that fee 08.10018 Right of Internment – niche purchase Memorial Wall be re-exhibited as the fee should be \$627.00 per request and not \$62.00 per request as originally exhibited.
- 558/18** That Council note that for Project K3.028 the Design and engage with the community on a skate park in the Peninsula is in the suburb of Umina Beach and authorises the Acting Chief Executive Officer to make this amendment to the Delivery Program and Operational Plan 2018-19 on page 125.
- 559/18** That Council note that a grant application has been submitted for the Tuggerawong Shared Pathway as part of the Stronger Country Communities Fund for \$964,549 to construct stage 1 of the shared pathway which covers the section from Friday to Tuesday Street and authorises the Acting Chief Executive Officer to make an amendment to the Delivery Program and Operational Plan 2018-19 to include Construction of Stage 1 of the Tuggerawong Shared Pathway from Friday to Tuesday Street in the listing of pending grant funding projects on pages 149 to 151.
- 560/18** That Council note that grant funding has been allocated for the following projects from the list of Pending Grant Funding Projects included in pages 149 to 151 of the Delivery Program and Operational Plan 2018-19. Once grant funding agreements are received and executed a report will be presented to Council to include the projects in Council's capital works program in line with the grant funding agreement deliverables and timeframes.

Project Ref	Project Name	Grant Funding Allocated
H4.008	Upgrade Gosford City Centre water infrastructure	Part of Housing Acceleration Fund Program

H4.009	Upgrade Gosford City Centre sewer infrastructure	Part of Housing Acceleration Fund Program
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K2.001	Construct Terrigal boardwalk	2,900,000
K4.009	Upgrade Central wharf	150,000
K4.011	Upgrade Kendal Road wharf	150,000
K4.012	Upgrade Spencer wharf	75,000
L1.032	Design and construct new public toilets at North Entrance Surf Club	260,000

- 561/18 That the Resourcing Strategy be amended to provide that the Workforce Management Strategy include the following with appropriate action and performance measure:**
- **a requirement that economic, social and environmental sustainability be promoted in the culture of Council's workforce**
 - **Governance (page 65) include CSP objective G2 with appropriate actions and performance**
 - **G2 – communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.**
- 562/18 That a Councillor workshop be held no later than the end of August, 2018 to review the progress of the Operational Plan in preparation for the Q1 Budget Review.**
- 563/18 That Council request the Chief Executive Officer hold a meeting with representatives of the Sports Council and then provide a report to the Council prior to the workshop referred to in recommendation 562/18 and include discussions around the following proposed amendments:**
- **Refund of competition and/or training fees booked on a seasonal basis for facilities not utilised under the twenty week period, due to inclement weather or withdrawn for maintenance issues**
 - **Refund of training fees to be booked on a daily basis for facilities not utilised, due to inclement weather or withdrawn for maintenance issues**
 - **Be able to choose an hourly lighting rate or a seasonal lighting rate.**
 - **Sports Council the Fees and Charges for seasonal hire be amended to include all final series games/matches.**
 - **In regards to the Bond Monies, the members of Central Coast Sports Council indicated at our meeting on 7 June 2018 that they wish the bond monies remain as is and held with Central Coast Sports Council.**
 - **Foreshadow a return on fees and charges as at 2017/18 for a period of 3 years**
 - **To reduce the level 2 grading fees to level 3 for sports fields**

564/18 That Council fast track the master plan of the Carters Road upgrade with the view of starting intersection, parking and signage changes within the 2018/19 financial year.

Procedural Motion – Motion be Put

Moved: Mayor Smith

Resolved

565/18 That Council put the motion to the vote.

For:
Mayor Smith and Councillors Marquart, Holstein, Mehrtens, Sundstrom, MacGregor, McLachlan, Burke, Vincent, Hogan and Best

Against:
Councillors Gale Collins, Greenaway and McLachlan

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

For:
Mayor Smith and Councillors Holstein, Mehrtens, Sundstrom, Gale Collins, McLachlan, Greenaway and Burke

Against:
Councillors Marquart, MacGregor, Vincent, Hogan and Best

2.2 Consideration of submissions and adoption of the Community Strategic Plan, One - Central Coast

Moved: Mayor Smith
Seconded: Councillor Sundstrom

Resolved

566/18 That Council note that the draft Community Strategic Plan titled One – Central Coast was publicly exhibited from 30 April 2018 to 28 May 2018.

567/18 That Council consider the submissions received during the exhibition period, as required by Chapter 13 Part 2 of the Local Government Act 1993.

568/18 That Council note and endorse the amendments recommended by Council staff in this report, and the following:

- Change D2 from "Support local business growth by providing incentives, **cutting red tape** and encouraging social enterprises" to "Support local business growth by providing incentives, **streamlining processes** and encouraging social enterprises
- Changing E2 from "Improve water quality for beaches, lakes and waterways **by** minimising pollutants and preventing litter entering our waterways" to "Improve water quality for beaches, lakes and waterways **including** minimising pollutants and preventing litter entering our waterways"

- **Change F4 from "Address climate change and its impacts through collaborative strategic planning and responsible land management" to "Address climate change and its impacts through collaborative strategic planning and responsible land management and consider targets and actions"**
- **Change I1 from "Preserve local character and protect our heritage and rural areas by concentrating development along transport corridors and town centres" to "Preserve local character and protect our drinking water catchments, heritage and rural areas by concentrating development along transport corridors and town centres east of the M1"**
- **P34 – Community Indicators - Under Env Sustainability and Human Impacts – include "Ecological Footprint" as an indicator.**

569/18 That Council authorise the Acting Chief Executive Officer to make appropriate amendments to the Community Strategic Plan, One - Central Coast, to correct numerical or typographical errors.

570/18 That Council adopt the draft Community Strategic Plan, One – Central Coast, amended as above, and advise the Minister for Local Government and make available on Council's website.

571/18 A Councillor workshop be held within 3 months to agree on a process and begin the work of setting targets (short, medium and long term) in order to achieve the aspirations of the Community Strategic Plan.

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

**Against:
Councillor McLachlan

Councillor Marquart (Abstain)**

The meeting was adjourned at 8.57pm and resumed at 9.14pm.

2.3 Making and fixing of 2018-19 Rates and Charges

**Moved: Mayor Smith
Seconded: Councillor Holstein**

Resolved

572/18 That Council note rate and charge rebates to pensioners are prescribed by s. 575 of the Local Government Act 1993.

573/18 That Council is of the opinion that all rateable land that is used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 will derive benefit from the provision of certain facilities, services and activities contributing to business and tourism development that are funded in part or whole by a Business/Tourism Development Special Rate (as set out in attachment 1).

- 574/18** *That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by the Gosford Parking Special Rate and/or funded in whole or in part by the Gosford Central Business District Special Rate, which (respectively) fund the operation and maintenance of the Baker Street Parking Station and the provision of facilities, services and activities that contribute to business and tourism development in the area:*
- a Rateable land within Registered Plan 97/6.*
 - b Rateable land within the area indicated in the Gosford Central Business District Improvement and Parking Area map (as set out in attachment 2):*
 - i Commencing west of Mann Street, at Lot 1 DP 156665, bounded by Etna, Hills, Watt and Faunce Streets; and*
 - ii From Henry Parry Drive to Allotment 1, Section 96, Town of Gosford to the intersection of Erina Street, north to Donnison Street, west of Henry Parry Drive to Georgiana Terrace to include unnamed lane in DP 13734; and*
 - iii Then from Allotment 4, Section 9, Town of Gosford to its intersection with the centre line of the Great Northern Railway bounded by Henry Parry, Mann Street, Georgiana Terrace, Dane Drive to the railway line and back to the point of commencement.*
- 575/18** *That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by Terrigal Tourism/Business Special Rate, which provides facilities, service and activities contributing to business and tourism development within the area to which that Special Rate applies (as set out in attachment 3):*
- a All land categorised as Business in accordance with s. 518 of the Local Government Act 1993 that is within the suburbs of Terrigal, Wamberal and North Avoca; and*
 - b All land categorised as Residential in accordance with s. 516 of the Local Government Act 1993 and used as rental accommodation for periods of three months or less in the suburbs of Terrigal, Wamberal and North Avoca; and*
 - c All land used for Bed and Breakfast accommodation in the suburbs of Terrigal, Wamberal and North Avoca.*
- 576/18** *That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by The Entrance Area Special Rate, which promotes the economic development, marketing and development of The Entrance area and provides for the organisation and management of promotional events within and around The Entrance area for the purpose of improving the market penetration of The Entrance area and its traders (as set out in attachment 4):*

- a All rateable land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as The Entrance; and**
- b All rateable land in the suburbs of Magenta, The Entrance, North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach and Bateau Bay used predominately for any of the following purposes, as those terms are defined in the Wyong Local Environmental Plan 2013 or the former Wyong Council's "Retail Centres Strategy":**
 - i amusement centres,**
 - ii camping grounds,**
 - iii caravan parks,**
 - iv eco-tourist facilities,**
 - v pubs,**
 - vi registered clubs, or**
 - vii service stations,**
 - viii tourist and visitor accommodation**

577/18 That Council is of the opinion that all rateable land in the suburbs known as Toukley, Canton Beach, Noraville and Norah Head that is used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 will derive benefit from the activities that are funded in part or whole by the Toukley Area Special Rate, which markets and promotes the economic development of the Toukley area (as set out in attachment 5).

578/18 That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by the Wyong Area Special Rate, which is used to market and promote the economic development of the Wyong area within which this special rate applies (as set out in attachment 6):

- a All land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as Watanobbi.**
- b All land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as Wyong, bounded by the following:**
 - i North of the Wyong River from Tacoma in the east to the M1 Freeway in the west;**
 - ii East of the M1 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964;**
 - iii South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include the land known as Lot 400 DP 1114793 (being to the north of the Pacific Highway);**
 - iv The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.**

- 579/18** That Council resolve to make, in respect of land within the former Gosford Local Government Area, the following ordinary rates for the 2018-19 rating and financial year where such rates consist of an ad valorem amount and subject to a minimum amount, pursuant to ss. 492-494, 497-498, 533-535 and 543 (inclusive) of the Local Government Act 1993:

Ordinary Rate Category Section 493	Ordinary Rate Sub Category Section 529	Ad Valorem Amount (cents in the \$)	Minimum Rate Amount
Farmland	-	0.168693	\$526.00
Residential	-	0.288118	\$526.00
Residential	Flood	0.302875	\$269.00
Business	-	0.543182	\$526.00

- 580/18** That Council resolve to make, in respect of land within the former Wyong Local Government Area, the following ordinary rates for the 2018-19 rating and financial year consisting of an ad valorem amount and subject to a minimum amount, pursuant to sections 492-494, 497-498, 533-535 and 543 (inclusive) of the Local Government Act 1993 (refer attachment 7):

Ordinary Rate Category Section 493	Ordinary Rate Sub Category Section 529	Ad Valorem Amount (cents in the \$)	Minimum Rate Amount
Farmland	-	0.287650	\$300.00
Residential	-	0.452340	\$300.00
Mining	-	16.240500	\$300.00
Business	-	0.986210	\$300.00
Business	Business Major Retail	1.479320	\$300.00
Business	Business Local Retail	1.232760	\$300.00

- 581/18** That Council resolve to make, the following special rates for the 2018-19 rating and financial year consisting of an ad valorem amount, pursuant to ss. 492, 495, 497-500, 535-538 and 543 (inclusive) of the Local Government Act 1993 where those special rates are to apply only to and be levied on only the rateable land identified in the table below:

Special Rate	Base Amount	Ad Valorem Amount (cents in the \$)	Special rate applies to the following rateable land
Business/Tourism Development	-	0.057466	All rateable land identified in resolution 2
Gosford Parking	-	0.136622	All rateable land identified in resolution 3

Gosford Central Business District Improvement	-	0.356423	All rateable land identified in resolution 3
Terrigal Tourism/Business Special Development	-	0.232087	All rateable land identified in resolution 4
The Entrance Area	\$91.00	0.368715	All rateable land identified in resolution 5
Toukley Area	\$91.00	0.272806	All rateable land identified in resolution 6
Wyong Area	\$91.00	0.105508	All rateable land identified in resolution 7

582/18 That Council apply land valuations, with a base date 1 July 2016, for rating purposes in the 2018-19 rating and financial year.

583/18 That Council resolve to make, the following annual domestic waste management service charges for the 2018-19 rating and financial year, pursuant to ss. 496 and 535 of the Local Government Act 1993 (refer attachment 8):

Name	Charge Amount
Domestic Waste Management - Availability Charge	\$68.00
Domestic Waste Management Service – Eastern Area	\$490.00
Domestic Waste Management Service – Western Area	\$434.00
Domestic Waste Management Service – 140 litre to 240 litre Waste Upgrade	\$130.00
Domestic Waste Management Service – 140 litre to 360 litre Waste Upgrade	\$260.00
Domestic Waste Management Service – 240 litre to 360 litre Waste Upgrade	\$130.00
Domestic Waste Management Service – Additional 140 litre Waste Bin Service	\$258.00
Domestic Waste Management Service – Additional 240 litre Waste Bin Service	\$389.00
Domestic Waste Management Service – Additional 360 litre Waste Bin Service	\$520.00
Domestic Waste Management Service – Additional 240 litre Recycling Bin Service	\$98.00
Domestic Waste Management Service – Additional 360 litre Recycling Bin Service	\$130.00
Domestic Waste Management Service – Additional 240 litre Vegetation Bin Service	\$105.00
Domestic Waste Management Service – Additional Short Term Extra Service – 140 litre Waste Bin - price per service	\$17.84
Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Waste Bin - price per service	\$18.99
Domestic Waste Management Service – Additional Short Term Extra Service – 360 litre Waste Bin - price per service	\$20.14

Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Recycling Bin - price per service	\$17.84
Domestic Waste Management Service – Additional Short Term Extra Service – 360 litre Recycling Bin - price per service	\$20.14
Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Vegetation Bin - price per service	\$17.84

584/18 That Council provide domestic waste management services only to parcels of land which have current Council consent or approval for a residential building.

585/18 That Council resolve to make, the changes set out in the adopted Delivery Program and Operational Plan for the 2018-19 financial year including but not limited to the following waste management charges for the 2018-19 rating and financial year, pursuant to ss. 501 and 535 of the Local Government Act 1993:

Name	Charge Amount
Waste Management Service – 140 litre Waste Bin Service	\$365.00
Waste Management Service – 240 litre Waste Bin Service	\$487.00
Waste Management Service - 360 litre Waste Bin Service	\$600.00
Waste Management Service - 660 litre Waste Bin Service	\$2,078.00
Waste Management Service - 1.1 cubic metre Waste Bin Service	\$2,901.00
Waste Management Service - 1.5 cubic metre Waste Bin Service	\$3,907.00
Waste Management Service – 240 litre Recycling Bin Service	\$98.00
Waste Management Service – 360 litre Recycling Bin Service	\$130.00
Waste Management Service –240 litre Vegetation Bin Service	\$105.00

586/18 That Council apply, a proportional charge adjustment, calculated on a daily basis, where domestic waste management services or waste management services commence or cease during the 2018-19 rating year.

587/18 That, for the period between 1 July 2018 and 30 June 2019 in respect to overdue rates and charges, Council charge the lesser of the following:

- a the maximum rate of interest as determined by the Minister for Local Government under s. 566(3) of the Local Government Act 1993, being 7.5% per annum; or**
- b the maximum rate of interest payable on overdue rates and charges under s. 356 of the Water Management Act 2000, being the rate applicable on an unpaid judgment of the Supreme Court;**
- c and this interest to be calculated on a daily basis using the simple interest method in accordance with s. 566 of the Local Government Act 1993.**

588/18 That Council acknowledge and thank the Acting Chief Executive Officer and staff for their work in the preparation of the Delivery and Operational Plan, the Central Coast Community Strategic Plan and this report being the Making and Fixing of 2018-19 Rates and Charges.

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

Against:
Councillor Best

2.4 Delegations to CEO from 2 July 2018

Moved: Mayor Smith
Seconded: Councillor Vincent

Resolved

589/18 That Council:

- **Resolve, pursuant to s.377 of the Local Government Act 1993, to delegate functions to Mr. Murphy in accordance with the instrument that is attachment 1 to this report**
- **Request a further report on delegations regarding planning matters to come back to Council at the last Ordinary meeting in August.**
- **Request that a further report include details of historic delegations of the former Councils over the last ten years to the then General Managers, and a comparison of other Councils including neighbouring Councils.**

For:
Unanimous

2.5 Awarding Sponsorship Program - Round 2 - Recommendations for Funding

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she worked with Chambers of Commerce in Sydney and the Central Coast with regards to the awarding sponsorship program. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting. This item was resolved via the exception method.

Moved: Councillor MacGregor
Seconded: Councillor Sundstrom

590/18 That Council allocate \$95,000 from the 2017-18 sponsorship budget to the applicants as outlined in table 1 of this report, to be paid over the 2017-18, 2018-19 and 2019-20 financial years.

591/18 That Council decline applications for the reasons indicated in the attached minutes, the applicants be advised and where relevant, directed to alternate funding.

For:
Unanimous

2.6 Amendments to Code of Meeting Practice

Moved: Mayor Smith
Seconded: Councillor Holstein

Resolved

- 592/18** *That, in accordance with s.361 of the Local Government Act, Council give public notice of the proposed amended Code of Meeting Practice that is Attachment 1 to this Report (which must specify that submissions may be made to Council for a period of not less than 42 days from the date on which the proposed amended Code is first publicly exhibited) and publicly exhibit that proposed amended Code for not less than 28 days.*
- 593/18** *That Council note that a further report will be provided setting out submissions received by Council in respect to the proposed amended Code of Meeting Practice and to make recommendations in respect to the adoption of that proposed amended Code.*

For:
Unanimous

2.7 Meeting Record of the Coastal Open Space (COSS) Committee held on 23 May 2018

Moved: Mayor Smith
Seconded: Councillor Greenaway

Resolved

- 594/18** *That Council note the Meeting Record of the Coastal Open Space (COSS) Committee held on 23 May 2018 that is Attachment 1 to this report.*
- 595/18** *That Council adopt the Terms of Reference for the Coastal Open Space (COSS) Committee, as set out in Attachment 2 to this report.*
- 596/18** *That Council appoint the Mayor as the Chairperson for the Coastal Open Space (COSS) Committee.*
- 597/18** *That Council write to the Minister for Planning requesting the consideration of an Environmental (E5) zone as part of the NSW Standard Instrument – Principal Local Environmental Plan.*
- 598/18** *That the frequently asked questions on the Central Coast Consolidated Local Environmental Plan include discussion on the Environmental (E5) zone.*

599/18 That Council appoint Mr Douglas Williamson to the Coastal Open Space (COSS) Committee as a community representative.

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

Against:
Councillors Marquart, Gale Collins and Best

2.8 Long Jetty Festival Update

Councillor Hogan declared a significant non-pecuniary interest in the matter as in 2017 the organisers of the Long Jetty Street Festival donated \$500 to the organisation she works for, San Remo Neighbourhood Centre, for the purpose of supporting our support groups for LBGTQI young people, G-Links and transgender group, Tea Party.

Councillor Hogan left the chamber at 9.49pm during consideration of this item, returned at 9.55pm and was absent for the vote.

Councillor McLachlan declared a less than significant non-pecuniary interest in the matter as he was a previous sponsor and therefore the previous pecuniary interest declared is now withdrawn as the festival is cancelled. Councillor McLachlan chose to remain in the chamber and participate in discussion and voting as his sponsorship is no longer as festival is cancelled.

Moved: Councillor Holstein
Seconded: Councillor Gale Collins

Resolved

600/18 That Council Note the Report.

601/18 That Council allocate \$17,226.00 from the 2017/18 Community Development Grant Program as outlined within this report to the Uniting Church in Australia Property Trust program.

For:
Unanimous

3.1 Proactive Release

Moved: Councillor Vincent
Seconded: Councillor MacGregor

Resolved

602/18 That Council receive the report providing an update on the ongoing release of Council information under the Government Information (Public Access) Act 2009 and Council's proactive active release program.

For:
Unanimous

3.2 Investment Report for 31 May 2018

Moved: Councillor MacGregor
Seconded: Councillor Vincent

Resolved

603/18 That Council receive the Investment Report for 31 May 2018.

For:
Unanimous

3.3 2017/18 Capital Works Project Status

Moved: Councillor Best
Seconded: Councillor Holstein

Resolved

604/18 That Council note the status of capital projects as provided in Attachment 1 to this report.

For:
Unanimous

5.1 Deferred Item - Notice of Motion - Gwandalan Playground

Mr Bill Symington addressed Council at 8.15pm.

Moved: Mayor Smith
Seconded: Councillor Vincent

Resolved

605/18 That Council note the deferred Notice of Motion – Gwandalan Playground which is Attachment 1 to this report.

606/18 That Council request that;

- a The Acting Chief Executive Officer investigate the following;**
- 1 Options for the provision of a local playground in the vicinity of a recent subdivision near Kanangra Drive, Gwandalan**
 - 2 The balance of Section 94 contributions from the subdivision**
 - 3 Status of works on Tunkawallin Park and opportunities to reallocate funding to the provision of a local park**
 - 4 Options to amend the Section 94 plan to provide opportunities for funding to be allocated to open space**

- b A consultation meeting be held with local residents to discussion options going forward**
- c Report to Council at the last Ordinary Meeting in August 2018 on a and b above.**
- d Council review its policies regarding the provision of playgrounds, in particular, recognising the benefits of providing local playgrounds.**

607/18 That staff bring a report back to Council on the history of the changes to the subdivision plan that excluded the original playground.

For:

Unanimous

5.2 Notice of Motion - Committee Meeting Costings

Moved: Councillor Gale Collins

Seconded: Councillor Burke

That Council demonstrate fiscal responsibility and report quarterly on committee meeting costings including an estimate of in kind contributions by non-Council staff participants.

Amendment Moved: Councillor MacGregor

Amendment Seconded: Councillor Vincent

- 1 That Council demonstrate fiscal responsibility and report annually on committee meeting costings including an estimate of in kind contributions by non-Council staff participants**
- 2 That Council request the Acting Chief Executive Officer circulate the previous report on committees from the former Council's pre and post amalgamation.**

Procedural Motion – Motion be Put

Moved: Mayor Smith

Resolved

608/18 That Council put the motion to the vote.

For:

Mayor Smith and Councillors Holstein, Mehrstens, Sundstrom, MacGregor, Vincent and Hogan

Against:

Councillors Marquart, Gale Collins, McLachlan, Greenaway and Best

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

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

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

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

That Council demonstrate fiscal responsibility and report quarterly on committee meeting costings including an estimate of in kind contributions by non-Council staff participants.

For:
Councillor Marquart, Gale Collins, McLachlan,
Greenaway, Burke and Best

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

The motion was put to the vote and declared LOST.

Procedural Motion – Extend Meeting to 10.30pm

Moved: Mayor Smith
Seconded: Councillor Vincent

Resolved

609/18 ***That Council extend the Ordinary Meeting of Council to consider Item 6.1 and Questions on Notice in accordance with the adopted Code of Meeting Practice.***

For:
Mayor Smith and Councillors Marquart,
Holstein, Mehrtens, Sundstrom,
MacGregor, Greenaway, McLachlan, Burke,
Hogan, Vincent and Best

Against:
Councillor Gale Collins

Procedural Motion – Closed Session

Moved: Councillor Sundstrom
Seconded: Councillor Burke

Resolved

610/18 ***That Council move in to Closed Session.***

For:
Mayor Smith and Councillors Marquart,
Holstein, Mehrtens, Sundstrom,
MacGregor, McLachlan, Greenway, Burke,
Vincent, Hogan and Best

Against:
Councillor Gale Collins

At this stage of the meeting being 10.35pm the meeting moved into Closed Session with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:-

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

Procedural Motion – Open Session

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

Resolved

616/18 That Council move in to Open Session.

For:
Unanimous

The meeting resumed in open session at 10.59pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

6.1 Legal Advice – commercial dispute

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she is in contact with a member of the Gliders Association. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the group do not use the airport.

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

- 1 *That Council receive and note the correspondence set out in confidential attachment 1 to this report.*
- 2 *That Council receive and note the legal advice set out in confidential attachment 2 to this report.*
- 3 *That Council instruct the Acting Chief Executive Officer to pursue the "Recommended Action" set out in this confidential report.*
- 4 *That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that this report and confidential attachments 1 and 2 to this report remain confidential, on the basis this report and attachment 2 contain legal advice from legal practitioners that are subject to client legal privilege, and attachment 1 includes material that if disclosed will be likely to prejudice future negotiations.*

Amendment Moved: Councillor Best
Amendment Seconded: Councillor McLachlan

- 1 That Council rejects the offer and requests to Acting Chief Executive Officer to seek to renegotiate a more agreeable outcome.
- 2 That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that this report and confidential attachments 1 and 2 to this report remain confidential, on the basis this report and attachment 2 contain legal advice from legal practitioners that are subject to client legal privilege, and attachment 1 includes material that if disclosed will be likely to prejudice future negotiations.

Procedural Motion – Motion be Put

Moved: Mayor Smith

Resolved

611/18 That Council put the motion to the vote.

For:
Mayor Smith and Councillors Mehrtens, Sundstrom, Gale Collins, Greenaway, Burke, Vincent, Hogan and Best

Against:
Councillors Marquart, Holstein and MacGregor

Councillor McLachlan (Abstained)

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

For:
Councillors Gale Collins, McLachlan, Burke and Best

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

Councillors Marquart and Holstein (Abstained)

The Amendment was put to the vote and declared LOST.

Resolved

612/18 That Council receive and note the correspondence set out in confidential attachment 1 to this report.

613/18 That Council receive and note the legal advice set out in confidential attachment 2 to this report.

614/18 That Council instruct the Acting Chief Executive Officer to pursue the "Recommended Action" set out in this confidential report.

615/18 *That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that this report and confidential attachments 1 and 2 to this report remain confidential, on the basis this report and attachment 2 contain legal advice from legal practitioners that are subject to client legal privilege, and attachment 1 includes material that if disclosed will be likely to prejudice future negotiations.*

For:

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

Against:

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

Councillor Best left the Chamber at 11.22pm and did not return.

Questions on Notice

**Q95/18 QON - Woy Woy Railway Underpass
Councillor Chris Holstein**

On the 12 March 2018, over 3 months ago, Council resolved the three point motion on the Woy Woy railway underpass at the bottom of Balls Hill on Woy Woy Road. Can the staff please advise the aspect of the motion; it was a three part one. Have representations been made to the Government and if so, what responses have we received? What responses have we received from the State opposition have been made and has Council actually completed the position statement on benefit and the need for the works?

**Q96/18 QON - Disability Parking
Councillor Rebecca Gale Collins**

Can Council rectify the disability parking and access at Davistown Hall as the access is prevented due to lack of drainage and water build up after rains?

**Q97/18 QON - Implementation on all Resolutions
Councillor Kyle MacGregor**

Can Council staff please provide an update to councillors on the progress of implementation on all resolutions made by this council since its inception at its earliest possible convenience?

**Q98/18 QON - Exercise Equipment in Parks
Councillor Kyle MacGregor**

Does Council have plans to implement public exercise equipment in any current public parks, pathways, reserves or other relevant locations within the Central Coast LGA?

Q99/18 QON - Update Submission Travelling Bushman - Reptile Show
Councillor Bruce McLachlan

Can Council provide an update on the submission from the Travelling Bushman's submission for a reptile show at the pelican feeding?

Response from Julie Vaughan, Director Connected Communities

The gentleman has been contacted by staff. We have a tourism opportunities briefing coming to Council at the end of July so we have engaged external people in response to previous Council resolution. Obviously The Entrance is a key tourism destination, and as a high priority that will be considered as part of that, but equally any increase in activities would need to go through a procurement process through Council and that gentleman, along with others, would have to go through that expression of interest.

Q100/18 QON - Seniors Cards used at Council facilities
Councillor Louise Greenaway

Are senior's cards able to be used for discounts at aquatic centres and other similar facilities of Council? At the point of entry of these facilities is there a notice alerting people to the fact that discounts are available?

Response from Julie Vaughan, Director Connected Communities

I will take that question on notice. We certainly do have concession rates but there are differences on the difference between pensioner and seniors cards so that's where the point of difference is Councillor Greenaway and ordinarily it would be the pensioner card rather than the senior's card. I can't confirm that there is definitely a notice there, it would certainly be part of our fees and charges, but it may be something that could certainly be improved.

Q101/18 QON - YouTube Webcast
Councillor Doug Vincent

Residents have advised it is difficult to select specific Council meeting podcasts which are stored on line, as the file name is based on the time frame / length of the podcast, rather than the council meeting date. Could staff please relabel the podcasts file names to reflect the date when the podcasts were recorded?

Response from Shane Sullivan, Acting Executive Manager Governance

It is an issue we are aware of. It is the nature of the software we are currently using and we are looking at an alternate way. We can't rename the file but we might be able to look at alternate ways of assisting achieving the same outcome.

**Q102/18 QON - 2018/19 Capital Works Spend
Councillor Doug Vincent**

Could staff please provide the combined totals for the 2018/19 Capital Works Program spend, in each of the 5 Central Coast Council wards, by combining the "Local Scale" capital works projects (shown on page 146 of the "Delivery Program and Operational Plan 2018/19") with the ward projects in the "Region Wide" capital works program.

The Meeting closed at 11.26pm.



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

9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13265762

Summary

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

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

Recommendation

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

Item: 9.1

Title: Rescission Motion – Legal Advice – Commercial Dispute

Reason for considering in closed session:

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

Context

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

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

- (i) *prejudice the commercial position of the person who supplied it, or*
- (ii) *confer a commercial advantage on a competitor of the Council, or*
- (iii) *reveal a trade secret,*

2(e) *information that would, if disclosed, prejudice the maintenance of law,*

2(f) *matters affecting the security of the Council, Councillors, Council staff or Council property,*

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

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

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

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

Attachments

Nil.



Item No: 2.1
Title: Planning Proposal No 2016/91 - 376-392 Manns Rd
West Gosford
Department: Environment and Planning

9 July 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13238509

Author: Scott Duncan, Section Manager

Manager: Matthew Prendergast, Unit Manager Strategic Planning

Executive: Scott Cox, Director Environment and Planning

Report Purpose

The purpose of this report is for Council to consider a planning proposal in relation to the "Riverside" site on Manns Road, West Gosford. The proposal seeks to amend Cl.11(2)(a) of *Schedule 1 - Additional Permitted Uses* of the *Gosford Local Environmental Plan 2014* to increase the current maximum floor area limit for Bulky Goods Premises on the "Riverside" site.

This report provides an overview of the outcomes of state government and community consultation in respect of the planning proposal.

This report recommends that Council finalise the planning proposal through an amendment to *Gosford Local Environmental Plan 2014*.

Recommendation

- 1 That Council supports the planning proposal as exhibited to alter cl.11(2)(a) of schedule 1 of the Gosford Local Environmental Plan 2014 by increasing the maximum floor area for Bulky Goods Premises from 10,700m² to 32,870 m².**
- 2 That Council request, the Chief Executive Officer to exercise the delegation issued by the Department of Planning and Environment for Planning Proposal 2016/91 Gosford and proceed with the steps for drafting and making of Amendment No. 34 to Gosford Local Environmental Plan 2014.**
- 3 That Council advise all those who made a submission of the decision.**

At its Ordinary Meeting held on the 26 April 2017, the Central Coast Council resolved:

191/17 That Council prepare a Planning Proposal to amend Gosford Local Environmental Plan 2014, floor space requirements from clauses 10(2) and 11(2) of Schedule 1 Additional Permitted Uses, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 to the following properties:

2.1 Planning Proposal No 2016/91 - 376-392 Manns Rd West Gosford (contd)

- a. *Part Lot 1 and Lots 18-21 DP 270678, Manns Rd West Gosford.*
 - b. *Lot 30 DP 1172968, Manns Rd West Gosford, and*
 - c. *Part SP 84324 Manns Rd West Gosford.*
- 192/17 *That Council forward the Planning Proposal to the NSW Minister for Planning requesting a Gateway Determination, as well as requesting delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56(1) of the Environmental Planning and Assessment Act 1979;*
- 193/17 *That Council undertake community and public authority consultation in accordance with the Gateway Determination requirements.*
- 194/17 *That Council consider a further report on the results of community and public authority consultation.*
- 195/17 *That Council request from the NSW Department of Planning and Environment delegations for the Chief Executive Officer (or delegate) to finalise and make the draft Local Environmental Plan.*

A Gateway Determination was issued by the NSW Department of Planning and Environment (DP&E) on 6 July 2017 and an amended Gateway was issued on 29 March 2018.

The Site

The subject site comprises approximately 6.7 ha of land between Manns Road and Narara Creek, north of the Central Coast Highway / Manns Road / Brisbane Water Drive intersection at West Gosford (figure 1). The site is commonly referred to as "Riverside".

The site is developed with large scale warehouse buildings, including the building formerly occupied by Masters Home Improvement ("Masters"), and associated car parking at grade. The former "Masters" building was approved for use as a "hardware and building supply outlet" in 2012 which was a permissible use at the time when the site was rezoned 4(a) Industrial (General) under *Gosford Planning Scheme Ordinance* (GPSO).

The site was zoned IN1 General Industrial on 11 February 2014 when *Gosford Local Environmental Plan 2014* (GLEP 2014) came into force (see figure 2). Additional land uses are permissible on the site and, are listed under Schedule 1, Clause 11(2) (a) of GLEP 2014. The additional permitted uses currently include 'bulky goods premises' (10,700 m²) on the northern part of the site and 'business premises' (1,560 m²) within the undercroft area of the former "Masters" building.

The site is located approximately 2 kilometres west of Gosford City Centre. The closest railway station is situated at Gosford and bus services run frequently along Central Coast Highway, however infrequently along Manns Road.

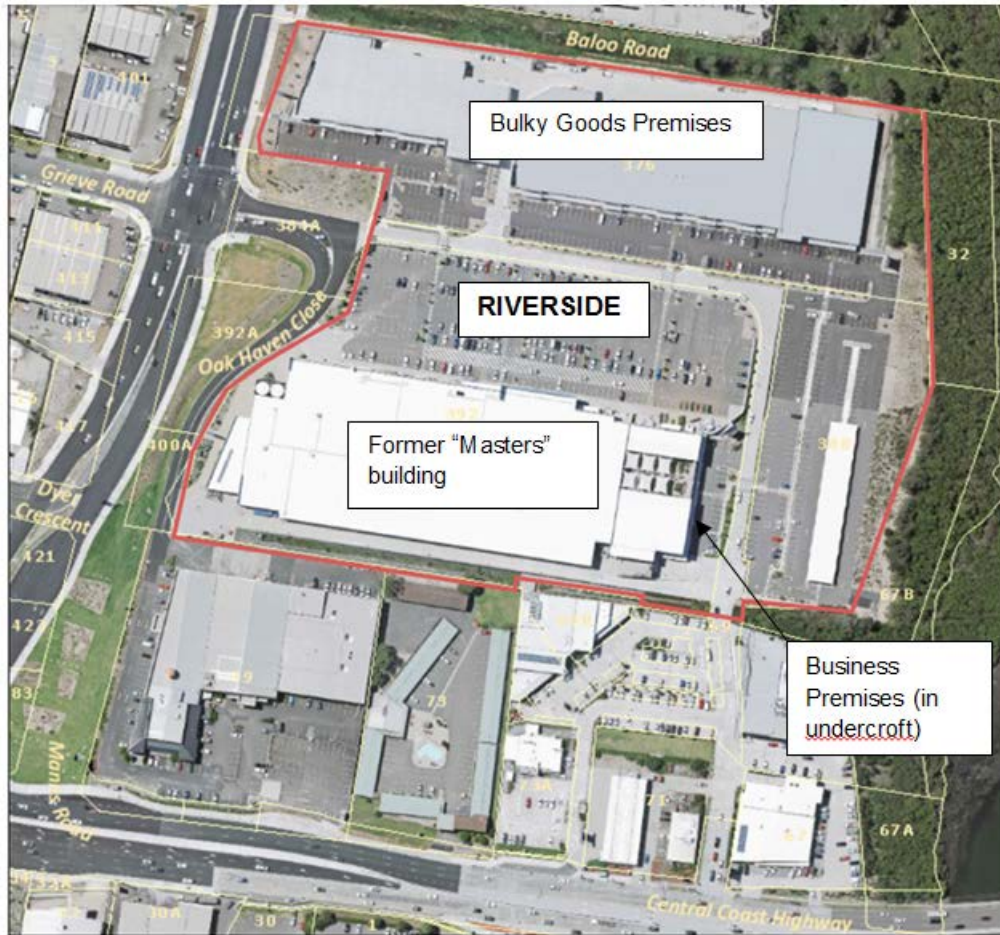


Figure 1:- Locality Aerial photograph with "Riverside" site outlined in red

The Proposal

The original planning proposal for the site was lodged with Council on 7 June 2016. This proposal sought the rezoning of both the "Hometown" site and "Riverside" site, Manns Rd, West Gosford from IN1 General Industrial to B5 Business Development under GLEP 2014 (figure 2).

The original planning proposal was amended in February 2017 and March 2018 by the proponent. The amendments to the planning proposal included:

- Removal of the "Hometown" site from the planning proposal;
- Removal of original request to rezone land from IN1 General Industrial to B5 Business Development;
- Increasing the maximum floor area limit for bulky goods premises on the "Riverside" site, from 10,700 m² to 32,870 m² by amending GLEP 2014 Schedule 1, Clause 11(2)(a) (NB: The increase in floor space for "bulky goods premises" sought by the applicant was 33,335 m², however the increase in floor space validated by the NSW Roads and Maritime

2.1 Planning Proposal No 2016/91 - 376-392 Manns Rd West Gosford (contd)

Service (RMS) upon review of the Varga Traffic Report (dated March, 2018) was 32,870 m², which was subsequently used in the exhibited planning proposal).

The initial request by the proponent to rezone the site to B5 Business Development commercial on both the "Riverside" and "Hometown" sites were not supported by Council. It was considered to be premature, ahead of any actions and land use investigations arising from the Southern Growth Corridor, as well as future regional retail and employment land supply studies. Modifying the existing maximum floor space requirement by way of undertaking an amendment to cl. 11(2)(a) of Schedule 1 to GLEP 2014 to increase the floor space limit for "bulky goods premises" to 32,870 m² was considered to be a more appropriate planning response to facilitate the proposed reuse of the former "Masters" building, as it provides flexibility to respond to any actions arising from the Southern Growth Corridor project.

Part of the additional "bulky goods premises" floor space of 22,170 m² is proposed to be utilised within the former "Masters" building (i.e. 13,261 m²) and the remaining (8,909 m²) will be used within the existing building (and might include an additional storey within the existing building as part of the fitout) and potentially new buildings within the existing carpark areas.

The former "Masters" building has been vacant for over 16 months. It will also enable an additional potential 150-200 local jobs to be created. Bulky goods retail is a logical land use for this site, because surrounding areas to the north and south of the subject site are transitioning to become a bulky goods retail hub. The site is also well located on a major road which makes it highly suited for bulky goods format retailing.

The existing former "Masters" building is also considered to be highly suitable to be retrofitted to accommodate bulky goods format retailing due to the size of the building and suitability of the existing carpark to support the change in land use. As a land use, "bulky goods premises" also generate less traffic than "hardware and building supply outlets" according to the Varga Traffic Report (dated March, 2018).

The applicant's consultant (Urbis), has provided justification that there is underlying demand for bulky goods retail and that there is an existing under-provision of 50,000 m² throughout the Central Coast region, hence the identified demand can be partially satisfied in the "Riverside" Precinct.

2.1 Planning Proposal No 2016/91 - 376-392 Manns Rd West Gosford (contd)



Figure 2:- Locality zonings with “Riverside” and “Hometown” sites outlined in red

Consultation

The planning proposal was publicly exhibited for a total of 14 days between 19 April and 3 May 2018. The exhibition was undertaken in accordance with the DP&E'S *A Guide to Preparing Local Environmental Plans*, the gateway determination (as amended) and the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Community Consultation

A total of five submissions were received during the exhibition period to the proposal. Two submissions objected to the proposal, whilst three submissions supported the proposal. The matters raised in the submissions are summarised below.

- 1 *The proposal shows no relationship to the strategic planning framework and has not been adequately justified.*

Comment

In the Central Coast Regional Plan 2036 (CCRP) the NSW Government has established goals for the region, such as:

- A prosperous Central Coast with more jobs close to home.

- Well-connected communities and attractive lifestyles

The planning proposal achieves these goals, as it will have the potential to create 150-200 jobs to the local area in the former "Masters" building and will provide more direct and indirect jobs for future bulky goods in the "Riverside" Precinct. It provides consumer choice for the community and will fully utilise a recently built and vacated building. To not proceed with the planning proposal would restrict any potential new business in the area.

The subject area lies within the CCRP's proposed *Southern Growth Corridor* which is designated as a priority location for future jobs, services and business growth within the southern half of the region. Council is investigating the desired future strategic vision and directions to implement the *Southern Growth Corridor* (from Somersby to Erina). Action 2.2 of the CCRP is "*Capitalise on improved access from the \$170 million upgrade of the Central Coast Highway, Brisbane Water Drive and Manns Road intersection to increase employment diversity and integrate land uses at West Gosford*".

The approach adopted in the planning proposal is considered to be reasonable, justified and an interim measure until further strategic work is completed as part of the *Southern Economic Corridor* project that will identify the future strategic vision for industrial zoned land at West Gosford.

- 2 *Gosford City Centre - Development of the West Gosford site should not detract from the economic viability of Gosford Town Centre.*

Comment

The planning proposal does not propose to permit retail premises, which are a prohibited use. Bulky goods premises are permitted on site by amending cl. 11(2)(a) of Schedule 1 of *Gosford Local Environmental Plan 2014* to increase the maximum floor area of bulky goods premises. Bulky goods premises have specific spatial requirements for a large floor area to display and handle predominately bulky goods, which often require vehicular transport by purchasers from the premises to home.

They also need locations that are close to, and that support the viability of centres. For these reasons small and fragmented lots within the Gosford City Centre, with many smaller lots and buildings in fragmented ownership, are not conducive to the establishment of bulky good premises.

- 3 *The proposal is inconsistent with the IN1 General Industrial zone objectives, as it reduces zone flexibility and employment opportunities by reducing the amount of industrial land. It also allows retail and commercial uses.*

Comment

The proposal is considered to be consistent with the objectives of the IN1 General Industrial zone.

Bulky goods premises are already permitted on this site by the current version of cl.11(2)(a) of Schedule 1 of the GLEP 2014. The former "Masters" building has been vacant for over 16 months, hence the new lessee's occupation of the building will reinstate 150-200 jobs local jobs. Bulky goods are the logical land use for the site given the existing development on the site.

In consideration of the large amount of industrially zoned land which exists on the Central Coast i.e. '1,052 ha of undeveloped industrial zone land' (NSW DP&E's Land Supply Monitor) the proposal will not have an adverse effect on industrial land supply on the Central Coast.

The area is already a hub for bulky goods premises, and competition provides better outcomes for the community through greater choice. The site and surrounds have some of the qualities of land which is zoned B5 – Business Development. The appropriateness of the existing zoning will be reviewed as part of the Central Coast Comprehensive Local Environmental Plan project which will be undertaken over the next 3 years. The Central Coast Comprehensive LEP will be informed by a retail strategy review and an employment lands study.

- 4 *The proposal lacks economic justification because of significant vacancy rates within bulky goods premises in West Gosford. The Central Coast Regional Development Corporation land at Kariong has been zoned for this purpose and is yet to be developed. There is no economic assessment justification for any increase in bulky goods premises floor space.*

Comment

The exhibited planning proposal was updated to respond to the original Gateway Determination's requirements to further consider potential impacts of changes to maximum floor space limits in relation to traffic, public transport and wider commercial centres, including Gosford City Centre. The updated planning proposal was resubmitted to DP&E and an amended Gateway Determination was issued on 29 March 2018. The amount of floor space to be converted from 'potential' industrial to 'potential' bulky goods premises is the 'additional' 22,170 m². Council has received information regarding the economic benefit and the traffic impact of the proposal which is considered sufficient to progress the planning proposal.

This view was shared by DP&E through the assessment and issuing of a Gateway Determination.

"The land uses on the planning proposal site, and to the north ("Hometown") and land to the south are already dominated by large format retailing. The applicant's consultant, Urbis, has provided justification that there is underlying demand for a total of 237,000 m² of Large Format Retail (LFR) floorspace (i.e bulky goods retail), including 122,000 m² generated by Gosford residents. The existing provision of LFR floorspace across the Central Coast is estimated to be 187,000 m², including 107,000 m² located within Gosford. There is an existing under-provision of 50,000m² throughout the region; hence the identified demand can be partially satisfied in the "Riverside" Precinct.

It is considered that sufficient economic assessment and consideration has been carried out within the planning proposal, therefore the above issue has been satisfactory addressed."

- 5 *West Gosford is already served by a shopping centre.*

Comment

The proposal is not to permit retail premises; it is to increase the maximum floor space limit for the permissible use of bulky goods premises.

- 6 *Support the proposal to increase floor area, as it will improve the business mix, provide additional employment and will repurpose the former "Masters" building.*

Comment

Noted.

- 7 *The applicant has failed to adequately justify any exceptional circumstances to justify why bulky goods premises floor space should be increased. Land use permissibility should preferably be controlled by zoning and the land use table.*

Comment

Bulky goods premises are already permitted on the site by the current version of cl.11(2)(a) of Schedule 1 of the *Gosford Local Environmental Plan 2014* however have a maximum floor space limit of 10,700m². This planning proposal would enable the existing vacant "Masters" Building to be used for these purposes subject to a floor space that reflects the existing size of the building.

DP&E Practice Note 11-001 provides guidance on the use of the Standard Instrument LEP. The guidance provided for the use of Schedule 1 Additional Permitted Use (APU) is: *"Councils may insert a list of additional permitted uses for particular land. Consideration should be given to existing uses, appropriate zones and potential future land uses. Therefore it is not considered that many listings will*

be supported (if any) when the Plan is made." There is no DP&E requirement for 'exceptional circumstances' (as referred to in the submission above) in order to establish an APU.

The proposal is considered justified, and an acceptable and reasonable use of Schedule 1 – APU.

- 8 *The owner of the adjacent "Hometown" site (356 Manns Rd, West Gosford) has requested an amendment to the planning proposal to increase the maximum floor area of bulky goods premises from 12,000 m² to 16,000 m² to unlock the full potential of the current built form on this site.*

Comment

The adjoining "Hometown" site was sold to a new owner in late 2017, who did not have an opportunity to take part in the progression of the planning proposal. Contact was made with the new owner by DP&E when the Gateway Determination amendment was processed, and no objections were raised to the proposal proceeding without the "Hometown" site being included.

In late 2017 the applicant engaged Varga Engineering to carry out a traffic impact study to investigate potential future traffic impacts associated with the proposal. The traffic study justified that the 'additional' bulky goods premises floor space sought for the "Riverside" site, would have no adverse impacts on the local traffic network and would generate less traffic than the previous Hardware and Building Supply use (i.e. former "Masters" use).

The new "Hometown" owners are seeking an additional 4,000 m² of "bulky goods premises" floor space, on top of the additional 22,170 m² of bulky goods premises floor space which is proposed for the "Riverside" site, or as a re-allocation of the 22,171 m² across the two sites (i.e 18,171 m² for "Riverside" and 4,000 m² for "Hometown").

The option of potentially amending the planning proposal was discussed with staff from DP&E. It was considered that to amend the proposal post exhibition would require an amended gateway and re-exhibition of the proposal. Given the urgency by the proponent to commence the leasing of the vacant former "Masters" building, it is recommended that the planning proposal be finalised as exhibited.

If the owners of the "Hometown" site seek an additional 4,000 m² of additional bulky goods premises floor space, options exist for them to lodge a planning proposal as per Council's Planning Proposal Policy Procedure. This would need to be supported by a traffic assessment and appropriate justification would need to be provided to support the amendment.

Government Agency Consultation

NSW Rural Fire Service (RFS)

The RFS has reviewed the plans and documents received for the proposal and raise no concerns or issues with the rezoning proposal.

NSW Roads and Maritime Service (RMS) and Transport for NSW (TNSW)

The RMS initially reviewed the information provided and responded in October 2017 with an objection to the proposal and requested that a traffic assessment be carried out to address their concerns about potential traffic impacts from the proposal on the State road network.

A Traffic and Parking Assessment Report prepared by Varga (dated March, 2018) was submitted by the applicant in March 2018 which the RMS reviewed and subsequently raised no objection to increase the maximum floor area of 10,700 m² to 32,870 m² for Bulky Goods Premises on the "Riverside" site.

Internal Consultation

Development Engineering

No issues raised. The proposal is supported.

Outcomes of Consultation

Having regard for the public and state government submissions, the proposal has satisfied relevant statutory requirements relating to agency and community consultation.

Assessment

The assessment of the planning proposal has identified that the following strategic merit for the following reasons:

- The Central Coast Regional Plan (CCRP) identifies the site as being within the *Southern Growth Corridor* which is designated as a priority location for future jobs, services and business growth within the southern half of the region which Council is currently investigating to determine desired future strategic vision and directions.
- Action 2.2 of the CCRP is "*Capitalise on improved access from the \$170 million upgrade of the Central Coast Highway, Brisbane Water Drive and Manns Road intersection to increase employment diversity and integrate land uses at West Gosford*". The road section upgrade has improved access to the site.

2.1 Planning Proposal No 2016/91 - 376-392 Manns Rd West Gosford (contd)

- The approach adopted in the planning proposal is considered to be reasonable, justified and an interim measure until further strategic work is completed as part of the Southern Economic Corridor project that will identify the future strategic vision for West Gosford. This planning proposal will ensure the use of the prominent former "Masters" building while the strategies are being undertaken.
- DP&E's Land Supply Monitor states that there is an undeveloped and zoned industrial land stock of 1,052 ha of industrial land on the Central Coast (January 2017). Hence, the use of industrial zoned land for an additional amount of 22,170 m² of bulky goods retail floor space will not impact upon local employment opportunities or industrial land supply.
- The proposal supports the reactivation of a vacant, prominent building in the locality. It will also reinstate 150-200 jobs local jobs. Bulky goods retail is also a logical land use for the former "Masters" site given the significant investment that has been made in the building. The site and a number of nearby sites already have a number of bulky goods premises located in the area. The existing "Masters" building lends itself to this type of land use, more so than an industrial purpose. It would also be more readily leased for bulky goods purposes than industrial.
- The applicant's consultant (Urbis), has provided justification that there is underlying demand for bulky goods retail and there is an existing under-provision of 50,000 m² throughout the region, hence the identified demand can be partially satisfied in the "Riverside" Precinct.
- This site and surrounding areas are transitioning to become a hub for bulky goods retailing. The site is flat and located on a major road which makes it highly suitable for bulky goods format retailing. As a land use, "bulky goods premises" also generate less traffic than "hardware and building supply outlets".
- The planning proposal is supported by the necessary justification and assessment of traffic impacts.

Statutory compliance and strategic justification

The planning proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs), Ministerial Section 9.1 (former s.117) Directions and the relevant guidelines set out within the regional and local plans, including the CCRP. The proposal is considered to be consistent with these considerations and is suitable for finalisation.

Social Impacts

The planning proposal would have only positive social benefits in the form of potential local employment.

Environmental Impacts

Due to the nature of the proposal, i.e. the site is developed buildings, roadways and car parking; there will be no environmental impacts as a result of supporting the planning proposal.

Risk Management

There have been no risks identified to the natural and built environment if this planning proposal is supported by Council.

Delegation

Council has been issued with the delegations of the Minister to make amending Local Environmental Plans (LEPs).

The altered gateway determination issued on 6 July 2017 provides the Council's Chief Executive Officer, the appropriate delegations under Section 3.36 of the *EP&A Act* to make this plan. Council has been issued with the delegation of the Minister to make the amending LEP. Council has advised the DP&E that Council's new delegate for this function is the CEO, Gary Murphy.

Conclusion

The exhibited planning proposal to 'increase' the maximum floor area limit for the currently permissible use of "bulky goods premises" on the "Riverside" site by 22,170 m² (from 10,700m² to 32,870m²) is supported.

The planning proposal will enable the re-use of the currently vacant "Masters" building with a land use that is in high demand on a site where conditions are appropriate.

It is therefore recommended that Council support the planning proposal.

Attachments

- 1 Summary of Planning Proposal D13238510

Attachment 1 – Summary of Planning Proposal

Applicant	Doug Sneddon Planning P/L
Owner	GG Investments P/L, Manns Homeworld P/L and West Gosford Property P/L
Application No	PP 91 / 2016
Description of Land subject of planning proposal	<i>Street Address:</i> 376-392 Manns Rd, West Gosford <i>Legal Description:</i> part Lot 1 and Lots 19-21 DP 270678 and part SP 84324 Manns Rd <i>Site Area:</i> 6.7 Hectares <i>Known as:</i> "Riverside"
Land Use	<i>Commercial development in existing urban area</i>
Zoning and Minimum Lot Size	<i>Current:</i> <i>General Industrial IN1 with no minimum lot size</i> <i>Proposed:</i> <i>No change</i>
Height	<i>Current:</i> <i>N/A</i> <i>Proposed:</i> <i>N/A</i>
Floor Space Ratio	<i>Current:</i> <i>N/A</i> <i>Proposed:</i> <i>N/A</i>
Additional Permitted Uses – Schedule 1 clause 11(2)(a)	<i>Current:</i> <i>Maximum floor area limit for Bulky Goods Premises 10,700 sqm</i> <i>Proposed:</i> <i>Maximum floor area limit for Bulky Goods Premises 32,870 sqm</i>



Item No: 2.2
Title: DA 51743/2017 - 222 Grants Road Somersby
Department: Environment and Planning

9 July 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13259295

Author: Antonia Stuart, Development Planner

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

Executive: Scott Cox, Director Environment and Planning

Summary

A development application has been received for a controlled composting facility at No. 222 Grants Road, Somersby. The development application has been examined having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Piccolo Pty Ltd
Owner	C Sammut
Application No	51743/2017
Description of Land	Lot: 1 DP: 344356, 222 Grants Road Somersby
Proposed Development	Integrated Composting Facility
Site Area	133,900m ²
Zoning	RU1 Primary Production
Existing Use	Cattle Grazing
Employment Generation	Yes
Estimated Value	\$86,850.00

Recommendation

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

Precis:

Proposed Development	Integrated Composting Facility
Permissibility and Zoning	The subject site is zoned RU1 Primary Production under <i>Gosford Local Environmental Plan 2014</i> . The proposed development is defined as a <i>rural industry, which is permissible in the zone with consent of Council.</i>
Relevant Planning Legislation Instruments and Controls	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979 (EP & A Act)</i> • <i>Environmental Planning and Assessment Regulations 2000 (EP & A Regulations)</i> • <i>Local Government Act 1993 (LGA)</i> • <i>Protection of the Environment Operations Act 1997 – (POEO Act)</i> • <i>Protection of the Environment (General) Regulation 2009 (POE General Reg)</i> • <i>Protection of the Environment (Waste) Regulation 2014 (POE Waste Reg)</i> • <i>Protection of the Environment Administration Act 1991 (POE Administration Act)</i> • <i>Roads Act 1997 (Roads Act)</i> • <i>Rural Fires Act 1997 (RF Act 1997)</i> • <i>Water Management Act 2000 (Water Management Act)</i> • <i>Water Act 1912 (Water Act)</i> • <i>Biosecurity Act 2015 (Biosecurity Act)</i> • <i>Dams Safety Act 1978 (DSA 1978)</i> • <i>State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management)</i> • <i>State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)</i> • <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (SEPP Mining)</i> • <i>State Environmental Planning Policy No 33 - Hazardous and Offensive Development (SEPP 33)</i> • <i>State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)</i> • <i>State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)</i> • <i>Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (SREP 8)</i> • <i>Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997) (SREP 20)</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Gosford Development Control Plan 2013 (GDGP 2013)</i>
Current Use	Cattle grazing
Integrated Development	Yes
Submissions	57 submissions received during the notification period

Variations to Policies

Nil

The Site

The site is commonly known as No. 222 Grants Road, Somersby and is legally described as Lot 1 DP: 344356. The site is located on the Somersby Plateau, approximately 8.5 km north-west of the Gosford CBD. The site is located on the western side of Grants Road, has a frontage of 106m and an overall site area of 133,900m². The site is irregular in shape with vehicular access to the site provided from No. 210 Grants Road, Somersby.

The site is currently vacant and is used for cattle grazing. Part of the property was previously used as a Council operated quarry for the extraction of gravel. The quarrying activities are evidenced by the presence of a depression in the north-east portion of the property near to Grants Road. The property has a general slope from east to west. A large proportion of the property is cleared with some scattered trees and pasture grasses. A more densely vegetated area is present in the central east of the site and similarly a smaller patch in the north-east corner adjacent to the western boundary. Thick weed cover is present in the foot print of the proposed development area. Refer to Figure 1.



Figure 1 – Aerial photograph of the site and adjoining properties (site shown highlighted in blue)

Surrounding Development

The property to the north of the site at No. 210 Grants Road, Somersby is currently used for cattle and horse grazing (including horse agistment) with sheds and workshops being used for storage and private use. Further to the north of the site at No. 24 Reservoir Road, Somersby is the Central Coast Sand Quarry. North-west of the subject site are two above-ground water storage tanks and a shed owned by Central Coast Council (Lot 1 DP 592068 & Lot 1 DP 714153). Adjacent and parallel to the southern property boundary located at No. 270 Grants Road, Somersby is an earthen bund associated with the Grants Road Sand Quarry, with the quarry pit beyond. Immediately east is Grants Road. To the south-east is the Howes Aboriginal Reserve, a protected area which contains engravings. Adjoining the western boundary of the site is an easement for water supply pipeline and Brisbane Water National Park containing the Great North Walk. Refer to Figure 2.

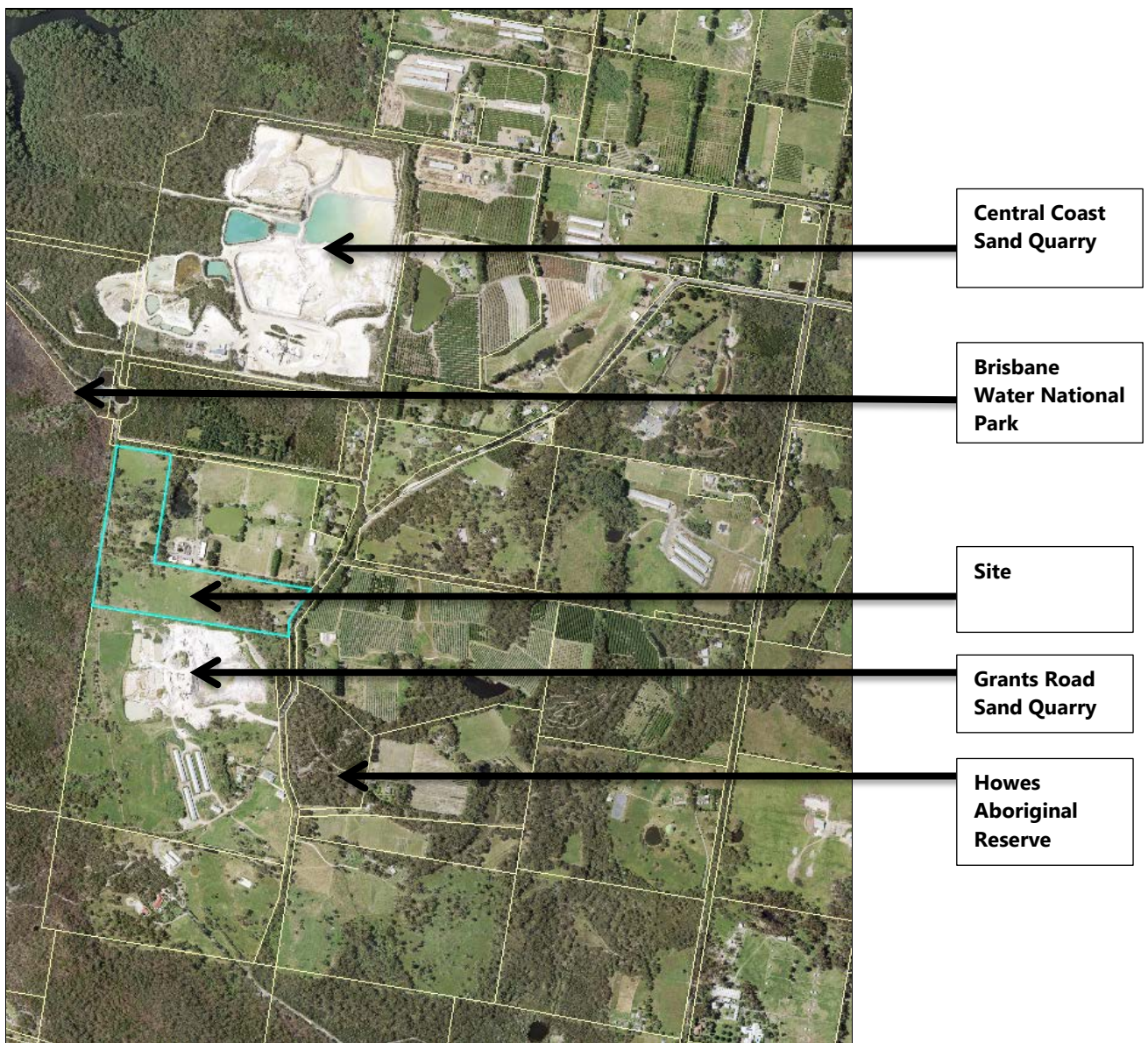


Figure 2 – Aerial photograph of the site and adjoining properties (site shown highlighted in blue)

At the time of lodgment, six (6) poultry farms were operating in the locality, at distances of between 400m and 1.6km from the site as detailed in Figure 3.

To date, the poultry operations located within the Grants Road Sand Quarry, 400m from the site have ceased. On 25 July 2014, the Minister of Planning by delegation approved development consent MP 08 0173 on Lot 1 DP 358717, 270 Grants Road Somersby for the extension of the existing quarry. Furthermore, one of the poultry operations located 1.3km from the site has changed ownership and is now associated with the Central Coast Sand Quarry and its enlargement. On 1st August 2014 the Minister of Planning by delegation approved development consent MP 08 0173 for the continued extraction and processing operations at the existing quarry for up to 30 years.

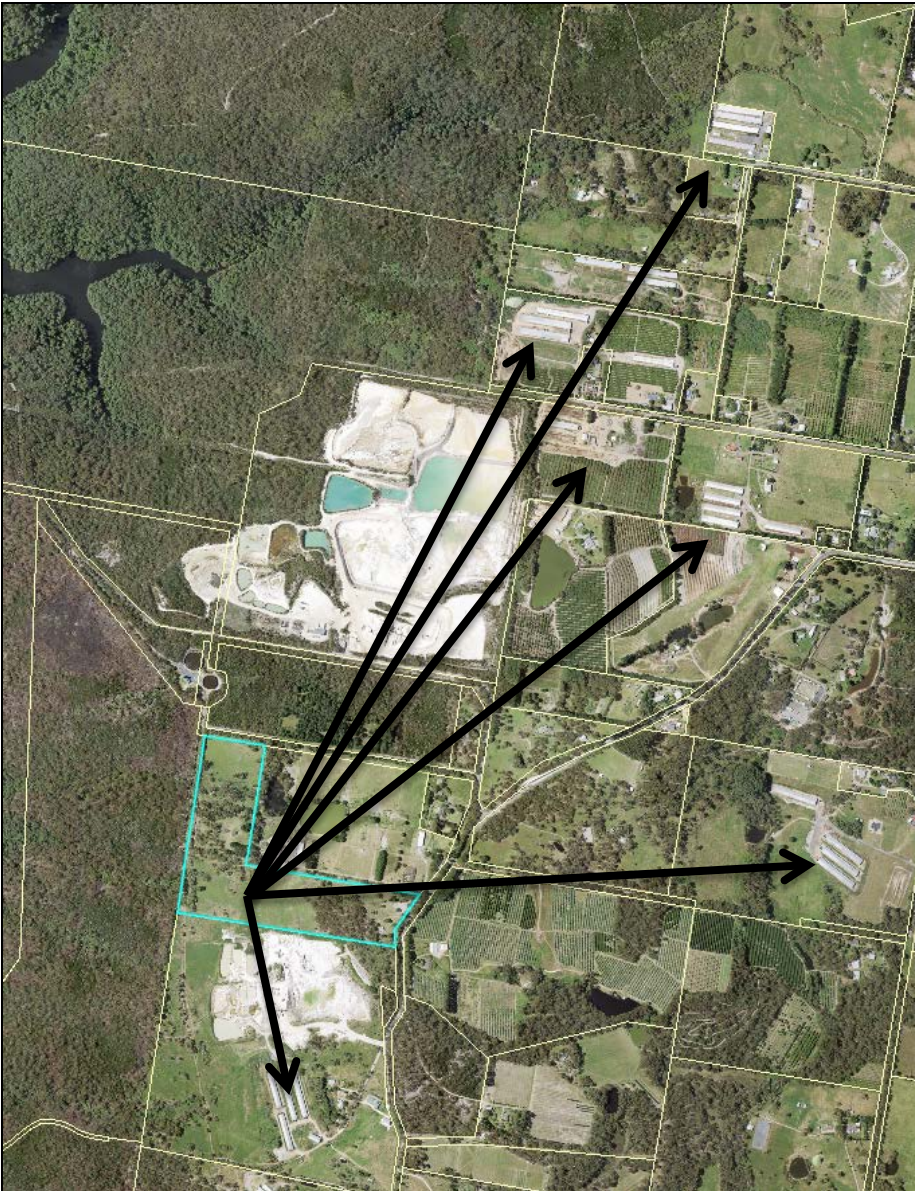


Figure 3 – Aerial photograph of the site and poultry farms (site shown highlighted in blue)

The Proposed Development

Development Application No. 51743/2017 seeks to establish a controlled open windrow composting facility at the property located at No. 222 Grants Road, Somersby, including the following:

- The receipt and composting of organic waste sourced from commercial and industrial waste streams. At capacity operation, the site will be able to process up to 5,000 tonnes per annum of organic waste, resulting in approximately 3000 tonnes per annum of saleable material. The end-product, a humified soil conditioner, will be used for agricultural and horticultural purposes.
- The organic materials will be composted via an open windrow, aerobic system, and vermiculture on a compacted pad with dimensions of approximately 120m x 90m. At capacity, the site will have 10 windrows of 100m in length, each being approx. 2.5m wide and 1.4m high. The most southern windrow will be the static vermiculture windrow. Refer to Figure 4.
- The proposed composting facility will be positioned on an engineered platform. The composting platform will be constructed on a geosynthetic clay liner creating an impermeable base layer which will be overlain with crushed sandstone. The sandstone layer will be separated from the clay layer by a geotextile fabric.
- A leachate collection system is proposed to manage potential runoff from input material storage areas and the active working pad. The proposed leachate collection system for managing potential runoff from input material storage areas and the active working pad includes a 4.8 ML leachate dam. Composting is a water intensive process, as the moisture content of the windrows must be maintained within a narrow range to maintain the efficiency of the composting process. The operation of the facility utilises recycled water which will be pumped from the proposed 4.8 ML leachate dam to 3 x 30,000 litre water tanks and subsequently used for irrigation of the compost windrows. A 46,000 litre tank will be available for clean water and fire-fighting purposes.
- A site office to accommodate one full time employee is proposed.
- A shed to store equipment and machinery is proposed.
- The receival area will be positioned in the south east corner for ease of access for incoming trucks and operational use.
- As the site is not serviced by sewer, a composting toilet will be provided for staff and any visitors.
- Entry to the operational area is via a 5 metre wide access driveway from Grants Road.
- The proposed operational area is a largely cleared paddock. The earthworks will involve minor cut and fill.
- Once established, the site will be operational 5 days per week, Monday to Friday, between the hours of 7 am and 5 pm. Deliveries of incoming material, and transport of final product will occur only on these 5 weekdays. To maintain the integrity of the process, windrows must be turned every day by use of a slow speed tractor (200m per hr). Therefore, on weekends, at full capacity, the site will operate for 2 hours in the morning.

Please note, a comprehensive project description is provided at Attachment 3.

On 8 June 2017, in order to address concerns made by the Environmental Protection Authority (EPA) during the assessment process, the size of the leachate dam was increased from 2.4ML to 4.8ML. On 12 October 2017 and 14 December 2017, additional air and odour assessment information was provided for the consideration of the EPA, and the General Terms of Approval (GTA's) were then issued. In accordance with Chapter 7.3 of Gosford Development Control Plan 2013 (Notification of Proposals Amended Prior to Determination), this amendment/ additional information did not require re- advertisement or re-notification as there was no change to the location, footprint and envelope of the dam from the original notification.

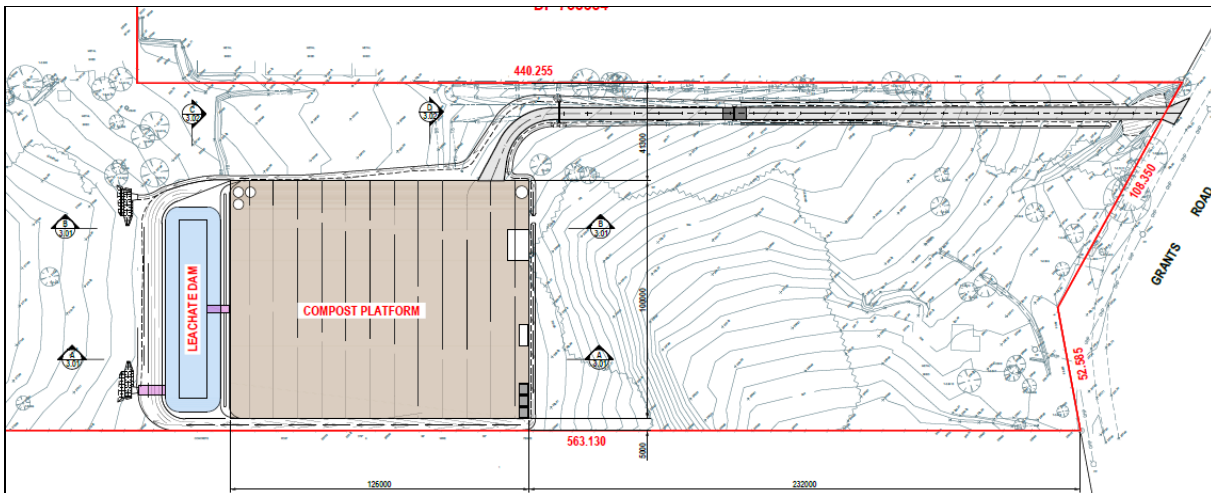


Figure 4 - Proposed Site Plan

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

Public Consultation

The development application was notified in accordance with Chapter 7.3 Notification of Development Proposals of Gosford Development Control Plan 2013 (GDGP 2013) from 31 March 2017 until 14 April 2017.

Following confirmation that the proposal was integrated development, the notification period was extended from 14 April 2017 until 15 May 2017 in accordance with Division 7 Public participation – other advertised development of the *Environmental Planning and Assessment Regulation 2000* (Clauses 86-91). A total of 57 submissions were received.

In accordance with Council's adopted *Policy for Determining Development Applications Subject to Significant Public Objections*, the development application is referred to Council for determination as more than 50 submissions were received in relation to the proposal.

The issues raised in the submissions are discussed below:-

Impacts upon a first order water course protected under the Water Management Act 2000 – it is located within the subject property and flows within a westerly direction into the adjoining Brisbane Waters National Park.

Comment:

Water feature maps were obtained from New South Wales Department of Primary Industries - Water (DPI – Water) and submitted with the development application, wherein a first order stream was identified in the south western corner of the site. A subsequent detailed land survey undertaken by the applicant, and supporting the development application, confirmed no drainage features were present at the site in this location. In addition, Council's Environment Officer confirmed no evidence of a natural waterbody, wetland, coastal dune field or environmentally sensitive area existed on site.

The input of data into Council mapping is obtained from DPI Water. Therefore, Council mapping also inaccurately indicates the location of the first order stream, identified in Figure 5.

The location of natural waterbodies can only be altered when DPI Water undertakes a review. In order to assist any further reviews undertaken by DPI Water, correspondence was forwarded to DPI Water advising that Council had conducted their own independent site inspection, wherein the mapped drainage feature on site did not correspond with observed ground conditions.



Figure 5 - Creeks in proximity to the location of the proposed works

Failure of the applicant to acknowledge potential impacts to flora and fauna on the site.

Comment:

The development application was referred to Council's Environment Officer who provided the following comments: -

The vegetation on site is mapped as disturbed however it consists of scattered remnant and regrowth natives, dominated by Scribbly Gums. Surrounding vegetation communities include E29 Hawkesbury Banksia Scrub Woodland, E26 Exposed Hawkesbury Woodland and patches of E54 Sandstone Hanging Swamp (Coastal Upland Swamp Endangered Ecological Community).

A small number of Scribbly Gums require removal on the eastern edge of the composting pad. The trees in this area were not observed to contain hollows and were outliers from the larger stand of eastern vegetation. As such, no objection is raised to their removal and the proposal is not considered likely to have a significant impact upon threatened species, populations, endangered ecological communities or their habitats.

A buffer zone of 176m will be provided between the proposed leachate dam and western site boundary, beyond which is the Great North Walk. The operational pad is further setback from the western site boundary, providing a buffer zone of 235m. Existing vegetation remaining on site will screen the proposed development from this viewpoint and no additional vegetation is considered warranted in this instance.

An environmental protection licence will be sought to extend the parameters for composting in excess of 200 tonnes of putrescible organics. What are the terms of this licence?

Comment:

The matter is integrated development in accordance with Section 4.46 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Integrated development is defined as 'development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent' and requires additional approvals under the provisions of select state statutory planning legislation.

The environmental protection licence to be sought from the Environmental Protection Authority (EPA) is for a maximum capacity of 5,000 tonnes per year of organic material. Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) lists scheduled activities for which an environmental protection licence is required. Clause 12 (1) of Schedule 1 defines composting as the aerobic or anaerobic biological conversion of organics into humus-like products. Clause 12 (2) (a) of Schedule 1 in the POEO Act states that composting is a scheduled activity if:

'where it takes place inside the regulated area, or takes place outside the regulated area but receives organics from inside the regulated area (whether or not it also receives organics from outside the regulated area):

- (i) it has on site at any time more than 200 tonnes of organics received from off site, or*
- (ii) it receives from off site more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics'*

The subject site is located within the regulated area and is therefore subject to the provisions of part (a) as described above. At capacity, the facility would process up to 5,000 tonnes of organics, wherein it will contain more than 200 tonnes of organics received from off site at any one time.

Based on the categorisation of organic material, and subject to availability, it is anticipated at full capacity, the following quantities of organic material from all three categories will be sourced (exceeding the parameters identified in part (a) (i) above): -

Input Categories	Expected Material	Anticipated Quantity (tpa)
Category 1		
a) Garden and landscaping organics	Arborist mulch, clay	1,000
b) Untreated timber: sawdust, shavings	Sawdust	500
c) Natural organic fibrous organics: seed hulls/ husks	Straw	500
d) Processed fibrous organics: paper, cardboard	Paper sludge	500
Category 2		
a) Other natural or processed vegetable organics: vegetables, fruit and seeds, processing sludge's and wastes, brewery and distillery wastes, food processing wastes.	Fruit and vegetable organics, processing sludge's, food processing wastes	1000
b) Manures: animal manure and mixtures of manure and biodegradable animal bedding organics	Chicken litter	1000
Category 3		
a) Meat, fish and fatty foods, carcasses and parts of carcasses, blood, bone	Food waste including plate scrapings	500
TOTAL		5,000 tonnes p/a

Figure 6 – Categories of materials

It is acknowledged that the proposed composting facility will not operate at full capacity upon establishment. However, the proposed facility will be constructed to accommodate the processing of up to 5,000 tonnes of organics per annum, including in excess of 200 tonnes of organics on the site at any one time.

In view of the above, the EPA has advised that an environmental protection licence is required prior to the construction of the facility. The applicant will then be required to apply to vary the environmental protection licence once construction is completed to the satisfaction of the EPA, and prior to carrying out the scheduled activities. In order to ensure compliance, **Condition 1.3** is recommended for imposition.

The requirements contained within the General Terms of Approval (Notice No.: 1551020) (GTA) issued by the EPA are found within **Attachment 1 – Proposed Consent Conditions**.

Concerns are raised that emissions from the facility will harm the environment.

Comment:

Management techniques proposed to mitigate potential environmental issues associated with the operation of the proposed composting facility are outlined in the draft Environmental Management Plan (EMP) supporting the proposal:

- Section 4 of the draft EMP identifies performance measures to ensure issues associated with odour and dust are addressed in ongoing operational processes and management.
- Section 5 of the draft EMP identifies performance measures to ensure issues associated with incoming organics are addressed in ongoing operational processes and management.
- Section 6 of the draft EMP identifies performance measures to ensure noise generated by ongoing operational processes is adequately managed and monitored.
- Section 7 of the draft EMP identifies performance measures to ensure issues associated with litter, weed population, pest and vermin, site security and fire prevention are addressed in ongoing operational processes and management.

In order to ensure compliance with the management practices proposed in the draft EMP, **Condition 2.10** will require a final EMP for the site operations to be submitted to Council for approval prior to the issuing of any Construction Certificate. Furthermore, this Environmental Plan must be implemented in operation as required by **Condition 6.3**.

In issuing the GTA's, the EPA provided Council with conditions intended for the environmental protection licence, further to those identified in the draft EMP. Conditions intended for the environmental protection licence relate to odour; covering of waste; dust; erosion and sediment control; leachate management; working surfaces; stormwater management; emergency response; and monitoring, recording and reporting conditions.

The above-mentioned requirements contained within the GTA issued by the EPA are found within **Attachment 1 – Proposed Consent Conditions**.

Concern is raised with the potential for contamination of ground water to bore water sites, including bore for town water supply, Mooney Mooney Dam and Somersby Falls.

Comment:

Mitigation measures such as the use of impermeable liners under the composting pad and leachate dam will prevent seepage of leachate into the surrounding soil. Bore log records published by the NSW Office of Water indicate aquifers in the vicinity of the site occur at depths in excess of 16 m below the surface. The Water Cycle Management Plan supporting the development, prepared by ACOR Consultants, dated 31 July 2017, confirms the operational pad construction and leachate control measures proposed will mitigate the risk of contamination of groundwater.

The Water Cycle Management Plan supporting the development, prepared by ACOR Consultants, dated 31 July 2017, states the following: -

The existing groundwater system is anticipated to lie below the underside of the engineered fill platform. In this regard, we refer to the absence of any record of water encountered at less than 16.8 m depth during drilling in bore records published by NSW Office of Water.

The proposed excavation for the platform and leachate dam will be limited to the upper layers of the soil profile which we anticipate will not be impacted by groundwater. Water infiltration into the engineered platform will be removed by a series of subsoil drainage systems which will convey flows to the leachate dam. Notwithstanding, the engineered fill platform supporting the composting operations and the leachate dam will include appropriate impermeable liners which will prevent the migration of contaminated water into the underlying soils and groundwater.

During the excavation and construction process, regular monitoring of the excavation works should be conducted and the presence of any groundwater should be noted. If groundwater is detected during excavation, then mechanisms to monitor groundwater levels and quality during the construction and operation of the compost facility should be developed and implemented.

Based on the foregoing, we are of the view that the risk posed to groundwater from the operation of the facility is minimal due to the depth of aquifers and the use of impermeable liners for the compost pad and leachate dam. Should shallow groundwater be detected during excavation works, monitoring mechanisms should be put in place to detect changes in groundwater quality, which may be attributable to leachate.

Council's Development Engineer reviewed this information supporting the development application and has raised no further objection.

In addition, the site is not located within the drinking water catchment of Mooney Dam. It is situated within the catchment area of lower Mooney Mooney Creek. This catchment is lower and therefore does not influence the drinking water catchment. Stormwater runoff from the access road will be collected and treated in the swale drain, level spreader and across the grass buffer over the rear of the site.

Aboriginal Heritage – There are multiple sites located in close proximity to the proposed facility and the area is undisturbed and rich in Aboriginal Cultural Heritage.

Comment:

The proposal included an Aboriginal Heritage Due Diligence Assessment. This assessment reviewed archaeological studies from the surrounding area, which identified Aboriginal sites/objects nearby, including a rock engraving at the neighbouring quarry site, located at No. 270 Grants Road, Somersby.

A site inspection was also undertaken by the applicants Environmental Consultant to identify any features on the site likely to host Aboriginal objects/sites. The Due Diligence Assessment concluded that *'in accordance with the Due Diligence Code of Practice, as there are no known Aboriginal objects on the Property and the Site is considered disturbed, further assessment is not required.'*

Council's Environment Officer supports the above-mentioned conclusion and **Condition 4.3** is recommended for imposition to ensure any unexpected finds are handled appropriately.

Concern that leachate control is inadequate and that water pollution will be caused.

Comment:

Council's Development Engineer has confirmed that the proposed development meets the requirements of the Environmental Protection Authorities *'Composting and Related Organics Processing Facilities Guidelines 2004'*, in particular Section 5 Part '4. Leachate storage system'. Notwithstanding, in issuing the GTA, the EPA provided Council with conditions intended for the environmental protection licence specifically having regard to the leachate dam.

The operation of the facility utilises recycled water, which will be pumped from the proposed 4.8 ML leachate dam to the three (3) proposed 30,000 Litre water tanks and subsequently used for irrigation of the compost windrows. The runoff from the proposed composting pad will be collected and treated in the proposed leachate dam. As the site does not discharge to the street drainage system, and concentrated runoff will be collected by the leachate dam, there will be no directly connected impervious areas.

With regard to potential contamination of groundwater, the Water Cycle Management Plan, prepared by ACOR Consultants, dated 31 July 2017, states the following: -

'The proposed leachate dam has sufficient capacity to collect and treat contaminated stormwater runoff resulting from shorter duration storm events up to the 100 Year ARI design storm event. In this regard the prescribed pollutant removal targets will be achieved for Phosphorous, Nitrogen Total Suspended Solids and Gross Pollutants. As a consequence, there will be no adverse impact on water quality within the catchment as a result of the proposed compost facility.'

With regard to potential overflows from the leachate dam, the Water Cycle Management Plan, prepared by ACOR Consultants, dated 31 July 2017, states the following: -

'Only overflows from the proposed leachate dam and clean stormwater diverted around the composting pad will be discharged in such a manner as to eventually drain to surface water bodies. Prior to entering Mooney Mooney Creek, the overflow from the leachate dam will flow over a large grassed area and through bushland, dispersing the flow and further removing nutrients before reaching the creek system. The proposed leachate dam has an overflow spillway which has been designed to safely pass the 100 year ARI storm event. Overflows from the proposed leachate dam are expected to be minor and infrequent due to the high water demand of the composting process.'

Further to the considerations provided above, the development application must have contingency measures in place, should irrigation become unviable for any reason. **Condition 2.18** is recommended requiring the provision of an alarm system and pump (remote from a power source) on the leachate dam transfer pipework in order to ensure the proposed leachate dam does not overflow.

Limited information has been provided regarding incoming organics, particularly ratios, source, inspection for contamination at source, transport, monitoring of limits, and fees for dumping.

Comment:

Documentation has been provided regarding the operation of the proposal, wherein the following is confirmed:

- Relevant details of all incoming organics received and processed will be monitored and recorded by source, type, load and volume to ensure the environmental protection licence requirements are met. In issuing the GTA, the EPA provided Council with conditions intended for the environmental protection licence, wherein monitoring, recording and reporting conditions will be imposed.
- Management practices, in accordance with the draft EMP will include inspection of all loads prior to and during unloading, with operational staff present at all times. Any highly contaminated loads will not be allowed to unload, or if discovered during unloading, will be re-loaded and rejected from site.

- As the market for the end product cannot accept any level of contamination, contamination will be closely monitored and tight controls implemented to ensure only quality input materials are received. As a result, contamination is considered as a low environmental risk.
- Only commercial food waste from selected sources will be accepted for this process.
- Gate fees and source are commercial-in-confidence. Material will not be 'dumped' as the facility will not be open to public or uncontracted inputs.

The quality and content of the documentation provided is acceptable and can enable development consent to be issued.

Concern is raised with the proposed handling of Category 3 material.

Comment:

Category 3 inputs include meat, fish and fatty foods, carcasses and parts of carcasses, blood, and bone. The draft EMP supporting the proposal confirms that Category 3 material will be incorporated into the windrows within 2 hours of being received. Where inputs cannot be incorporated into the windrows within 2 hours, they will be covered either by 15cm thick layer of cured compost, a tarp, or placed in a washable, organic acid-resistant, moisture and vermin-proof bin.

In addition, Council's Environment Officer has recommended **Condition 6.6** is imposed requiring any Category 3 waste materials received on site be immediately incorporated into the composting materials, as has the EPA in issuing the GTA.

Concern is raised with how the proposal will operate in unfavourable weather conditions.

Comment:

Section 4.5 of the draft EMP identifies that weather conditions associated with dust generation will be monitored, with the application of dust suppression measures, if required.

Furthermore, evidence has been provided confirming the proposed leachate dam has sufficient capacity to collect and treat contaminated stormwater runoff resulting from shorter duration storm events up to the 100 Year ARI design storm event.

The Air and Odour Impact Assessment, supporting the development, prepared by Synergetics, dated 12 October 2017, modelled the impacts of the proposed facility under the assumption that the site is operating at maximum capacity and impacts have been assessed using worst-case (100th percentile) model results.

All emissions were modelled using 12 months of site-representative meteorological data sourced from the nearest Bureau of Meteorology (BoM) monitoring station, located at Mangrove Mountain Airport (12.5 km north northwest of the proposed site). Solar irradiance data, from 1 January 2014 to 31 December 2014, was sourced from the nearest BoM solar monitoring station located at Wagga. The Air and Odour Impact Assessment concluded all air and odour emission will remain below the relevant assessment criteria at all on-site and off-site sensitive receptors. On 14 December 2017, additional air and odour assessment information was provided for the consideration of the EPA, wherein the General Terms of Approval (GTA's) were then issued.

In view of the above, it is considered the development has been designed to operate in unfavourable weather conditions.

The composting process should be strictly limited to Category 1 inputs so as to limit any adverse impacts to the environment and neighbouring properties.

Comment:

The industry categorisation system of organic material is based on three categories. High quality compost requires a nutrient balance and the proposed composting facility requires a correct mix of inputs and cannot be achieved with Category 1 material alone. Substantive information has been provided and reviewed by Council officers and the EPA, wherein it is concluded the proposal will not adversely impact the environment and neighbouring properties through the use of Category 1 – 3 inputs.

In order to ensure the correct mix of organic material is maintained, relevant details of all incoming organics received and processed will be monitored and recorded by source, type, load and volume. A running total will be kept in a log available on-site, and reported monthly to the EPA, to ensure volume limits are not exceeded and the environmental protection licence compliance requirements are being met.

Concern is raised regarding the likelihood of fire and spontaneous combustion.

Comment:

In accordance with Section 4.14 of the EP & A Act, the proposed development is required to address the requirements of the *Rural Fires Act 1997* (RF Act 1997) and the document *Planning for Bushfire Protection*, published 2006, by the New South Wales Rural Fire Service. Sub-Section 63 (2) of the RF Act 1997 provides that it is the duty of an owner or occupier of land to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of bush fires on or from, that land. Furthermore, the establishment of a compost processing facility requires the preparation of a fire management strategy in accordance with Environmental Guidelines – Composting and Related Organics Processing Facilities, published 2004, by the Department of Environmental and Conservation (NSW).

In accordance with the abovementioned requirements, a Fire Management Plan, prepared by Wildblue Global Consulting, dated 8 March 2017, accompanied the development application. Given the proposed development seeks approval for a rural industry that does not propose any additional residential uses, the development application is bound to address the following key aims and objectives of *Planning for Bushfire Protection 2006*:

- Afford occupants of any building adequate protection from exposure to a bush fire;
- Provide for a defensible space to be located around buildings;
- Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;
- Ensure that safe operational access and egress for emergency service personnel and residents is available;
- Provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ); and
- Ensure that utility services are adequate to meet the needs of fire-fighters (and others assisting in bush firefighting).

It is concluded the size of the proposed composting piles combined with control of the composting process, confirmed via the imposition of **Condition 2.11, 5.12 and 5.13** will contribute to reducing the likelihood of spontaneous combustion, and no further objection is raised. It is also noted, the proposed development is not defined as a Special Fire Protection Purpose and is not integrated development in accordance with Section 100B of the RF Act 1997. In view of the above there is no requirement to obtain a Bushfire Safety Authority from the NSW Rural Fire Service.

The management of transport, number of trucks from the facility, is not stated in supporting documentation. Concern is raised with the additional traffic associated with the proposed facility.

Comment:

The proposed composting facility has been assessed with appropriate specialist traffic input to confirm that it will not result in any adverse impact to the local road system.

The supply of inputs and outputs will be monitored by contractual arrangements based on process needs and limited by the environmental protection licence.

Furthermore, the Traffic Impact Assessment, prepared by SECA Solution, dated 22 March 2017, identified the following traffic movements associated with the proposed development:

Inbound Product: *Up to 5,000 tonnes of inbound product will be delivered each year, equating to 20 tonnes of inbound product entering the site each day. Depending on the type of product being delivered (arborist mulch, straw, sawdust, commercial food waste etc) and the size of the trucks used, this will require between 1-4 trucks entering the site each day (2-8 two way movements).*

Outbound Product: *Approximately 3,000 tonnes of compost will be produced from the site each year. Outbound product will be delivered using a combination of 10 tonne and 20 tonne tipper trucks. Depending on size of the trucks required, this will require between 3-6 trucks accessing the site each week, or typically one or two trucks per day (2 two way movements).*

Staff: *Only one full-time staff member will be employed at the site, requiring one light vehicle entering/exiting the site each day.*

Allowing for the above, the peak movement would occur on days when there are four deliveries of inbound product together with the delivery of compost. This would result in a worst case of 6 trucks and one light vehicle inbound and outbound per day.

The Traffic and Parking Report also confirms the existing state of Grants Road is satisfactory to support the development as proposed.

Council's Traffic and Transport Engineer has reviewed the Traffic Impact Assessment, prepared by SECA Solution, dated 22 March 2017, and supports the proposal.

Concern is raised with regard to the noise impact associated with the transport of material from the site.

Comment:

With regard to noise associated with the transport of material from the site at the completion of the composting process, the following is proposed:

- The end outgoing material will be loaded onto trucks by a telehandler. The time taken for material to be loaded will be a maximum of one hour.
- At capacity, it is anticipated 12 tonne of outputs leaving the site per day (combinations could include 1x12 tonne or 3x4 tonne vehicles).
- The Noise Impact Assessment, prepared by Wildblue Global Consulting, reviewed the total receipts and outgoing trucks (average of either 2 large (15-20 tonne) or 7 small (4-6 tonne) truck movements per day, or a combination of these (e.g. 1x12 tonne+ 2x7 tonne + 2x3 tonne). These truck movements were concluded to represent a minor noise impact that is negligible with regard to existing traffic volumes and the everyday operation of a rural industry.

In view of the above, it is considered adequate information has been provided so as to ensure that there is minimal noise impact associated with the transport of organic product at the completion of the composting process.

Unacceptable amenity impact to surrounding properties and the community in general regarding the traffic associated with the transporting of waste into the area.

Comment:

The proposal seeks to reduce the proliferation of waste generated within the Central Coast region, and in order to operate a composting facility, the waste needs to be transported to the site. This is an outcome that is unavoidable, however, the impacts associated with the transport of inputs are considered manageable for the following reasons:

- Access to the site will be provided via a new driveway from Grants Road. This driveway will enable vehicles to turn right into the site and left out of the site with no need for trucks to travel past the site access.
- The site layout allows for the entry and exit movements of articulated heavy vehicles to the site, which ensure that service vehicles can safely enter and circulate as required.
- All servicing requirements can be contained within the site with no external impacts.
- Sheet 6 and Sheet 7 in Attachment 2 (Turning Path Plans), prepared by ACOR Consultants Pty Ltd, dated 20 July 2017 demonstrate that an articulated heavy vehicle can access the site from Grants Road and circulate throughout the site as required.
- A gate will be provided along the access driveway but located away from the property boundary to ensure that there is sufficient space for a truck to turn into the site and hold at the control point without overhanging onto the roadway. In any instance, no vehicles queues are expected at the driveway entrance due to the minimal traffic flows along Grants Road.

Concern is raised with regard to the proposed operating hours including the use of heavy machinery 7 days per week.

Comment:

Once established, the site will be operational 5 days per week, Monday to Friday, between the hours of 7 am and 5 pm. Deliveries of incoming material, and transport of final product will occur only on these 5 weekdays.

However, to maintain the integrity of the process, windrows must be turned every day. Therefore, on weekends, at full capacity, this is expected to take 2 hours in the morning (between 8 am until Midday).

Machinery will comprise a tractor for approximately two (2) hours per day and a telehandler for approximately two (2) hours per day Monday to Friday, with an additional two (2) hours of the tractor on Saturday and Sunday. This is not considered 'heavy machinery' and is consistent with rural activity for which the site is zoned.

Concern is raised with regard to the delivery of hazardous material & potential spillage.Comment:

With regard to the Planning Guidelines applicable to *State Environmental Planning Policy No. 33 – Hazardous or Offensive Development* (SEPP 33) the proposed development is not identified as a potentially hazardous industry.

How will the proposed facility account for human error, accidents, machinery breakdown, environmental catastrophes, and power service interruptions with only 1 full time employee on site?Comment:

Procedural and operational manuals with adequate staff training are intended to mitigate any risk. Contingency plans and mitigation measures will also be assessed under the environmental protection licence application.

The applicant has identified that one employee is sufficient to manage the operation of the proposed facility. However, concern is raised that the proposed facility can lawfully operate with one employee in accordance with the *Work Health Safety Act 2011* and the *Work Health and Safety Regulation 2017*.

In this regard, **Condition 2.14 and 6.19** are recommended for imposition requiring the applicant to submit evidence demonstrating the proposed facility and its employee (s) are operating in accordance with the *Work Health Safety Act 2011* and the *Work Health and Safety Regulation 2017*.

How will biosecurity be guaranteed? Concern is raised that the proposed facility is located in close proximity to poultry farms, which will result in an ongoing source of infection.Comment:

At the time of lodgment, six (6) poultry farms were operating in the locality, at distances of 400m, 1.2km, 1.3km, 1.3km, 1.4km and 1.6km from the site as detailed in Figure 3 of this report. However, to date, the poultry operations located 400m from the site have ceased. Furthermore, one of the poultry operations located 1.3km from the site has changed ownership and is associated with the Hanson quarry and its enlargement.

The draft EMP supporting the proposed facility includes biosecurity control measures, which are supported and considered acceptable by Council's Environment Officer in addressing biosecurity concerns associated with the proposal. These measures include:

- Covering of windrows with geotextile fleece at all times;
- Covering and quick turnaround of imported waste loads;

- Vermin control;
- Pasteurisation of incoming organics;
- Fencing of the composting pad to exclude foxes; and
- Compost windrows will reach a temperature that kills bacteria, pathogens and weed propagules.

In reviewing the biosecurity concerns associated with the proposed development, Council has also considered the provisions of Part 3, Section 22 of the *Biosecurity Act 2015* (Biosecurity Act), which relates to a General Biosecurity Duty. This applies to any person dealing with a Biosecurity matter (such as composting) and requires them to prevent, eliminate or minimise biosecurity risks. The General Biosecurity Duty requires any person dealing with a biosecurity matter to ensure, so far as is reasonable practicable, that the biosecurity risk is prevented. Council's Environment Officer has confirmed the control measures outlined within the draft EMP are sufficient and 'reasonably practicable' to prevent, eliminate or minimise the potential biosecurity risk of the development. Additionally, as an acknowledgement of submissions received, **Condition 2.10** is recommended for imposition requiring the final EMP to include additional biosecurity management actions, as necessary, having regard to Part 3, Section 22 of the Biosecurity Act, which relates to a General Biosecurity Duty.

Putrescible wastes should be processed at a facility that poses low risk to residents or businesses.

Comment:

The RU1 Primary Production zoning of the land under GLEP 2014 permits the proposed development with the consent of Council, and the proposed composting facility is compatible with existing and approved uses of rural land in the immediate and surrounding vicinity. Furthermore, the impacts of the proposed development are considered reasonable given the proposed environmental management practices and mitigation measures proposed.

On 8 June 2017, in order to address concerns made by the Environmental Protection Authority (EPA) during the assessment process, the size of the leachate dam was increased from 2.4ML to 4.8ML. The Air and Odour Impact Assessment, supporting the development, prepared by Synergetics, dated 12 October 2017, modelled the impacts of the proposed facility under the assumption that the site is operating at maximum capacity, but with the originally proposed dam size of 2.4ML and not the amended dam size of 4.8 ML. On 14 December 2017, additional air and odour evidence was provided for the consideration of the EPA, wherein the GTA's were issued on 19 January 2018.

The EPA has advised the air and odour modelling identified in the Air and Odour Impact Assessment, prepared by Synergetics, dated 12 October 2017 can be relied upon in demonstrating the air and odour impacts associated with the development (refer to Figures 7-10). For the proposed site, a Level 1 impact assessment has been conducted in accordance with *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*, prepared by the Environmental Protection Authority (NSW), dated November 2016. The two levels of impact assessment identified by the EPA include a Level 1 screening - level dispersion modelling technique using worst - case input data and Level 2 dispersion modelling technique using site - specific input data. The impact assessment levels are designed so that the impact estimates from Level 2 should be more accurate than Level 1 screening. For assessing odour impacts, a Level 1 assessment under *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* is equivalent to a Level 2 assessment under *Technical Framework - Assessment and management of odour from stationary sources in NSW*, prepared by the Air Policy Section of the Department of Environment and Conservation (NSW), dated November 2006.

Whilst the capacity of the dam was increased from 2.4ML to 4.8ML, the dams location, footprint and envelope was not altered to that of the 2.4ML dam. Furthermore, the dams surface area only increased by 20m². All other parameters contributing to air and odour emissions associated with the proposed development and identified in the Air and Odour Impact Assessment, prepared by Synergetics, dated 12 October 2017, remain unchanged with regard to the volume and type of input material, location and size of the receivals bay area, number and size of windrows, and handling and operational procedures.

Residential dwellings within 1200m of the composting pad location were identified as potential sensitive receptor locations in the Air and Odour Impact Assessment, prepared by Synergetics, dated 12 October 2017. These sensitive receptor locations are shown in Figure 7. These sensitive receptor locations are shown in Figure 7. Receptor 5 (No.210 Grants Rd, Somersby) is the landowner's residence and has been treated as an on-site receptor for the purpose of the assessment undertaken.

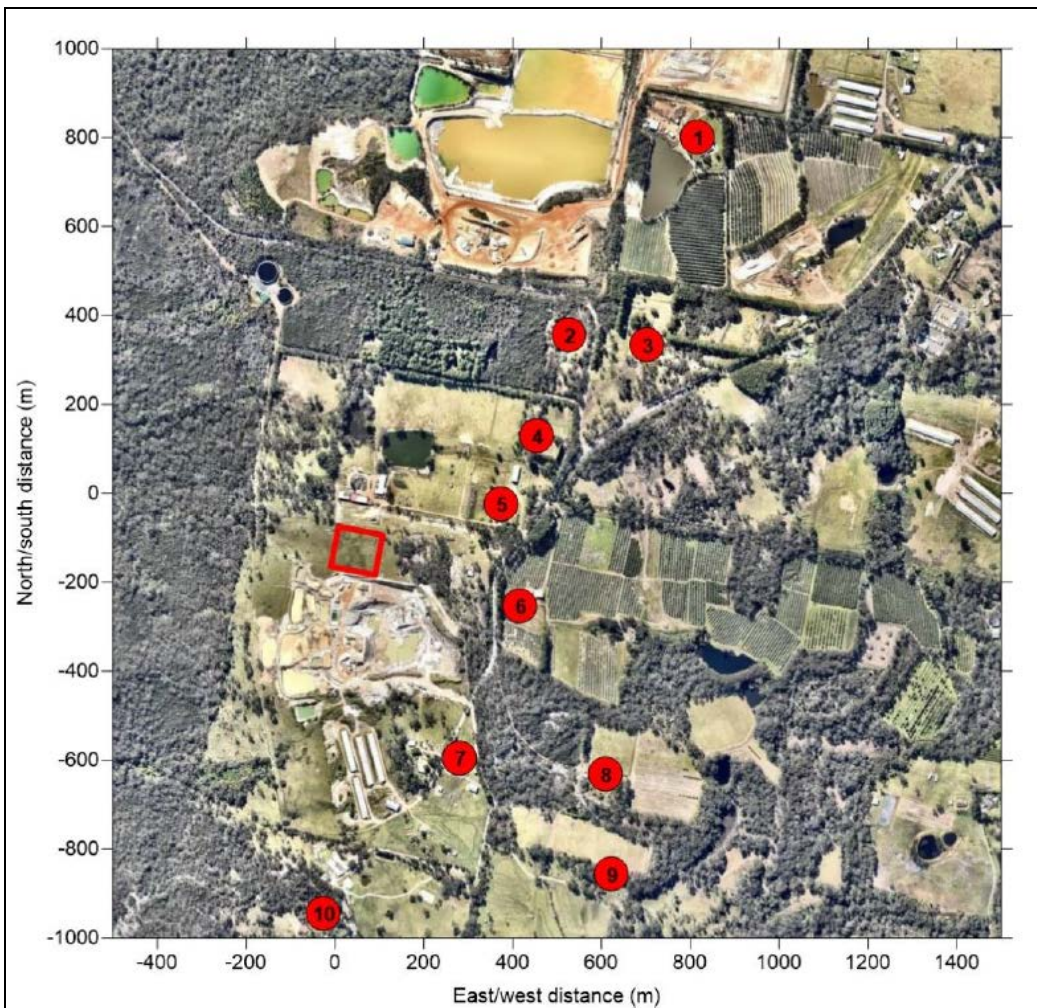


Figure 7 – Locations of sensitive receptors (marked by red circles) relative to the composting pad (marked by the red rectangle)

Figure 8 identifies the contours of the 100th percentile peak odour concentration. The estimated odour emission rates for windrows are based on measurements taken at similar organic waste composting facilities in Australia and New Zealand. The data presented has been measured from windrows containing a combination of Category 1, Category 2 and Category 3 waste. As such, the data is considered to be representative of the windrows at the proposed facility, where odour emission rates will be higher during the early stages of the composting process and will decay across the ten week composting cycle.

As arrival of waste and removal of mature compost will both occur at frequent intervals, emission rates for the windrows have been estimated by averaging the expected weekly emissions over the ten week composting cycle. This estimated windrow emission rate has been applied to both the aerated windrows and static vermiculture windrows. In calculating total windrow emission rate, it has been assumed that there are ten 100m x 2.5m windrows on the composting pad, and it has been assumed that the facility is operating at maximum capacity and worst-case odour emissions have been generated using worst-case (100th percentile) model results.

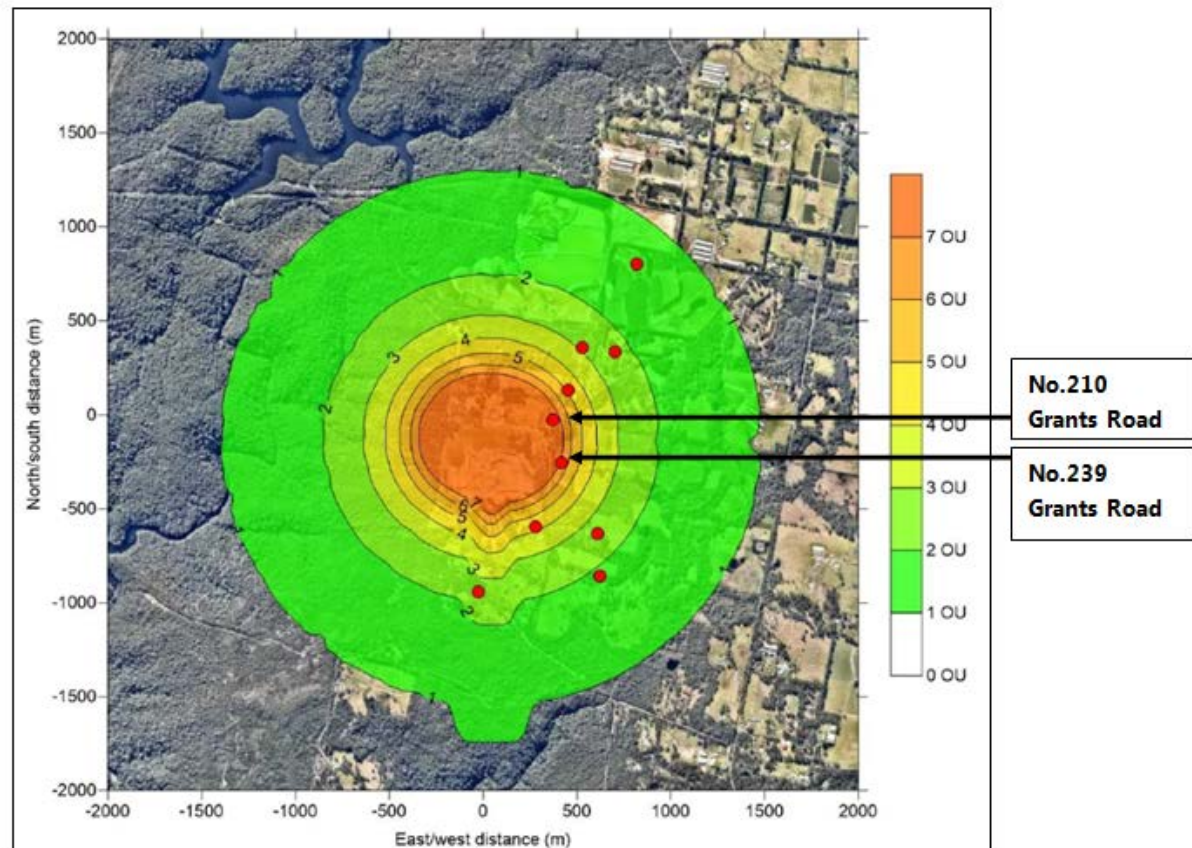


Figure 8 - Contours of 100th percentile peak odour concentration

The number of odour units (OU) is the concentration of a sample divided by the odour threshold or the number of dilutions required for the sample to reach the threshold. This threshold is the numerical value equivalent to when 50% of a testing panel correctly detects an odour. For complex mixtures of odours, odour is specified in OU/m^3 (odour units per cubic metre) as a nose-response-time average.

The appropriate criterion for a single affected residence is deemed to be a concentration of odour equal to seven times the theoretical minimum necessary to produce an olfactory sensation. In lower populated areas, such as the subject site, acceptable odour is defined as 7 odour units (7 OU). For residential receptors more densely populated areas, in which there will be a greater range of sensitivities to odour (and a higher number of more sensitive individuals), acceptable odour is defined as 2 odour units (2 OU).

The Air and Odour Impact Assessment, supporting the development, prepared by Synergetics, dated 12 October 2017, concluded the 100th percentile odour concentrations associated with the proposal are expected to remain below the assessment criteria, being 7 OU, at all off-site sensitive receptors, including No. 239 Grants Road, Somersby (sensitive receptor No.6 in Figure 7 of this report). Sensitive receptor No.5 (No.210 Grants Rd, Somersby) is the landowner's residence and has been treated as an on-site receptor for the purpose of the assessment undertaken.

Figure 9 and 10 identifies the contours of 100th percentile 24-hour average particulate matter (PM) concentration. The Air and Odour Impact Assessment, prepared by Synergetics, dated 12 October 2017, concluded the 100th percentile particulate matter (PM) concentrations are expected to remain below the assessment criteria at all on-site and off-site sensitive receptors.

Particulate matter, also known as particle pollution or PM, is a term that describes extremely small solid particles and liquid droplets suspended in air. The size of particles affects their potential to cause health problems:

- PM10 (particles with a diameter of 10 micrometres or less).
- PM2.5 (particles with a diameter of 2.5 micrometres or less).

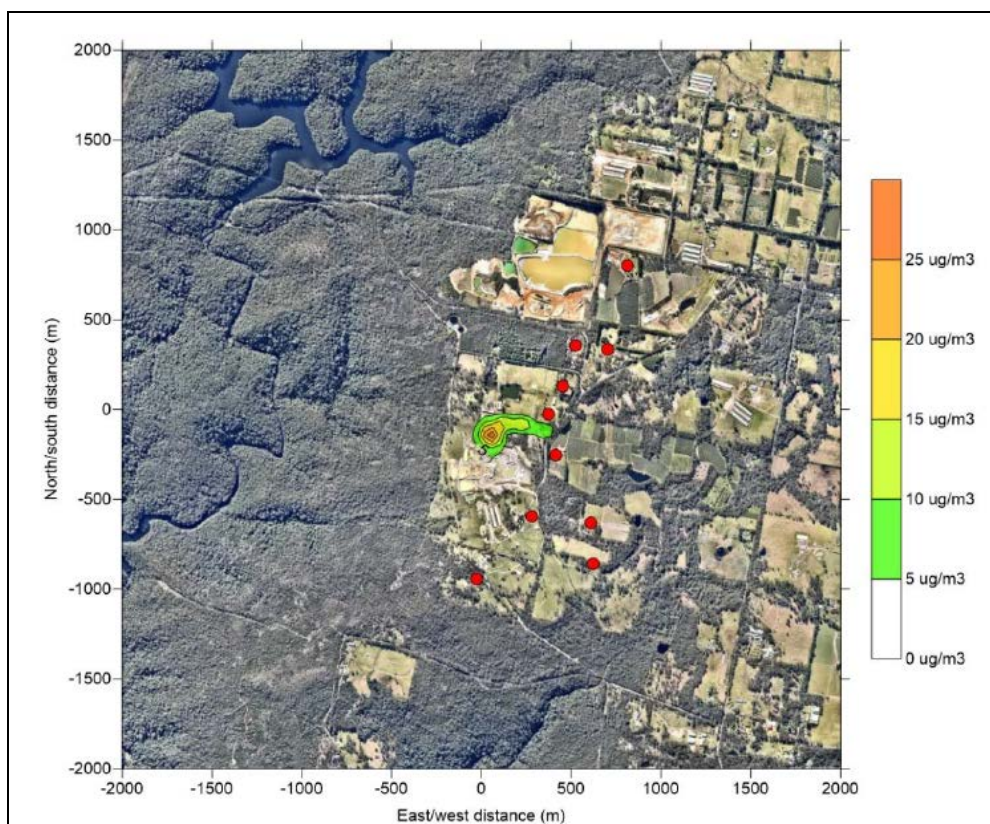


Figure 9 – Contours of 100th percentile 24 hour PM 2.5 concentration.

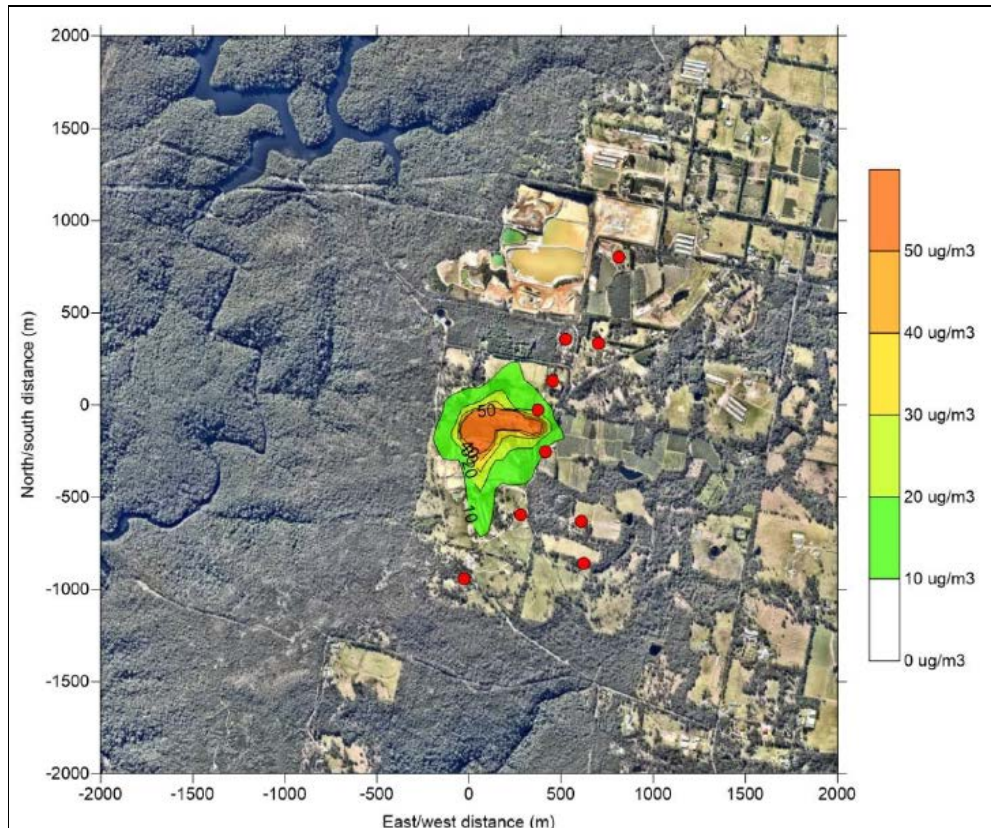


Figure 10 – Contours of 100th percentile 24 hour PM 10 concentration.

The Air and Odour Impact Assessment, prepared by Synergetics, dated 12 October 2017, concluded the 100th percentile PM concentrations are expected to remain below the assessment criteria at all on-site and off-site sensitive receptors and the 100th percentile odour concentrations are expected to remain below the assessment criteria at all off-site sensitive receptors.

The subject development application is supported by Council Officers and the EPA. As the GTA's have been issued by the EPA (as the Appropriate Regulatory Authority) it is concluded that all odour criteria have been satisfactorily met.

The proposed open windrow method proposed exposes the composting piles to wind and birds.

Comment:

Once the windrow piles are established, the material is wetted and turned under geotextile fabric liners - minimising any potential pathogen transmission associated with adverse weather conditions. Furthermore, these geotextile covers will also prevent vermin (birds/other animals) from accessing the composting piles.

Section 7.3 of the draft EMP identifies performance measures to ensure issues associated with pest and vermin are addressed in ongoing operational processes and management, including the following:

- The operational envelope will be fully fenced to prevent foxes from entering.
- The design of the pad will not allow for any hollows for water to pool.
- A concrete receivals area with a bunded wash-down apron will be connected to the leachate collection system. Material in these bays will be protected from rain water by covering with tarps where appropriate.
- Dependent on the nature of the material, inputs that cannot be incorporated within 2 hours will be covered either by 15cm thick layer of cured compost, a tarp, or placed in a washable, organic acid-resistant, moisture and vermin-proof bin.

Unacceptable noise impact due to increase in truck movements, transportation of material and also with the operation itself which must operate 7 days a week.

Comment:

A Noise Impact Assessment, prepared by Wildblue Global Consulting, dated 11 March 2017, identified the following factors as contributing to the anticipated noise generation per day associated with the proposed development:

- Receivals and outgoing trucks (average of either 2 large (15-20 tonne) or 7 small (4-6 tonne) truck movements per day, or a combination of these (e.g. 1x12 tonne+ 2x7 tonne + 2x3 tonne);
- Positioning of material into windrows with telehandler (approximately 1 hour total);
- Windrow turning 2 hours per morning by use of a slow speed tractor (200m per hour); and
- Loading of 12 tonnes finished product (compost) into trucks with telehandler (approximately 1 hour total).

The following properties in Grants Road were identified as sensitive receptors in the Noise Impact Assessment prepared by Wildblue Global Consulting, dated 11 March 2017:

- No. 210 Grants Road, Somersby;
- No. 239 Grants Road, Somersby;
- and, No. 270 Grants Road, Somersby.

All three of these closest residential receptors are located in excess of 250m from the proposed operational composting pad location, and it was concluded that no significant noise impacts would occur to these three sensitive receptors.

The documentation provided concluded the use of farm-type machinery for 4 hours per day (2 of them at very low speeds) during weekday operations (Monday - Friday) is not inconsistent with the rural zoning of the property. Furthermore, during the weekend, 2 hours of windrow turning will occur with the use of a slow speed tractor between 8am and Midday, wherein the proposed weekend operations will not significantly add to the overall noise level of the area.

Figure 11 identifies the noise mitigation measures proposed during construction and operation, which has been sourced from Section 6 of the Noise Impact Assessment, prepared by Wildblue Global Consulting, dated 11 March 2017:-

Factor	Management or Control Measure	When does this apply?
Scheduling	Limit construction to standard construction hours of: <ul style="list-style-type: none"> Monday to Friday 7 am to 6 pm Saturday 8 am to 1 pm No work on Sundays or public holidays 	Construction
Maintenance	Plant, equipment and machinery are to be serviced and maintained according to, as a minimum, the manufacturer specification. Where manufacturer requirements are not available then industry best practice maintenance will be applied.	All times
Control	Where possible equipment will be procured with Original Equipment Manufacturer mufflers installed. Additional noise attenuation of fixed and mobile plant will be considered.	Operation
Management	The following site management measures will be implemented: <ul style="list-style-type: none"> only necessary power to complete the tasks will be used; avoid concurrent use of noisiest plant/equipment, where practicable care will be taken not to drop materials such as rock, to cause peak noise events, including materials from a height into a truck. Site personnel should be directed as part of an off-site training regime to place material rather than drop it; machines that are used intermittently shall be shut down in the intervening periods between works or throttled down to a minimum; and worksite induction training, educating staff, will be implemented. 	All times
Consultation	Continue consultation and notification with the nearby residents to ensure they are informed of upcoming works. Initial face to face consultation has already commenced with these residents to introduce them to the project and to understand any concerns or queries they may have.	Ongoing
Monitoring	Regular noise checks will be undertaken during construction and operation.	Ongoing

Figure 11 - Noise Mitigation Measures

Council's Environmental Health Officer reviewed the documentation provided and advised the mitigating measures proposed to manage noise generated by the premises are sufficient. In view of the above, it is considered adequate information has been provided so as to ensure that there is minimal noise impact associated with the transport of organic product at the completion of the composting process.

Concern is raised that the proposed facility will disadvantage residents in the area.

Comment:

The impacts of the proposed development have been considered and shown to be contained largely within the subject site. Furthermore, the development application is supported by Council Officers and the EPA, concluding that the proposed development will not significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

The applicant contends that based on the premise of favourable meteorological conditions the amenity of the neighbourhood will not be significantly impacted. Two points need to be made here; non-favourable weather conditions should be the benchmark for impacts and there is no definition of what "significant" means. This leaves any neighbour complaints open to dismissal because of a lack of definition.

Comment:

'Significant' in this context can be taken so as to refer to problematic to the point of highly unpleasant in terms of any adverse impact to adjoining residential properties or unacceptable environmental impact.

As detailed throughout this report, the associated impacts with operating the proposed composting facility have been adequately addressed with appropriate mitigating measures in place. Council Officers and the EPA have concluded that the proposed development will not significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic. If however, concern is raised by a resident, then Council staff and the EPA will investigate as will be required by the EPA in issuing an environmental protection licence.

What is the process for addressing complaints associated with offensive odours; particulate emissions; vermin attraction and land pollution? Does the process for addressing complaints rely on neighbour complaints or lack thereof? Who assesses these complaints? What formal complaint process will be established? Why should neighbours be burdened with having to make complaint in order for performance to be assessed?

Comment:

Council Officers are satisfied that there are a number of measures in place to address complaints received by members of the public as a result of the operation of the proposed facility. Similarly, Council Officers are satisfied there will be adequate systems and procedures in place to deal with all types of incidences that may occur at the premises, which will limit any adverse impact to the environment.

In accordance with Section 4.46 (1A) of the EP &A Act, the EPA has determined that it is able to issue an environmental protection licence for the proposal subject to a number of conditions. In issuing the GTA, the EPA provided Council with conditions intended for the environmental protection licence, which will require compliance with the following: -

- The provision of a telephone complaints line for the purposes of receiving any complaints from member of the public in relation to activities conducted at the premises or by the vehicle or mobile plant. If however, concern is raised by a resident, then Council staff and the EPA will investigate as will be required by the EPA in issuing an environmental protection licence.
- The proponent must prepare and implement an Air Quality and Odour Management Plan for the site. For all odour emission at the site, the Air Quality and Odour Management Plan must include, but is not limited to complaint management and reporting procedures.
- The licensee must prepare, maintain and implement as necessary a Pollution Incident Response Plan for the premises, which must document systems and procedures to deal with all types of incidences that may occur at the premises and which are likely to cause harm to the environment.
- The Licensee is required to notify the EPA immediately in the event of the event of a fire or suspected fire at the premises.
- The monitoring and recording of pollution complaints which must be produced to any authorised officer of the EPA.
- The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident.

The above-mentioned requirements of the GTA issued by the EPA are found within **Attachment A – Proposed Development Consent Conditions.**

The subject site immediately backs onto the Great North Walk. Concern is raised that the emission of offensive odour will occur beyond the boundaries of the site which will affect users of the public pathway and neighbouring properties.

Comment:

A buffer zone of 176m will be provided between the proposed leachate dam and western site boundary, beyond which is the Great North Walk. The operational pad is further setback from the western site boundary, providing a buffer zone of 235m.

The area occupied by the Great North Walk within Brisbane Water National Park will remain unaffected by the proposed development. No vegetation is proposed for removal in the southwestern corner of the site and it is considered an acceptable separation buffer is achieved so as to ensure the operation of the proposed facility will not create adverse amenity or environmental impacts to the users of the Great North Walk.

In issuing the GTA, the EPA has confirmed conditions intended for the environmental protection licence. With regard to operating conditions relating to odour, the following requirements will be attached to any environmental protection licence issued for the subject proposal: -

- The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.
- The proponent must prepare and implement an Air Quality and Odour Management Plan for the site, which must be implemented prior to the commencement of the operation of the facility.
- All animal waste transported to the premises is to be in sealed containers and be incorporated into the composting immediately.

The proposed facility will decrease the value of land in the surrounding area.

Comment:

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

The subject site is zoned RU1, wherein this zoning conflicts with two RE1 Public recreational parcels located within a few hundred metres.

Comment:

The assessment contained within this report concludes that the proposed development will not result in unreasonable impacts upon surrounding land, including the two parcels of RE1 Public Recreation zoned land (or the users of that land) located 105m southeast of the site.

The development application is supported Council Officers and the EPA, concluding that the proposed development will not significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

The potential environmental impacts to the residential receptor located at No. 200 Grants Road has been omitted from consideration in documentation supporting the proposal.

Comment:

Although located further than the nearest receptor to the north, No. 200 Grants Road, Somersby is approximately 396m from the closest corner of the proposed composting pad to the dwelling on that property. The proposed composting pad is located in excess of 250m from No. 200 Grants Road, Somersby.

Therefore, having regard to the environmental parameters for consideration in accordance with cl.13(b)(vi) of Schedule 3 of the EP & A Regulation, the environmental impacts associated with the proposed composting pad to No. 200 Grants Road, Somersby are not required to be documented.

Notwithstanding the above, the Air and Odour Impact Assessment, supporting the development, prepared by Synergetics, dated 12 October 2017, modelled the impacts of the proposed facility under the assumption that the site is operating at maximum capacity. Residential dwellings within 1200m of the composting pad location were identified as potential sensitive receptor locations, including No. 200 Grants Road, Somersby. The EPA reviewed this documentation prior to issuing GTAs.

Whilst the Noise Impact Assessment, prepared by Wildblue Global Consulting, dated 11 March 2017 did not identify No. 200 Grants Road, Somersby as a sensitive receptor, No. 210 Grants Road, Somersby; No. 239 Grants Road, Somersby; and, No. 270 Grants Road, Somersby were identified as sensitive receptors. The Noise Impact Assessment prepared by Wildblue Global Consulting, dated 11 March 2017, concluded that no significant noise impacts would occur to these three sensitive receptors, which are located closer to the site than No. 200 Grants Road, Somersby.

The construction of a new driveway/crossover forms part of the proposal, wherein this driveway is within 250m of nearby dwellings located at No. 200, No. 210 and No. 239 Grants Road, Somersby. In accordance with cl.13(b)(vi) of Schedule 3 of the EP & A Regulation, the consent authority must consider if the construction of a new driveway/crossover (associated with the proposed composting facility) will likely have a significant impact on the amenity of the neighbourhood (from impacts including noise, visual impacts, air pollution, vermin or traffic).

Further consideration with regard to the environmental impacts associated with the construction of the new driveway/crossover is provided in **Attachment 5**, wherein it is concluded that the access driveway will have a minimal impact to the abovementioned residential receptors in accordance with cl.13(b)(vi) of Schedule 3 of the EP & A Regulation.

The proposed facility must not be another waste dumping ground in Somersby.

Comment:

Development Application No. 51743/2017 seeks to establish a controlled open windrow composting facility at the property located at No. 222 Grants Road, Somersby. The RU1 Primary Production zoning of the land under GLEP 2014 permits the proposed development with the consent of Council. The proposed use is defined as a 'rural industry' within GLEP 2014 as follows:-

'means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,*
- (b) livestock processing industries,*
- (c) composting facilities and works (including the production of mushroom substrate,)*
- (d) sawmill or log processing works,*
- (e) stock and sale yards,*
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.'*

In addition, Division 23 (Waste or Resource Management Facilities) in *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure) identifies that development for the purposes of waste or resource management facilities may be carried out with consent on land in a prescribed zone. The subject site is located in a prescribed zone and is defined as a resource recovery facility. Therefore, the proposal is also permissible pursuant to cl. 121 (1) of *SEPP (Infrastructure) 2007*.

The Standard Instrument defines a resource recovery facility as:

'resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration'.

Pursuant to cl.123 within Division 23 of SEPP Infrastructure, the consent authority must take additional matters into consideration when determining a development application for development for the purposes of the construction, operation or maintenance of a landfill for the disposal of waste. The subject proposal is a resource recovery facility and not a waste disposal facility. In this regard, it is considered that the provisions contained within Clause 123 of SEPP Infrastructure do not apply.

The proposed facility will adversely impact the beauty of area.

Comment:

Visual impact from Grants Road will be limited as the pad is setback 330m from Grants Road and screened by existing vegetation.

The proposed on-site structures will include one machinery shed with a height of 4.2m, and a site shed with a height of 2.5m. The subject site does not have a maximum height of buildings, however, the single storey height of these structures, are considered acceptable.

There will be no large stockpiling as material will be placed into windrows immediately upon receipt.

The works involve negligible built form, and will not involve the removal of screening vegetation or natural features such that it would impact upon the general amenity of the locality.

Public Authority Consultation

- Environmental Protection Authority (EPA)

The EPA reviewed the information provided and has determined it is able to issue an Environmental Protection Licence for the proposal, in accordance with Section 4.46 (1A) of the EP & A Act.

- Office of Environment & Heritage (NSW National Parks & Wildlife Service) (OEH)

The issues raised by OEH in relation to the proposal are discussed below:-

- *What mitigation measures will be in place to prevent contaminated water overflowing from the leachate dam during periods of heavy rainfall? If contaminated water overflows the leachate dam and approaches Brisbane Water National Park (BWNP), how will contamination be prevented from entering BWNP? Will there be regular water quality monitoring/ testing downstream?*

Comment:

The proposed leachate collection system for managing potential runoff from input material storage areas and the active working pad is provided by a 4.8 ML leachate dam. The proposal as originally submitted to Council proposed a 2.4ML leachate dam. In order to address potential overflow in periods of heavy rainfall, the size of the dam was doubled. In issuing the General Terms of Approval (Notice No.: 1551020) (GTA) the EPA provided Council with conditions intended for the environmental protection licence, which will require compliance with the safe operation and maintenance of the leachate dam. No further objection is made in this regard.

- *What are the proposed monitoring procedures for offensive odours? What are the mitigation measures to prevent excess levels of offensive odours being released?*

Comment:

In issuing the GTAs, the EPA issued Council with conditions intended for the environmental protection licence. In particular, the proponent must prepare and implement an Air Quality and Odour Management Plan for the site. For all odour emission at the site, the Air Quality and Odour Management Plan must include, but is not limited to complaint management and reporting procedures (as previously detailed).

- *Will the development comply with the all EPA policies, procedures and standards?*

Comment:

In accordance with s. 4.46 (1A) of the EP&A Act, the EPA has determined that it is able to issue an environmental protection licence for the proposal subject to a number of conditions.

- *Will the security of the fenced site be regularly inspected to ensure neither foxes nor wild dogs gain access? If wild dogs and foxes are reported within the site or numbers increase in the landscape adjacent, can you provide assurance that the developer will work closely with the Local Land Services to implement an appropriate management program.*

Comment:

In issuing the GTAs, the EPA provided Council with conditions intended for the environmental protection licence, which will require compliance with mitigation measures associated with such matters as controlling vermin.

- Darkinjung Local Aboriginal Land Council

The issues raised by Darkinjung Local Aboriginal Land Council in relation to the proposal are discussed below:-

- *An Aboriginal Cultural Heritage Site Survey must be carried out before any type of construction and or land clearing works are carried out within the area.*

Comment:

The proposal included an Aboriginal Heritage Due Diligence Assessment. This assessment reviewed archaeological studies from the surrounding area, which identified Aboriginal sites/objects nearby, including a rock engraving at the neighbouring quarry site located at No. 270 Grants Road, Somersby.

A site inspection was also undertaken by the applicants Environmental Consultant to identify any features on the site likely to host Aboriginal objects/sites. The Due Diligence Assessment supporting the proposal concluded that *"in accordance with the Due Diligence Code of Practice, as there are no known Aboriginal objects on the Property and the Site is considered disturbed, further assessment is not required"*. Council's Environment Officer supports this conclusion and **Condition 4.3** is recommended for imposition to ensure any unexpected finds are handled appropriately.

- New South Wales Dam Safety Committee (Dam Safety Committee)

The proposed development was referred to the Dam Safety Committee to determine whether the dam/s shall be declared as prescribed dams for the purpose of ongoing monitoring and management. "Prescribed" dams are those listed in Schedule 1 of the *Dams Safety Act 1978*.

The Dams Safety Committee (DSC) can require owners of prescribed dams to do things to ensure the safety of their dams, in accordance with the *Dams Safety Act 1978*.

The Dam Safety Committee has advised that the proposed leachate dam and any other dam structures that may be required on site shall be referred to the Dam Safety Committee prior to the release of any Construction Certificate. The imposition of **Condition 2.8** will enable the Dam Safety Committee to determine whether the dam/s shall be declared as Prescribed Dams for the purpose of ongoing monitoring and management.

- New South Wales Road and Maritime Services (RMS)

RMS reviewed the proposed development and raised no objection to the proposed development, subject to Council's consideration of the following:

- *Council to ensure Grants Road can accommodate the vehicle types to be used on site as noted in the Traffic Impact Statement (10 and 20 tonne tipper trucks).*
- *Inbound and outbound product tonnage does not exceed the yearly tonnage as noted in the Traffic Impact Statement (up to 5000 tonnes of inbound product, approximately 3000 tonnes of outbound product).*

Comment:

The above-mentioned issues were reviewed by Council's Traffic and Transport Engineer, concurred with and no further objection was raised.

- New South Wales Department of Primary Industries (DPI)

Comments from DPI, dated 25 May 2017, identified the organic wastes processed on site would constitute biosecurity matter as defined under the *Biosecurity Act 2015* (Biosecurity Act), wherein the presence of biosecurity matter triggers a General Biosecurity Duty.

A General Biosecurity Duty requires that any person who deals with biosecurity matter or a carrier and who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised (Part 3, Section 22 of the *Biosecurity Act*).

DPI recommended a site-specific assessment of biosecurity risks focussing on bioaerosols, using locally available meteorological data be undertaken to determine the risks with the proposal. DPI also suggested that due to the level of uncertainty with regard to bioaerosol and pathogen dispersal from the proposed site, it may be prudent to select a site that is located further from intensive livestock operations. Alternatively, the proponent could undertake bioaerosol emission and dispersal modelling to determine the risks posed by the transport of unprocessed waste to the site and the subsequent handling of the material at the site, and to propose mitigation measures to reduce the risk of pathogen dispersion to nearby poultry farms.

Comment:

On 1 June 2017, Council received information from the applicant in response to the issues raised by DPI. The applicants response addressed the following:

- Legality concerning the disposal and use of poultry waste (litter and carcasses) guidelines associated with the disposal and use of poultry waste;
- Acknowledgement of biosecurity priority within the poultry industry; and
- Current practice on the Central Coast Plateau in relation to the use and disposal of poultry waste.

The additional information received at Council on 1 June 2017 was referred for information to DPI and EPA. Further comments from DPI, dated 29 June 2017, recommended the following: -

- *Due to the level of uncertainty with regard to bioaerosol and pathogen dispersal from the proposed site, another site is selected that is located further from existing poultry enterprises, or*
- *Develop a biosecurity risk assessment, coordinated by a recognised poultry and biosecurity expert, together with a Risk Management Plan. We suggest Animal Health Australia may be a source for information concerning suitably qualified experts.*

On 19 July 2017, the Council's Assessing Officer and Council's Environment Officer forwarded correspondence to DPI, seeking further clarification regarding the advice provided by DPI, dated 29 June 2017. DPI is not a concurrence authority for the development application. DPI is an advisory authority in this instance. To date, Council has not received a formal response from DPI. Notwithstanding, DPI's advice is adhered to via the imposition of **Condition 2.10**.

Council has considered the provisions of Part 3, Section 22 of the Biosecurity Act, which relates to a General Biosecurity Duty. This applies to any person dealing with a Biosecurity matter (such as composting) and requires them to prevent, eliminate or minimise biosecurity risks. The legislation does not specify how this requirement is to be achieved in relation to development applications nor does it require the preparation of a Biosecurity Risk Assessment Report.

The General Biosecurity Duty does require any person dealing with a biosecurity matter to ensure, so far as is reasonable practicable, that the biosecurity risk is prevented. Council's Environment Officer has confirmed the control measures outlined within the draft EMP are sufficient and 'reasonably practicable' to prevent, eliminate or minimise the potential biosecurity risk of the development. Additionally, as an acknowledgement of submissions received, **Condition 2.10** is recommended for imposition requiring the final EMP to include additional biosecurity management actions, as necessary, having regard to s.22 of the *Biosecurity Act 2015*.

Despite the above additional requirement, the draft EMP supporting the proposed facility already includes biosecurity control measures, which are considered acceptable by Council's Environment Officer in addressing biosecurity concerns associated with the proposal. These biosecurity measures include:

- Covering of windrows with geotextile fleece at all times;
- Covering and quick turnaround of imported waste loads;
- Vermin control;
- Pasteurisation of incoming organics;
- Fencing of the composting pad to exclude foxes; and
- Compost windrows will reach a temperature that kills bacteria, pathogens and weed propagules.

The advice provided by DPI has been appropriately reviewed wherein it is concluded that no further information is required at this stage in accordance with s. 22 of the Biosecurity Act.

Internal Consultation

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

- Development Engineer

The development application has been assessed by Council's Development Engineer in relation to access, drainage and water/sewer and no objection was raised subject to recommended conditions.

- Traffic and Transport Planner

The development application has been assessed by Council's Traffic and Transport Planner, wherein no objection was raised subject to recommended conditions.

- Environment Officer

The development application has been assessed by Council's Environment Officer, wherein no objection was raised subject to recommended conditions.

- Environmental Health Officer

The development application has been assessed by Council's Environmental Health Officer, wherein no objection was raised subject to recommended conditions.

- Environmental Health Officer (OSSM)

The development application has been assessed by Council's Environmental Health Officer (OSSM), wherein no objection was raised subject to recommended conditions.

- Waste Services (Garbage)

The development application has been assessed by Council's Waste Services Division wherein no objection was raised subject to recommended conditions.

- Water and Sewer

The development application has been assessed by Council's Water and Sewer Division wherein no objection was raised subject to recommended conditions.

Ecologically Sustainable Principles:

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

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

Furthermore, the proposed facility will divert waste from landfill in accordance with the NSW Environment Protection Authority's, Waste and Resource Recovery Strategy 2014–21.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the development application. 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, the assessment has identified the following key issues, which are elaborated upon for Council's information.

s. 4.15 (1)(a)(i) of the EP & A Act: Provisions of Relevant Instruments/ Plans/ Policies:*Environmental Planning and Assessment Regulation 2000*

Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP & A Regulation) identifies developments, which are designated development. The subject development application is supported by Council Officers and the EPA, concluding that the proposed development will not significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

With regard to the environmental parameters for consideration in accordance with cl.13 of Schedule 3 of the EP & A Regulation, a detailed response is provided in **Attachment 5**. It is concluded the proposed development is not designated in accordance with Clause 13 of Schedule 3 of the EP & A Regulation.

Rural Fires Act 1997

The site is identified as "bushfire prone land" on Council's bushfire maps. Refer to Figure 12. Having regard to Section 4.14 of the EP & A Act, the proposed development is required to address the requirements of the *Rural Fires Act 1997* (RF Act 1997) and the document *Planning for Bushfire Protection*, published 2006, by the New South Wales Rural Fire Service.

The establishment of a compost processing facility also requires the preparation of a fire management strategy in accordance with *Environmental Guidelines – Composting and Related Organics Processing Facilities*, published 2004, by the Department of Environmental and Conservation (NSW).

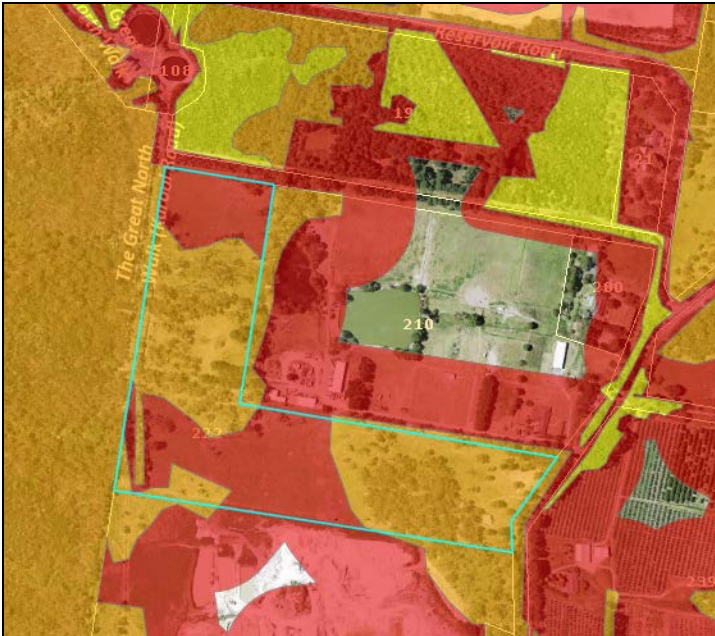


Figure 12 - Bushfire prone land

A Fire Management Plan, prepared by Wildblue Global Consulting, dated 8 March 2017, accompanies the development application. In order to ensure compliance with the recommendations contained within the Fire Management Plan, **Condition 2.11, 5.12 and 5.13** are recommended for imposition.

Water Management Act 2000 (Water Management Act)

In order to protect legitimate water users and the environment, the Department of Primary Industries Water (DPI Water) monitors and enforces compliance with the *Water Management Act 2000* (the Water Management Act) and the *Water Act 1912* (the Water Act). The Water Act is being progressively repealed and replaced by the Water Management Act.

Approval to construct and use a dam to capture and store rainwater runoff and to use captured water may require a water management works approval under Section 90 of the Water Management Act. However, the applicant did not seek an integrated approval under Section 90 of the Water Management Act.

Integrated development provisions are facilitative and the consent authority can determine a development application even though the provisions of Section 4.46 of the *Environmental Planning and Assessment Act 1979* have not been followed. This position was established in *Maule v Liporoni & Anor* [2002] NSW LEC 25. The development application can be approved without requiring referral to DPI Water prior to determination. In order to ensure the relevant statutory requirements are met, **Conditions 1.6 and 2.17** are recommended for imposition.

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

The provisions of SEPP Coastal Management require Council to consider the aims and objectives of the SEPP when determining a development application within the Coastal Management Areas. The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning & Environment. The subject property falls outside of the mapped coastal management areas.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (SEPP Mining)

Clause 13 of SEPP Mining requires a consent authority to consider the compatibility of the proposed development with mining, petroleum production and extractive industries in proximity to the site.

With regard to the environmental parameters for consideration in accordance with Clause 13 of SEPP Mining, a detailed response is provided in **Attachment 6**. Having regard to the matters for consideration contained within Clause 13(2) of SEPP Mining, it is concluded the draft EMP accompanying the development application appropriately identifies the relevant risks associated with the operation of the facility, and proposes acceptable mitigating measures to address these risks to the environment and adjoining properties.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)

The development application has been assessed against the requirements of SEPP Infrastructure. Division 23 (Waste or Resource Management Facilities) identifies that development for the purposes of waste or resource management facilities may be carried out with consent on land in a prescribed zone. The subject site is located in a prescribed zone and is defined as a resource recovery facility.

State Environmental Planning Policy No. 33 – Hazardous or Offensive Development (SEPP 33)

Clause 11 of SEPP 33 applies to any proposals which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'. The planning guidelines applicable to SEPP 33 do not identify the proposed development as a potentially hazardous industry. However, the processing of waste, is identified within Appendix 3 of these guidelines, as potentially offensive in terms of possible impacts associated with air and water.

Clause 13 of SEPP 33 identifies matters for consideration consent authorities must consider for those developments identified as potentially offensive industry. With regard to the environmental parameters for consideration in accordance with Clause 13 of SEPP 33, a detailed response is provided in **Attachment 7**.

Council Officers are satisfied there are adequate safeguards to ensure emissions from the facility can be controlled to a level at which they are not significant. It is concluded the development is neither hazardous nor offensive (and hence permissible as a rural industry). Furthermore, the proposed site and its intended use will be regulated by the EPA, wherein, sufficient information has been provided about the nature of potential contamination to enable the EPA to issue GTA.

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

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

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

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

The site has been used for rural industry purposes. The nature of the use will not be altered. As a result the proposal is considered satisfactory under the provisions of SEPP 55.

In reference to the Planning Guidelines applicable to SEPP 55, waste storage and treatment activities are identified as activities that may cause contamination. However, in this instance, the works do not comprise a hazardous use, and the proposal will not use chemicals listed under any comparable land uses/industries within Appendix A of these Planning Guidelines.

Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (SREP 8)

SREP 8 aims to provide environmental protection for the Central Coast plateau areas and provide a basis for evaluating competing land uses. The subject land is not identified as a resource of regional significance, however, is contained within the area identified for SREP 8.

Having regard to the matters for consideration contained within Clause 2 of SREP 8, a detailed response is provided in **Attachment 8**.

It is concluded no objection is made in that potential resource areas surrounding the site will not be left isolated by the proposed development and the proposed development will support the agricultural industry through the provision of high-grade compost for the local agricultural industry concurrently reducing transport miles that waste material is required to travel to landfill.

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

SREP 20 applies to land which falls within the catchment of the Hawkesbury-Nepean River. This planning instrument requires Council to consider the general planning considerations outlined in Clause 5 and specific planning policies and recommended strategies of Clause 6 prior to granting consent to a development application. The site is not located within the drinking water catchment of Mooney Dam. It is situated within the catchment area of lower Mooney Mooney Creek. This catchment is lower and therefore does not influence the drinking water catchment (Figure 13).

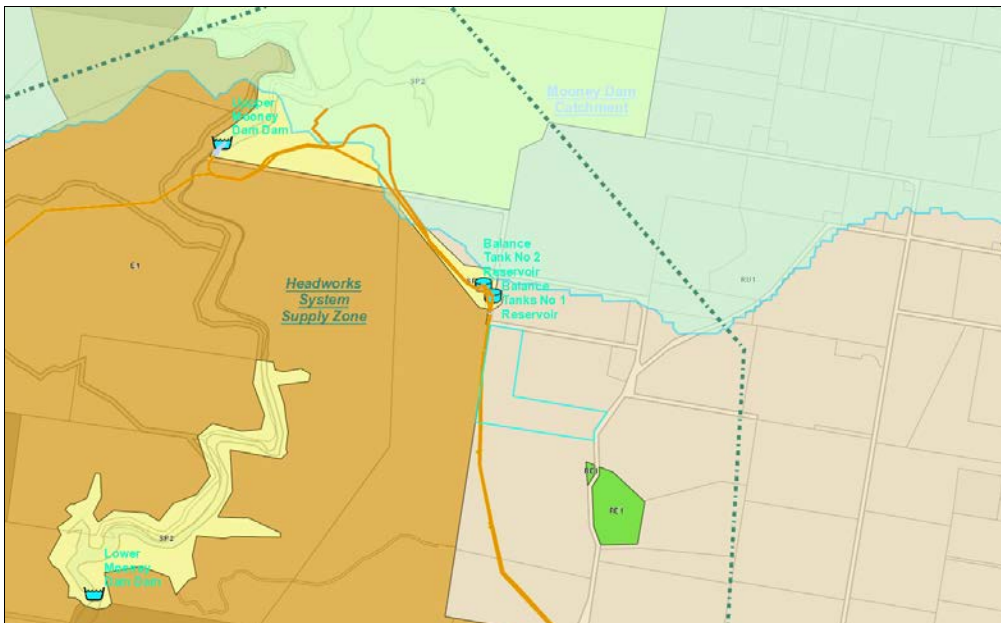


Figure 13 - Mooney Dam Catchment

Gosford Local Environmental Plan 2014 (GLEP 2014)

GLEP 2014 was considered during assessment of this development application. There are no variations to development standards in relation to the proposed development.

Zoning and Permissibility

The subject site is zoned RU1 Primary Production under GLEP 2014. The proposed use is defined as a 'rural industry' within GLEP 2014 and is permitted with the consent of Council. The objectives for the RU1 Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that development is compatible with the desired future character within the zone.*
- *To protect biodiversity, water catchments, water quality, soil conditions and important ecosystems, such as streams (and associated riparian areas), sedgeland, estuaries and wetlands, from inappropriate development and land management practices.*
- *To ensure that the plateau remains free from land uses that may sterilise sustainable primary production and natural resource use and to minimise potential incompatible land uses.*

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 Clause 8A (2)(d) of the *Local Government Act 1993* (LGA).

s. 4.15(1)(a)(ii) of the EP& A Act: Draft Environmental Planning Instruments:

No draft Environmental Planning Instruments apply to this development application.

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

Gosford Development Control Plan 2013 (GDGP 2013)

Chapter 2.1: Character

The subject site is located in Somersby 3 (Agricultural Plateau & Hill-sides), wherein the existing character identifies these areas were substantially cleared of their original vegetation to accommodate a variety of rural activities that originally included traditional horticulture and live stocking. The establishment of a bona fide agricultural land use (composting) ensures an ongoing and productive rural landscape in accordance with the desired character of the area.

Chapter 2.2: Scenic Quality

The subject site's landscape unit is identified as Geographic Unit No. 10 – Plateau Area. The proposal satisfies the development objectives for this area in that:

- The location of the operational pad will result in minimal tree removal;
- The composting pad on site will be setback 370m from Grants Road and screened by retained vegetation;

- A buffer zone of 176m will be provided between the proposed leachate dam and western site boundary, beyond which is the Great North Walk located within Brisbane Water National Park. The operational pad is further setback from the western site boundary, providing a buffer zone of 235m. Existing vegetation remaining on site will screen the proposed development from this viewpoint.

It is concluded the visibility of the operational pad will be limited from public points of perception, thereby not detracting from the scenic quality of the area.

Chapter 3.7: Advertising Signage

The applicant intends to erect a sign advertising the composting facility, which would be erected at the front of the Property, affixed to the existing fence and intended to be visible from Grants Road. No plan details were provided regarding the above-mentioned signage and it is assumed the applicant will erect any business identification signage in accordance with the parameters of exempt development contained within *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Alternatively, a further Development Application may be required.

Chapter 6.3: Erosion and Sediment Control

The erosion and sediment control measures proposed are considered satisfactory. Compliance will be endorsed via conditions.

Chapter 6.4: Geotechnical Requirements

The subject site is not located in an identified landslip area.

Chapter 6.5: On-site Effluent and Greywater Disposal

An On – Site Sewerage Management Waste Water Report, prepared by Wildblue Global Consulting, dated 17 March 2017 accompanies the development application. The recommendations within this report are supported by Council's Environmental Health Officer subject to the imposition of conditions requiring compliance.

Chapter 6.6: Preservation of Trees or Vegetation

Council's Environment Officer has confirmed the proposed development will require the removal of small number of Scribbly Gums on the eastern edge of the composting pad. The trees in this area were not observed to contain hollows and were outliers from the larger stand of eastern vegetation. As such, no objection is raised to their removal and the proposal is not considered to have a significant impact upon threatened species, populations, endangered ecological communities or their habitats.

Chapter 6.7: Water Cycle Management

The runoff from the proposed composting pad will be collected and treated in the proposed 4.8 ML leachate dam. The proposed leachate dam has been sized in accordance with the prescribed requirements of 'Section 5 - Minimum Design Requirements for the Protection of Waters' (DEC NSW 2004). In addition, Council's Development Engineer has confirmed the proposed development is compliant with the Environmental Protection Authorities 'Composting and Related Organics Processing Facilities Guidelines 2004', in particular Section 5 Part '4. Leachate storage system'. Accordingly, the proposed leachate dam meets the intent of the prescriptive requirements of the GDCP 2013 Clause 6.7.7.3.

Chapter 7.1: Car Parking

Whilst a designated car parking area has not been shown on the architectural plans, given the size of the site, there is adequate area to accommodate on-site car parking. **Condition 2.13** is recommended for imposition ensuring a car parking area accommodating at least three vehicles is provided onsite, near to the site office and receivals area.

Chapter 7.2: Waste Management

The Waste Management Plan accompanying the development application is supported by Council's Waste Services Division (Garbage), subject to the imposition of conditions requiring compliance.

s. 4.15(b) of the EP & A Act: The Likely Impacts of the Development:

Built Environment

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

Natural Environment

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

- The facility will accept material currently going to landfill (food waste), thereby reducing landfill space.
- Value-adding waste by processing it into high-grade compost for the local agricultural industry concurrently reducing transport miles that waste material travels to landfill.
- The high-grade end product proposed can reduce the amount of chemical fertilisers and pesticides used in the area.

Economic Impacts

The establishment of a bona fide agricultural land use (composting) ensures an ongoing and productive rural landscape.

Social Impacts

On 23 Oct 2016, the Minister for Environment approved a NSW Environment Trust - *Waste Less, Recycle More* Grant, as it applies to the proposed composting facility. The Waste Less, Recycle More Initiative is funded through the waste levy and is the largest waste and recycling funding program in Australia. Waste Less, Recycle More programs will: -

- Encourage local communities to think differently about waste avoidance, recycling, littering and illegal dumping.
- Deliver conveniently located, value-for-money waste infrastructure to make it easier for households and business to do the right thing.
- Drive innovative regulatory approaches to protect the environment and support investment in new waste programs.

Therefore, although community consultation has led to a large number of submissions, the overall purpose of the development will have a benefit socially to the broader community.

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

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

- Bushfire – The subject site is mapped as being bushfire affected. In this regard the development application was accompanied by an appropriate bushfire assessment report addressing the requirements of the *Rural Fires Act 1997* and the document *Planning for Bushfire Protection*, published in 2006 by the New South Wales Rural Fire Service. The establishment of a compost processing facility also requires the preparation of a fire management strategy in accordance with Environmental Guidelines – Composting and Related Organics Processing Facilities, published 2004, by the Department of Environmental and Conservation (NSW). A Fire Management Plan, prepared by Wildblue Global Consulting, dated 8 March 2017, accompanies the development application. In order to ensure compliance with the recommendations contained within the Fire Management Plan, **Condition 2.11, 5.12 and 5.13** are recommended for imposition.

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

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

The NSW Environment Protection Authority's *Waste and Resource Recovery Strategy 2014–21* sets targets for the diversion of waste from landfill, increasing from 63% in 2014/15 to 75% by 2021. To achieve these targets, significant investment is required to develop the infrastructure needed to process the increased volume of waste forecast to be generated across the state. This strategy has been developed to assist councils and waste industry participants to understand the expected increase in waste streams and to plan to ensure sufficient infrastructure capacity is available to process the projected volumes.

The EPA ran a series of 10 consultation workshops and webinars across NSW from September to November 2017. The 10 week consultation period closed on Monday 20 November 2017. The EPA is now reviewing consultation submissions and will publish the finalised strategy in early 2018.

In view of the above considerations, the proposed facility is considered to be in the public interest.

Other Matters for Consideration*Development Contribution Plan*

The site is not subject to the provisions of any Section 94 development contribution plan. Therefore, no contributions are applicable.

Water and Sewer Contributions

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

Conclusion:

This development application has been assessed under the heads of consideration of Section 4.15 of the EP & A Act 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. The development application is supported by Council Officers and the EPA, concluding that the proposed development will not significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic. Furthermore, it is concluded that the proposed development will complement the locality and meet the desired future character of the area.

The proposed facility will also divert waste from landfill in accordance with the NSW Environment Protection Authority's, Waste and Resource Recovery Strategy 2014–21 and the Waste Less, Recycle More Initiative which is funded through the waste levy and is the largest waste and recycling funding program in Australia. The EPA is leading the initiative, with some grant programs being delivered by the NSW Environment Trust. On 23 October 2016, the Minister for Environment, approved a *Waste Less, Recycle More* Grant, as it applies to the proposed composting facility.

Accordingly, the development application is recommended for approval in accordance with Section 4.16 of the EP & A Act.

Attachments

1	Draft Conditions of Consent	D13259451
2	Development Plans	D13197334
3	Environmental Planning and Assessment Regulation 2000 (2)	D13239578
4	Comprehensive Project Description	D13197362
5	SEPP Mining(2)	D13239581
6	SEPP 33 (2)	D13239583
7	SREP 8 (2)	D13239584

Attachment 1- Proposed 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 (Prepared by ACOR Consultants)

Drawing	Description	Sheets	Issue	Date
C1.01	Notes	1	J	20/07/2017
C2.01	Site Plan	2	J	20/07/2017
C3.01	General Arrangement Sheet 1	3	J	20/07/2017
C3.02	General Arrangement Sheet 2	4	J	20/07/2017
C3.03	General Arrangement Sheet 3	5	J	20/07/2017
C4.01	Turning Path Plan Sheet 1	6	J	20/07/2017
C4.02	Turning Path Plan Sheet 2	7	J	20/07/2017
C5.01	Erosion & Sediment Control Plan	8	J	20/07/2017
C5.02	Erosion & Sediment Control Details	9	J	20/07/2017
C6.01	Pavement Details	10	J	20/07/2017
C7.01	Leachate Dam and Leachate Swale Drain Details	11	J	20/07/2017
C8.01	Access Road Long Section - Sheet 1	12	J	20/07/2017
C8.02	Access Road Long Section - Sheet 2	13	J	20/07/2017
C8.03	Access Road Cross Sections - Sheet 1	14	J	20/07/2017
C8.04	Access Road Cross Sections - Sheet 2	15	J	20/07/2017
C8.05	Access Road Cross Sections - Sheet 3	16	J	20/07/2017
C8.06	Access Road Cross Sections - Sheet 4	17	J	20/07/2017
C9.01	Pad Sections Sheet 1	18	J	20/07/2017
C9.02	Pad Sections Sheet 2	19	J	20/07/2017

Supporting Documentation

ECM Document No.	Title	Date
24185972	Fire Management Plan	08/03/2017
24185912	Traffic Impact Assessment	22/03/2017
24185913	On –Site Sewage Management – Wastewater Report	17/03/2017
24185914	Aboriginal Heritage Due Diligence Assessment	03/02/2017
24926377	Air Quality Impact Assessment Revision B	Undated
24185971	Noise Impact Assessment	11/03/2017
24185973	Erosion & Sediment Control Plan	15/03/2017
24185975	Compliance Certificate for Building Design	27/02/2017
24185976	Waste Management Plan	20/02/2017
24185979	Survey	21/12/2016
24830893	Water Cycle Management Plan (Version 6)	31/07/2017
24185964	Draft Environmental Management Plan	22/03/2017
24186456	Statement of Environmental Effects	22/03/2017
24559040	Addenda Statement of Environmental Effects	Undated
25119877	Air Quality and Odour Impact Assessment	12/10/2017
25392244	Response to EPA - Odour	13/12/2017
24523950	Response to Bio Security	31/5/2017

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with the General Terms of Approval from the Environmental Protection Authority attached as Schedule 1 of this consent.

Note: An environmental protection licence is required prior to the construction of the facility. Once the construction of the facility is completed to the satisfaction of the Environmental Protection Authority, the applicant must apply to vary the environmental protection licence prior to carrying out the scheduled activities.

- 1.4. Waste type/ material permitted to be accepted for composting on site includes: -
 - a. Garden waste;
 - b. Food waste;
 - c. Wood waste but not including treated or engineered timber;
 - d. Manure;
 - e. Animal Waste; and
 - f. Paper or cardboard.
- 1.5. The maximum amount of waste permitted to be received at the premises per year is 5000 tonnes.

- 1.6. Obtain all relevant approvals from the New South Wales Department of Primary Industries - Water in accordance with the *Water Management Act 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. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
 - a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition
- 2.3. Submit 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 Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. Tapered heavy-duty vehicle crossing that has a width of 13m (minimum) at the edge of bitumen, 5.5m (minimum) at the boundary and constructed with a 40mm thick asphaltic concrete seal on a flexible pavement designed by a geotechnical engineer.
- b. Trimming/and/or removal of vegetation at the property access to Grants Road to achieve desirable sight distance requirement of AS2890 of 97m in both directions.
- c. All redundant vehicular crossings are to be removed and footway formation reinstated.
- d. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

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 Services on (02) 4325 8222.

- 2.4. Submit a pavement report prepared by a practising Geotechnical Engineer for works within a public road reserve. This report must be submitted with the Roads Act application and approved by Council under the Roads Act, 1993.

The pavement depths must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Roadway	Traffic Loading (ESAs)
Tapered heavy-duty vehicle crossing	2,000,000

- 2.5. 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.
- 2.6. Pay a security deposit of \$3,780 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.7. Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the Water Management Act 2000. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 Water Management Act 2000' form can be found on Council's website www.gosford.nsw.gov.au. Early application is recommended.

- 2.8. Submit design details of the following engineering works within private property:
- Driveways / ramps and car parking areas must be designed according to the requirements of AS2890: Parking Facilities for the geometric designs, and industry Standards for pavement designs.
 - Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.
 - On-site stormwater retention measures must be designed in accordance with Council's DCP Chapter 6.7 - Water Cycle Management. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design.
 - Comply with any requirements imposed by the NSW Dam Safety Committee following their assessment of the proposed dam/s.
 - Disposal of all stormwater from impervious areas within the site via a suitably located level spreader/s.

- f. Diversion drains and level spreaders, generally in accordance with the plans prepared by ACOR Consultants (CC) project number GO160914 drawing numbers D3.01 (issue J).

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

- 2.9. Proposed dam/s for the treatment of leachate, and/or the purposes of onsite stormwater detention, nutrient control and stormwater retention shall be referred to the NSW Dam Safety Committee to determine whether they shall be prescribed dams.
- 2.10. Submit to Council, and obtain approval for, a final Environmental Management Plan (EMP) for the site operations.

The final EMP must include the following biosecurity management actions, having regard to Part 3, Section 22 of *The Biosecurity Act 2015*:

- a. A biosecurity risk assessment, coordinated by a recognised poultry and biosecurity expert, together with a Risk Management Plan.
- 2.11. Submit evidence demonstrating compliance with all fire management planning measures as identified in the Fire Management Plan– 3 Pallaettes Composing – 222 Grants Rd SOMERSBY – Prepared by Wildblue GLOBAL Consulting – Dated 8/3/2017.
 - 2.12. Identify trees and native vegetation proposed for retention and those approved for removal must be clearly marked on all final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species and ecological communities must also be marked on all plans.
 - 2.13. Provide a car parking area onsite so as to accommodate at least three vehicles. This car parking area is to be located in close proximity to the site office and receivals area. Design details must be included in the construction certificate.
 - 2.14. Submit evidence demonstrating the proposed facility and its employee (s) are operating in accordance with the *Work Health Safety Act 2011* and the *Work Health and Safety Regulation 2017*.
 - 2.15. Submit amendments to the approved plans to the accredited certifier pursuant to Clause 139 of the Environmental Planning Regulation 2000: Applications for construction certificates that must detail:
 - b. The proposed on-site structures will include a machinery shed with a maximum height of 4.2m, and a site shed with a maximum height of 2.5m.

- 2.16. Submit an application to Council under the provisions of Section 68 of the Local Government Act 1993 for a permit to install an on-site sewage management system. The system must be designed in accordance with the geotechnical report / waste water report dated 17 March 2017 and prepared by Wildblue Global Consulting. The Section 68 application can be found on Council's website at www.gosford.nsw.gov.au
- 2.17. Obtain all relevant approvals from the New South Wales Department of Primary Industries - Water in accordance with the Water Management Act 2000.

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.
- 3.4. 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.

This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage).

- 3.5. Submit to Council details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed haulage routes to and from the site. Details are to be accompanied by a dilapidation report for the road carriageway and kerbs from the site to the intersection of Grants Road and Wisemans Ferry Road. Approval of these details must be obtained from Council. Updated details must be provided during construction if details change.

4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

7.00am and 5.00pm Monday to Saturday

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

- 4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
 - a) All excavation or disturbance of the area must stop immediately in that area, and
 - b) The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

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

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. 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*.

This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage).

- 4.7. 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.
- 4.8. Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.9. Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.10. Do not place filling or debris within any watercourse or drain.
- 4.11. The working surfaces including the composting pad and material storage areas must be:
 - a. Bunded and graded sufficiently to prevent both run-on and run-off of surface water.
 - b. Designed and constructed from an inert low-permeability material such as compacted clay, modified soil, asphalt or concrete over a compacted base able to support the load of material on it and the load of any machinery used in the composting facility.
 - c. Able to support all structures, machinery and vehicles as applicable and allow access.
- 4.12. Line and/or seal the base of the leachate storage dam to prevent percolation of waste water into the underlying substrate and groundwater.
- 4.13. Implement the approved Environmental Management Plan.
- 4.14. Compliance with all commitments detailed within the Waste Management Plan dated 20 February 2017 by E. Blik.
- 4.15. No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.16. Supply any plant stock used in landscaping from provenance specific seed/material collected from locally endemic species to maintain genetic diversity. Non-provenance specific material is prohibited.

- 4.17. No soils to be imported to the subject site except for Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*.
- 4.18. Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.

5. PRIOR TO ISSUE OF ANY OCCUPATION

- 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*.

This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage)

- 5.3. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.4. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.5. Rectify 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 applicant's expense.
- 5.6. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.7. Amend the Deposited Plan (DP) to:
 - Include an Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan.
 - a. Create a 'Restriction as to User' over all lots containing an on-site stormwater detention system and/or a nutrient/pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.

And

- Include an instrument under the Conveyancing Act 1919 for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
 - b. To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
 - i. The facility will remain in place and fully operational.
 - ii. The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
 - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
 - iv. Council is indemnified against all claims of compensation caused by the facility.

Submit, to the Principal Certifying Authority, copies of registered title documents showing the restrictive and positive covenants.

- 5.8. Implement all air quality mitigating measures and recommendations as identified in the Air Quality Impact Assessment – 3Pallaettes Composting Facility – 222 Grants Rd SOMERSBY - Prepared by Wildblue GLOBAL Consulting 3/3/2017.
- 5.9. Implement all noise mitigating measures and recommendations as identified in the Noise Impact Assessment – 3Pallaettes Composting Facility – 222 Grants Rd SOMERSBY – Prepared by Wildblue GLOBAL Consulting 11/3/2017.
- 5.10. Implement all mitigating measures as identified in the Statement of Environmental Effects; Satisfying Environmental Objectives – 3 Pallaettes Composting – 222 Grants Rd SOMERSBY – Prepared by Wildblue GLOBAL Consulting – Dated 22/3/2017.
- 5.11. Obtain an Approval to Operate the on-site sewage management system from Council.
- 5.12. Implement all fire management planning measures as identified in the Fire Management Plan– 3 Pallaettes Composting – 222 Grants Rd SOMERSBY – Prepared by Wildblue GLOBAL Consulting – Dated 8/3/2017.
- 5.13. Create in accordance with the requirements of *Planning for Bush Fire Protection 2006*, an Asset Protection Zone (APZ) for the area on site as detailed in the Fire Management Plan– 3 Pallaettes Composting – 222 Grants Rd SOMERSBY – Prepared by Wildblue GLOBAL Consulting – Dated 8/3/2017. All trees and shrubs must be maintained in this area in such a manner that the vegetation is not continuous either horizontally or vertically.

6. ONGOING OPERATION

- 6.1. Maintain the on-site stormwater detention facility in accordance with the operation and maintenance plan.
- 6.2. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.3. Implement the approved Environmental Management Plan. Update the plan as required by Council, the NSW Environment Protection Authority or in response to changes in legislation or industry best practice. Keep a copy of the Environmental Management Plan on site.
- 6.4. The leachate storage dam must have monitoring equipment installed (and maintained) to measure water levels with an alarm to notify the site operator when approaching storage capacity. Discharge from the leachate storage dam is not permitted.
- 6.5. Provide Council's Environment Officer with electronic copies of all management plans required by the Environment Protection Authority as part of the Environmental Protection Licence. This may include a Leachate Management Plan, Erosion and Sediment Control Plan, Odour Management Plan and Pollution Incident Response Management Plan.
- 6.6. Do not store un-composted Category 3 waste materials on site including meat, fish, fatty foods, carcasses, parts of carcasses, blood and bone. Any Category 3 waste materials must be immediately incorporated into the composting material.
- 6.7. Exclude pests and vermin from the composting facility via site fencing, baiting or other lawful methods. Exclude native birds from the leachate dam.
- 6.8. The hours of operation for the activity are to be as follows:
 - i. Monday to Friday 7:00am to 5:00pm
 - ii. Saturday 8:00am to 12:00pm
 - iii. A maximum of 2 hours work is permitted between 8am and 12pm on Sundays and on Public Holidays
- 6.9. Waste generated by the activities of the development to be separated into mixed and recyclable sealed waste storage containers.
- 6.10. No waste, waste material or waste packaging to be placed or stored outside of sealed waste storage containers.
- 6.11. Waste servicing to be undertaken at such intervals to ensure adequate storage is available at all times.

- 6.12. Do not give to offensive noise as defined in the *Protection of the Environment Operations Act 1997*.
- 6.13. Do not give rise to offensive odour as defined in the *Protection of the Environment Operations Act 1997*.
- 6.14. Do not give rise to air pollution as defined in the *Protection of the Environment Operations Act 1997*.
- 6.15. Do not store goods, equipment, packaging material or machinery exposed outside the building so as to be visible from any public road or thoroughfare.
- 6.16. Do not erect advertising sign(s) on or in conjunction with the use and / or development without development consent unless the advertisement is exempt development or otherwise permitted without development consent.
- 6.17. Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.18. Implement the required Asset Protection Zone for the area on site between the composting pad and the National Park. The Asset Protection Zone must be fuel managed so as to maintain fuel loadings as detailed within *Planning for Bush Fire Protection Guidelines 2006 (NSW)*.
- 6.19. Ensure the proposed facility is operating in accordance with the *Work Health Safety Act 2011* and the *Work Health and Safety Regulation 2017*.
- 6.20. Comply with all Environmental Protection License requirements set by the NSW Environmental Protection Authority for the activity.

7. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

- 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)

- Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- The operation of all mechanical plant equipment and machinery must not give rise to offensive noise as defined in the Protection of the Environment Operation Act 1997.
- The operation of the composting facility must not give rise to water pollution as defined in the Protection of the Environment Operation Act 1997.

Schedule 1 - General Terms of Approval (Environmental Protection Authority)

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1551020

The General Manager
P.O. Box 21
GOSFORD NSW 2250

Attention: Antonia Stuart

Notice Number 1551020
File Number EF17/7416
Date 19-Jan-2018

Re: Development Application 51743/2017 - Construct and operate composting facility - 222 Grants Road, Somersby

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the DA 51743/2017 received by the Environment Protection Authority (EPA) on 27 March 2017.

The EPA has reviewed the information provided and has determined that it is able to issue an Environment Protection Licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to the EPA to obtain an environment protection licence for scheduled development work prior to construction of the facility and then apply to vary the licence once construction is completed to the satisfaction of the EPA, prior to carrying on scheduled activities (i.e. composting).

If Central Coast Council grants development consent for the proposal, the EPA recommends the following conditions should be incorporated into (not attached) to the consent.

- Activity: Composting
- Waste Type / materials permitted to be accepted for composting:
 - Garden waste
 - Food waste
 - Wood waste but not including treated or engineered timber
 - Manure
 - Animal waste
 - Paper or cardboard
- Maximum amount of waste permitted to be received at the premises per year:
 - 5000 tonnes
- Hours of Operation:

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1551020

7:00am to 5:00pm Monday to Friday

8:00am to 12:00pm Saturday

A maximum of 2 hours work is permitted between 8am and 12pm on Sundays and Public Holidays

These general terms relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

I also draw your attention to **Attachment A** and **Attachment B**, which **should not** be included as conditions of consent but are conditions intended for the environment protection licence for this proposal. Attachment A includes conditions specific to this DA 51743/2017 and attachment B includes mandatory conditions for all EPA licences.

The applicant should be aware that as they wish to operate a waste facility, a waste levy liability and additional responsibilities may be applicable to the premises in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.

In addition to the conditions listed, the EPA will require the applicant to prepare, test and implement a Pollution Incident Response Management Plan (PIRMP) in accordance with the *Protection of the Environment Operations Act 1997* ("the POEO Act").

Before the EPA issues an environment protection licence, the EPA will assess whether the proposed licensee is a "fit and proper person" under the POEO Act. The proposed licensee will also be required to provide a financial assurance in the form of an unconditional, irrevocable bank guarantee before the licence is issued.

If you have any questions, or wish to discuss this matter further please contact Tristan Hinchcliffe on 02 4908 6896.

Yours sincerely

A handwritten signature in blue ink, followed by the date '19/1/2018' written in blue ink. A dotted line extends from the end of the signature.

Steven James

Unit Head Waste Compliance - Hunter

Waste & Resource Recovery

(by Delegation)

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Attachment A - General Terms of Approval - Specific licence conditions for DA 51743/2017

Administrative Conditions

Information supplied to the EPA

- Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:
 - the development application DA 51743/2017 submitted to Central Coast Council on 22 March 2017.
 - "Statement of Environmental Effects, 3Pallettes Composting - 222 Grants Road Somersby, Prepared by Wildblue Global and dated 22 March 2017 and subsequent amendments; and
 - all additional documents supplied to the EPA in relation to the development, including correspondence from Wildblue Global dated 9 June 2016.

Limit Conditions

Pollution of waters

- Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in and in connection with the carrying out of the development.
- No leachate is permitted to be discharged from the premises.

Waste

- The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing, or disposal, except the wastes and activities expressly referred to in the table below.
- The storage of waste permitted to be received at the premises is subject to the limits or conditions, if any, referred to in the column titled "Other Limits" in the table below.
- This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	General Solid Waste (non-putrescible)	Garden Waste, as defined in Schedule 1 of the POEO Act, in force from time to time	Composting	NA
NA	General Solid Waste (non-putrescible)	Wood waste, as defined in Schedule 1 of the POEO Act, in force from time to time	Composting	treated or engineered timber is not permitted to be accepted at the premises
NA	General Solid Waste (non-putrescible)	Paper and cardboard waste	Composting	NA
NA	General Solid Waste (putrescible)	Food Waste, as defined in the EPA's Waste Classification Guidelines	Composting	NA
NA	General Solid Waste (putrescible)	Manure, as defined in the EPA's Waste Classification Guidelines	Composting	NA
NA	General Solid Waste (putrescible)	Animal waste, as defined in the EPA's Waste Classification Guidelines	Composting	NA

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- The total amount of waste referred to in the table above must not exceed 5,000 tonnes received from offsite per year.
- The total amount of waste to be stored at the premises must not exceed (TBD) tonnes at any one time.
- Treated or engineered timber is not permitted to be accepted at the premises.
- The delivery of waste to the Premises is prohibited on Sundays and Public Holidays.
- All stockpiles of waste at the premises are to be covered at all times.

Hours of operation

- Activities at the premises may only be carried on between:
 - 7:00am to 5:00pm Monday to Friday
 - 8:00am to 12:00pm Saturday
 - A maximum of 2 hours work is permitted between 8am and 12pm on Sundays and Public Holidays

Construction work hours of operation

- Construction work at the premises may only be carried on between:
 - 7:00am to 5:00pm Monday to Friday
 - 8:00am to 12:00pm Saturday
 - No work is permitted on Sundays or Public Holidays

Operating Conditions

Odour

- The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.
- No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the Environment Operations Act 1997.
- The proponent must prepare and implement Air Quality and Odour Management Plan (OMP) for the Site. For all odour emissions at the site the OMP must include, but is not limited to:
 - Key performance indicator(s);
 - Monitoring method(s);
 - Location, frequency and duration of monitoring;
 - Record keeping;
 - Response mechanisms;
 - Compliance reporting; and
 - Complaints management and reporting

The Air Quality and Odour Management Plan must be implemented prior to the commencement of the operation of the facility.

- All animal waste transported to the premises is to be in sealed containers and be incorporated into the composting process immediately.

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Covering of Waste

- All waste at the premises undergoing the composting process or stockpiled prior to composting is to be covered at all times.

Dust

- All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises the emissions of air pollutants from the premises.
- The licensee must ensure that no material, including sediment or oil is tracked from the premises.
- Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Erosion and Sediment Control - Construction Phase

- An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to prevent soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements outlined in *Managing Urban Stormwater: Soils and Construction* (known as the "Blue Book" published by NSW Government - Landcom)

Leachate Management

- Prior to the acceptance of any waste at the facility, the proponent is required to develop a Leachate Management Plan in accordance with the requirements outlined within the EPA's "*Composting and Related Organics Processing Facilities Guidelines 2004*". The Leachate Management Plan is required to be submitted to the EPA and to the satisfaction of the EPA.
- The compost maturation pad, operational areas where waste is stored/received, and vehicle washdown area are to be minimised and drain to a leachate storage dam/s.
- The leachate dam/s are to be designed and constructed in accordance with the EPA's *Composting and Related Organics Processing Facilities Guidelines 2004* to the EPA's approval prior to construction.
- Prior to the acceptance of any waste a Certified Quality Assurance report shall be submitted to the EPA to verify all leachate barriers, liners and leachate dam/s have been built to approved design specifications.
- All leachate must be contained on site.
- The Applicant must not cause or permit any leachate to pool at the premises (except within designated leachate storage dams/sump).
- Leachate must not be permitted to mix with stormwater or any stormwater infrastructure.

Working Surfaces

- Prior to the issue of an Environment Protection Licence for scheduled development work at the Premises the proponent is required to demonstrate to the EPA that all working surfaces within the premises (including waste receipt area, waste storage area, composting area and vehicle washdown area), are designed and constructed to be compliance with the EPA's "*Composting and Related Organics Processing Facilities Guidelines 2004*" with a leachate barrier/liner.

Stormwater Management

- Prior to the acceptance of any waste at the facility, the proponent is required to develop a Stormwater Management Plan in accordance with the requirements outlined within;
 - a. The EPA's *Composting and Related Organics Processing Facilities Guidelines 2004*; and
 - b. *Managing Urban Stormwater, Soils and Construction* (Landcom 2004); and
 - c. *Managing Urban Stormwater, Soils and Construction, Volume 2E Mines and Quarries* (DECC 2008).
- The Stormwater Management Plan is required to be submitted to the EPA and to the satisfaction of the EPA prior to the acceptance of any waste at the premises.

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- Any sediment or stormwater basins associated with the composting activity must be located within the proposed operational area i.e. on site.

Emergency Response

- The licensee must prepare, maintain and implement as necessary a Pollution Incident Response Plan (PIRMP) for the premises. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment.
- The PIRMP must be tested annually at a minimum following a pollution incident. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

Note: The licensee must develop their PIRMP in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (General) Regulations 2009.

Monitoring and Recording Conditions

Monitoring records

- The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- All records required to be kept by this licence must be:
 - in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of the EPA who asks to see them.
- The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
 - the date(s) on which the sample was taken;
 - the time(s) at which the sample was collected;
 - the point at which the sample was taken; and
 - the name of the person who collected the sample.

Requirement to monitor concentration of pollutants discharged

- The applicant must monitor pollutants using the sampling method and frequency as specified by the EPA.

Note: A monitoring program will be negotiated with the proposed licensee once a licence application is received by the EPA.

Reporting Conditions

- The Licensee is required to notify the EPA immediately in the event of a fire or suspected fire at the Premises.

Special Conditions

Financial Assurance

- The Environment Protection Licence for the premises will be subject to conditions requiring the proponent to provide a financial assurance (amount "to be determined") to the EPA in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as "Authorised Deposit-taking Institution" under the Banking Act 1959.

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Other

- While the licensee's premises are being used for the purpose to which the licence relates, the licensee must:
 - a) Clean up any spill, leak or other discharge of any waste(s) or other material(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.
 - b) In the event(s) that any liquid and non-liquid waste(s) is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.
 - c) Provide all monitoring data as required by the conditions of this licence or as directed by the EPA
- In the event of an earthquake, storm, fire, flood or any other event where it is reasonable to suspect that a pollution incident has occurred, is occurring or is likely to occur, the licensee (whether or not the premises continue to be used for the purposes to which the licence relates) must:
 - a) make all efforts to contain all firewater on the licensee's premises,
 - b) make all efforts to control air pollution from the licensee's premises,
 - c) make all efforts to contain any discharge, spill or run-off from the licensee's premises,
 - d) make all efforts to prevent flood water entering the licensee's premises,
 - e) remediate and rehabilitate any exposed areas of soil and/or waste,
 - f) lawfully dispose of all liquid and solid waste(s) stored on the premises that is not already securely disposed of,
 - g) at the request of the EPA monitor groundwater beneath the licensee's premises and its potential to migrate from the licensee's premises,
 - h) at the request of the EPA monitor surface water leaving the licensee's premises; and
 - i) ensure the licensee's premises is secure.
- After the licensee's premises cease to be used for the purpose to which the licence relates or in the event that the licensee ceases to carry out the activity that is the subject of this licence, that licensee must:
 - a) remove and lawfully dispose of all liquid and non-liquid waste stored on the licensee's premises; and
 - b) rehabilitate the site, including conducting an assessment of and if required remediation of any site contamination.

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General Terms of Approval - Issued



Notice No: 1551020

Attachment B - General Terms of Approval

Operating conditions

Activities must be carried out in a competent manner

- Licensed activities must be carried out in a competent manner. This includes:
 - the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Fit and Proper Person

The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in section 83 of that Act.

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:
 - must be maintained in a proper and efficient condition; and
 - must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

- The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.
- The record must include details of the following:
 - the date and time of the complaint;
 - the method by which the complaint was made;
 - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - the nature of the complaint;
 - the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - if no action was taken by the licensee, the reasons why no action was taken.
- The record of a complaint must be kept for at least 4 years after the complaint was made.
- The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

- The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
- The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- This condition does not apply until 3 months after this condition takes effect.

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1551020

Reporting conditions

Annual Returns

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - Statement of Compliance; and
 - Monitoring and Complaints Summary.
- A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.
- An Annual Return must be prepared in respect of each reporting, except as provided below:
 - Where this licence is transferred from the licensee to a new licensee:
 - a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:
 - a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.
- The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').
- The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.
- Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
 - the licensee holder; or
 - by a person approved in writing by the EPA to sign on behalf of the licensee holder.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

- Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.
- The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

- Where an authorised officer of the EPA suspects on reasonable grounds that:
 - where this licence applies to premises, an event has occurred at the premises; or
 - where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
 - and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request. The request may require a report which includes any or all of the following information:
 - the cause, time and duration of the event;

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1551020

- the type, volume and concentration of every pollutant discharged as a result of the event;
 - the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
 - the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
 - action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
 - any other relevant matters.
- The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General Conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

- A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.
- The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

PROPOSED COMPOSTING FACILITY

No.222 GRANTS ROAD, SOMERSBY

CONCEPT CIVIL ENGINEERING PLANS PLANS

EXISTING SERVICES AND FEATURES

- THE CONTRACTOR SHALL ALLOW FOR THE CAPPING OFF, EXCAVATION, REMOVAL AND DISPOSAL IF REQUIRED OF ALL EXISTING SERVICES IN AREAS AFFECTED BY WORKS WITHIN THE CONTRACT AREA, AS SHOWN ON THE DRAWINGS UNLESS DIRECTED OTHERWISE BY THE SUPERINTENDENT.
- CONTRACTOR SHALL CONSTRUCT TEMPORARY SERVICES TO MAINTAIN EXISTING SUPPLY TO BUILDINGS REMAINING IN OPERATION DURING WORKS TO THE SATISFACTION AND APPROVAL OF THE SUPERINTENDENT. ONCE DIVERSION IS COMPLETE AND COMMISSIONED THE CONTRACTOR SHALL REMOVE ALL SUCH TEMPORARY SERVICES AND MAKE GOOD TO THE SATISFACTION OF THE SUPERINTENDENT.
- INTERRUPTION TO SUPPLY OF EXISTING SERVICES SHALL BE DONE SO AS NOT TO CAUSE ANY INCONVENIENCE TO THE PRINCIPAL. CONTRACTOR TO GAIN APPROVAL OF SUPERINTENDENT FOR TIME OF INTERRUPTION.

GENERAL NOTES

- ORIGIN OF LEVELS - AUSTRALIAN HEIGHT DATUM (A.H.D.)
- CONTRACTOR MUST VERIFY ALL DIMENSIONS AND EXISTING LEVELS ON SITE PRIOR TO COMMENCEMENT OF WORK.

ALL WORK IS TO BE UNDERTAKEN IN ACCORDANCE WITH THE DETAILS SHOWN ON THE DRAWINGS, THE CENTRAL COAST (GOSFORD CITY) COUNCIL SPECIFICATIONS AND THE DIRECTIONS OF THE SUPERINTENDENT.
- EXISTING SERVICES HAVE BEEN PLOTTED FROM SUPPLIED DATA AND AS SUCH THEIR ACCURACY CANNOT BE GUARANTEED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ESTABLISH THE LOCATION AND LEVEL OF ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE SUPERINTENDENT. CLEARANCES SHALL BE OBTAINED FROM THE RELEVANT SERVICE AUTHORITY.
- WHERE NEW WORKS ABUT EXISTING THE CONTRACTOR SHALL ENSURE THAT A SMOOTH EVEN PROFILE, FREE FROM ABRUPT CHANGES IS OBTAINED.
- THE CONTRACTOR SHALL ARRANGE ALL SURVEY SETOUT TO BE CARRIED OUT BY A REGISTERED SURVEYOR.
- CARE IS TO BE TAKEN WHEN EXCAVATING NEAR EXISTING SERVICES. NO MECHANICAL EXCAVATIONS ARE TO BE UNDERTAKEN OVER COMMUNICATIONS OR ELECTRICAL SERVICES. HAND EXCAVATE IN THESE AREAS. EXCAVATION IN CLOSE PROXIMITY TO SERVICES TO BE CARRIED OUT IN ACCORDANCE WITH RELEVANT AUTHORITY REQUIREMENTS.
- ALL SERVICE TRENCHES UNDER VEHICULAR PAVEMENTS SHALL BE BACKFILLED WITH AN APPROVED NON-NATURAL GRANULAR MATERIAL AND COMPACTED TO 95% STANDARD MAXIMUM DRY DENSITY IN ACCORDANCE WITH AS 1289 5.1.1.
- CONTRACTOR TO OBTAIN ALL RELEVANT AUTHORITY APPROVALS.
- THE CONTRACTOR SHALL PROVIDE ALL TEMPORARY DIVERSION DRAINS AND MOUNDS TO ENSURE THAT AT ALL TIMES EXPOSED SURFACES ARE FREE DRAINING AND WHERE NECESSARY EXCAVATE SLUMPS AND PROVIDE PUMPING EQUIPMENT TO DRAIN EXPOSED AREAS.
- NO WORKS TO BE COMPLETED OUTSIDE DISTURBANCE BOUNDARY.

SUBGRADE PREPARATION

- REMOVE ALL TOPSOIL, VEGETABLE MATTER AND RUBBLE.
- PROOF ROLL NATURAL SURFACE.
- REMOVE ANY SOFT AREAS.
- PLACE APPROVED NON ORGANIC FILL WITH A MAXIMUM PARTICLE SIZE OF 75mm AND COMPACT IN 200mm MAX. THICK LAYERS. (U.N.O.)
- COMPACTION IS TO BE CARRIED OUT BY ROLLING EACH LAYER TO A MINIMUM DRY DENSITY RATIO OF 95% STANDARD COMPACTION (AS 1289 CLAUSE 5.1.1)
- COMPACTION SHALL BE CARRIED OUT WITH AN APPROPRIATE VIBRATING ROLLER WITH AT LEAST 10 TONNE STATIC WEIGHT.
- TESTING OF THE SUBGRADE SHALL BE CARRIED OUT BY AN APPROVED N.A.T.A. REGISTERED LABORATORY.

ROADWORKS NOTES

- ALL BASECOURSE AND SUB-BASECOURSE MATERIALS SHALL CONFORM WITH AUSTRALIAN ROAD RESEARCH BOARD 'SR41'
- ALL BASECOURSE MATERIALS SHALL BE COMPACTED TO ACHIEVE A MINIMUM OF 95% MODIFIED MAXIMUM DRY DENSITY AT OPTIMUM MOISTURE CONTENT OF +0R- 2% IN ACCORDANCE WITH AS1289 E1.1.
- ALL SUB-BASE MATERIALS SHALL BE COMPACTED TO ACHIEVE A MINIMUM OF 95% STANDARD MAXIMUM DRY DENSITY AT OPTIMUM MOISTURE CONTENT OF +0R- 2% IN ACCORDANCE WITH AS1289 E1.1.

STORMWATER NOTES

- ALL PIPES 300 DIA AND LARGER SHALL BE CLASS '3' APPROVED SPIGOT AND SOCKET FRP PIPES WITH RUBBER RING JOINTS. (U.N.O.)
- EQUIVALENT STRENGTH REINFORCED CONCRETE PIPES MAY BE USED.
- ALL PIPE JUNCTIONS UP TO AND INCLUDING 450 DIA. AND TAPERS SHALL BE VIA PURPOSE MADE FITTINGS.
- PRECAST PITS SHALL NOT BE USED IF NOT SPECIFIED UNLESS WRITTEN APPROVAL IS OBTAINED FROM THE DESIGNER.
- WHERE TRENCHES ARE IN ROCK, THE PIPE SHALL BE BEDDED ON A MIN. 75MM THICK BED OF 12MM BLUE METAL UNDER THE BARREL OF THE PIPE. THE PIPE COLLAR AT NO POINT SHALL BEAR ON THE ROCK. IN OTHER THAN ROCK, PIPES SHALL BE LAD ON A 75MM THICK SAND BED. IN ALL CASES BACKFILL THE TRENCH WITH SAND TO 200MM ABOVE THE PIPE. WHERE THE PIPE IS UNDER PAVEMENTS BACKFILL REMAINDER OF TRENCH WITH SAND OR APPROVED GRANULAR BACKFILL COMPACTED IN 150MM LAYERS TO 95% STANDARD MAX. DRY DENSITY.
- BEDDING SHALL BE (U.N.O.) TYPE H1, IN ACCORDANCE WITH CURRENT RELEVANT AUSTRALIAN STANDARDS.
- PROVIDE 3.0m LENGTH OF 160 DIA. SUBSOIL DRAINAGE PIPE WRAPPED IN FABRIC SOCK, AT UPSTREAM END OF EACH PIT WHERE THERE IS AN UPSTREAM STORMWATER LINE.

COMPACTION NOTES

- STRIP TOPSOIL TO EXPOSE NATURALLY OCCURRING MATERIAL AND STOCKPILE ON SITE.
- WHERE FILLING IS REQUIRED TO ACHIEVE DESIGN SUBGRADE PROOF ROLL EXPOSED NATURAL SURFACE WITH A MINIMUM OF TEN PASSES OF A VIBRATING ROLLER (MINIMUM STATIC WEIGHT OF 10 TONNES) IN THE PRESENCE OF GEOTECHNICAL ENGINEER.
- ALL SOFT, WET OR UNSUITABLE MATERIAL TO BE REMOVED AS DIRECTED BY THE GEOTECHNICAL ENGINEER AND REPLACED WITH APPROVED MATERIAL SATISFYING THE REQUIREMENTS LISTED BELOW.
- ALL FILL MATERIAL SHALL BE FROM A SOURCE APPROVED BY THE GEOTECHNICAL ENGINEER AND SHALL COMPLY WITH THE FOLLOWING :
 - FREE FROM ORGANIC, PERISHABLE AND CONTAMINATED MATTER
 - MAXIMUM PARTICLE SIZE 75MM
 - PLASTICITY INDEX BETWEEN 2% AND 15%
- ALL FILL MATERIAL SHALL BE PLACED IN MAXIMUM 200mm THICK LAYERS AND COMPACTED AT OPTIMUM MOISTURE CONTENT (+ OR - 2%) TO ACHIEVE A DRY DENSITY DETERMINED IN ACCORDANCE WITH AS 1289 E3.1 OF NOT LESS THAN THE FOLLOWING STANDARD MINIMUM DRY DENSITY IN ACCORDANCE WITH AS 1289 E1.1 :

LOCATION	STANDARD DRY DENSITY
UNDER BUILDING SLABS	95%
AREAS OF SERVICE TRENCHES	98%
EXTERNAL PAVED AREAS, ROADS AND CARPARKS	98%
LANDSCAPED AREAS	95%
WINDROWS AND GREENWASTE DROPOFF	95%
STORMWATER AND LEACHATE DAMS	98%
- THE CONTRACTOR SHALL PROGRAM THE EARTHWORKS OPERATION SO THAT THE WORKING AREAS ARE ADEQUATELY DRAINED DURING THE PERIOD OF CONSTRUCTION. THE SURFACE SHALL BE GRADED AND SEALED OFF TO REMOVE DEPRESSIONS, ROLLER MARKS AND SIMILAR WHICH WOULD ALLOW WATER TO POND AND PENETRATE THE UNDERLYING MATERIAL. ANY DAMAGE RESULTING FROM THE CONTRACTOR NOT OBSERVING THESE REQUIREMENTS SHALL BE RECTIFIED BY THE CONTRACTOR AT THEIR COST.
- TESTING OF THE SUBGRADE SHALL BE CARRIED OUT BY AN APPROVED NATA REGISTERED LABORATORY AT THE CONTRACTORS EXPENSE.
- ALL STRIPPING AND FILLING WORKS TO BE INSPECTED, TESTED AND CERTIFIED TO LEVEL 1 STANDARD AS PER AS3799 BY GEOTECH ENGINEER.

REVEGETATION NOTES

- ALL EXPOSED CUT / FILL BATTERS AND ALL DISTURBED SURFACES (EXCLUDING ROCK) SHALL BE TRIMMED IN ACCORDANCE WITH LMCC SPECIFICATIONS AND INCLUDE RESPREADING OF ALL TOPSOIL AS SHOWN ON DRAWINGS
- RESPREAD EXISTING MULCH BERM (CONSTRUCTED BY OTHERS) OVER RESPREAD TOPSOIL LAYER.
- SUPPLY AND APPLY HYDRO MULCH TO ALL DISTURBED AREAS (EXCEPT ROCK FACES) IN ACCORDANCE WITH LMCC SPECIFICATIONS
- MAINTENANCE REQUIRED FOR 6 WEEK ESTABLISHMENT PERIODS
- SUPPLY AND PLACE TURF (SPECIES TO BE APPROVED BY LMCC) TO GRASS LINED SWALE IMMEDIATELY UPON COMPLETION OF CONSTRUCTION AND WATER / MAINTAIN TO ACHIEVE ESTABLISHMENT

GEOSYNTHETIC LINER NOTES

- ALL GEOSYNTHETIC WORKS TO BE INSTALLED STRICTLY IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS, DETAILS AND INSTALLATION MANUALS.
- THE MANUFACTURES INSTALLATION DOCUMENTATION SHALL BE READ AND APPLIED AS A TECHNICAL SPECIFICATION.

PRE-CAST PIT NOTES

- ALL PITS ARE TO BE SPECIAL CUSTOM MADE TO COMPLY WITH ALL ASPECTS OF THE DETAILS FOR THE WORKS INCLUDING 'OBVIOUS WORKS' SO AS TO COMPLY IN ALL RESPECTS INCLUDING ALL CONTIGUOUS WORKS.
- NO RESPONSIBILITY FOR PROVISION OF ADEQUATE TOLERANCES OR OTHER ALLOWANCES FOR CONSTRUCTION DISCREPANCIES WILL BE ACCEPTED OR OTHERWISE ASSUMED BY ACOR CONSULTANTS PTY LTD AND ALL LIABILITY AND RESPONSIBILITY FOR FIT AND FORM SHALL REST WITH THE CONTRACTOR.
- NO COMPOSITE (IN-SITE WITH PRECAST) CONSTRUCTION WILL BE ALLOWED.
- ALL PITS AND GRATES/COVERS SHALL BE CERTIFIED UNDER AUSTRALIAN TESTING AND CERTIFICATION STANDARDS INCLUSIVE OF 'OBVIOUS WORKS' REQUIREMENTS.
- ALL PITS ARE TO BE FORMED AND CONSTRUCTED OF APPROPRIATE CONCRETE MIX WITH SUITABLE CONCRETE SLUMP AND STEEL REINFORCEMENT; NOTING PARTICULARLY THAT NO DRY MIX OR DRY-PRESSED CONCRETE FABRICATION WILL BE ACCEPTED AND DRY MIX OR DRY-PRESSED CONCRETE PITS ARE NOT TO BE INCLUDED IN THE WORKS.
- THE INTEGRITY OF THE DESIGN DETAILS OF ALL CONTIGUOUS WORKS SHALL BE MAINTAINED AND ANY ACT, ERROR OR OMISSION IN THE USE OF THE PROPOSED PRECAST PITS SHALL BE RECTIFIED SOLELY AT THE CONTRACTORS EXPENSE AND NO DESIGN AMENDMENTS WILL BE CONSIDERED IN ORDER TO ACCOMMODATE OR OTHERWISE INTEGRATE THE PROPOSED PRE-CAST PITS.
- THE CONTRACTOR ACCEPTS ALL RESPONSIBILITY FOR ANY ACT, ERROR OR OMISSION IN THE CONTIGUOUS WORKS DETAILS THAT WOULD OTHERWISE HAVE BEEN RECTIFIED WITH THE CONSTRUCTION OF THE SPECIFIED CAST IN-SITU PITS.

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J	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	20.07.18	CS	BK	None
J	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	20.09.18	CS <td>BK <td></td> </td>	BK <td></td>	
G	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	07.08.17	CS <td>BK <td></td> </td>	BK <td></td>	
F	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	18.03.14	CS <td>BK <td></td> </td>	BK <td></td>	
Issue	Description	Date	Drawn	Checked	Approved

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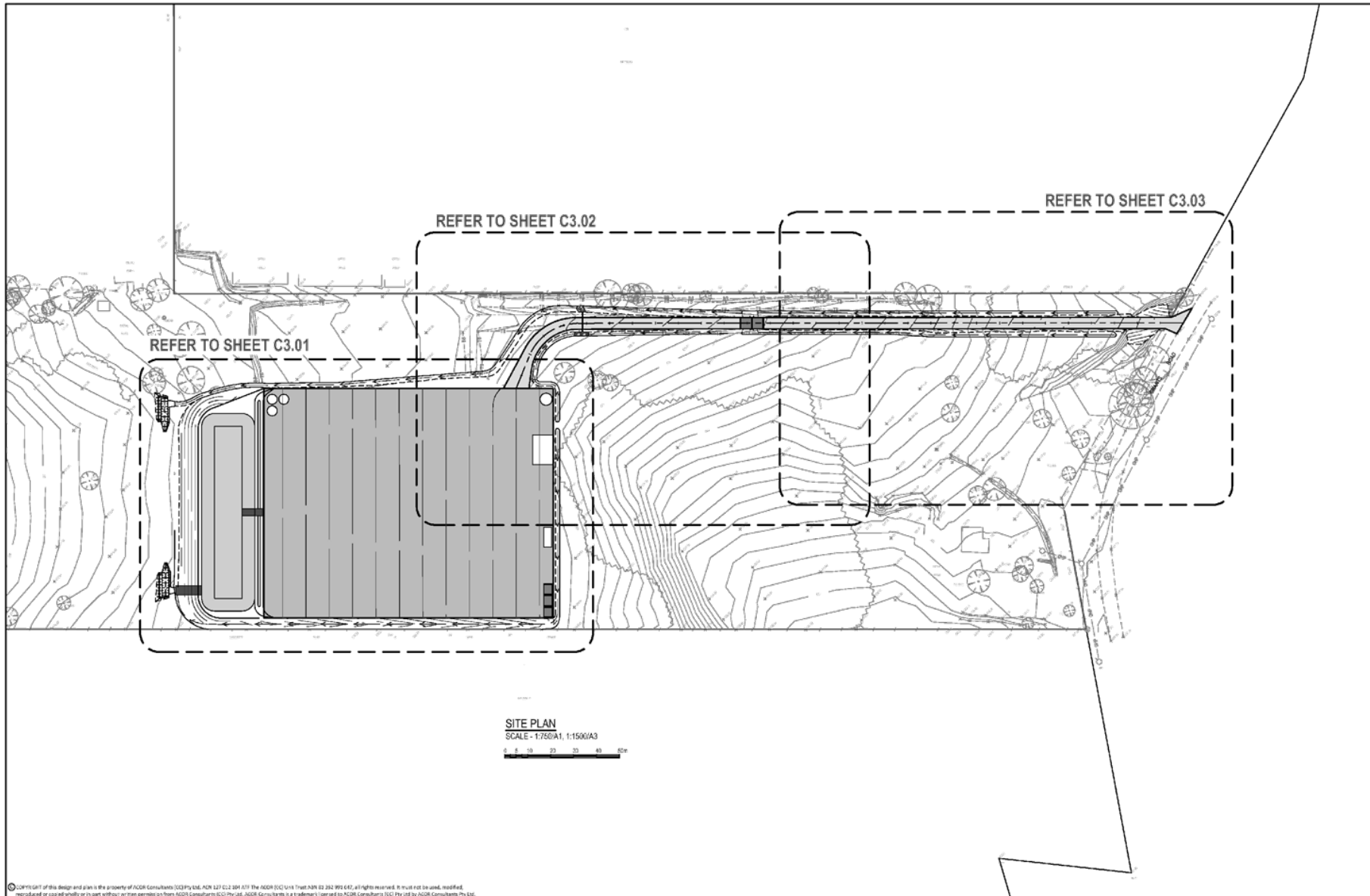
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 CIVIL/GEOTECHNICAL/ENVIRONMENTAL/INFRASTRUCTURE/PLANNING/DEVELOPMENT CONSULTANTS

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PROPOSED COMPOSTING FACILITY
 No 222 GRANTS ROAD
 SOMERSBY

Drawing Title: **NOTES**

Drawn	Scale	AS NOTED	Rev	Issue
CSJ	AS SHOWN			
Checked				
BK	GO160914	C.1.01		J



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J	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	22.07.17	CB	BK
I	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	22.08.17	CB	BK
G	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	07.08.17	CB	BK
F	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	18.05.17	CB	BK

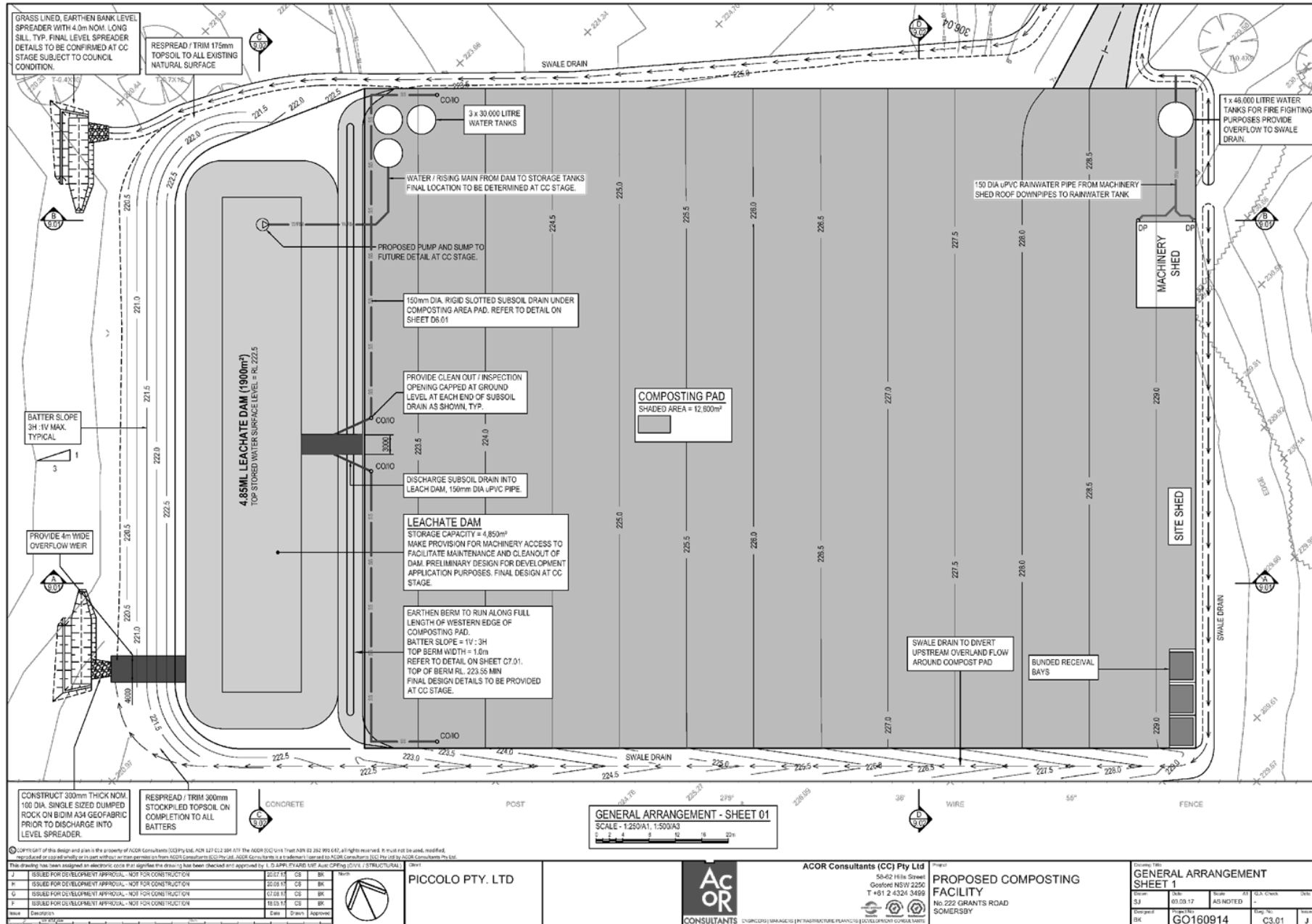
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PROPOSED COMPOSTING FACILITY
 No 222 GRANTS ROAD
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Drawing Title					
SITE PLAN					
Drawn	Scale	Scale	Rev	Rev	Rev
CB	AS NOTED				
Revised By	GO160914				
Sheet No.	C2.01				
Sheet	J				



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G	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	07.08.17	CS <td>BK</td> <td></td>	BK	
F	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	18.05.17	CS <td>BK</td> <td></td>	BK	

Issue Description Date Drawn Approved

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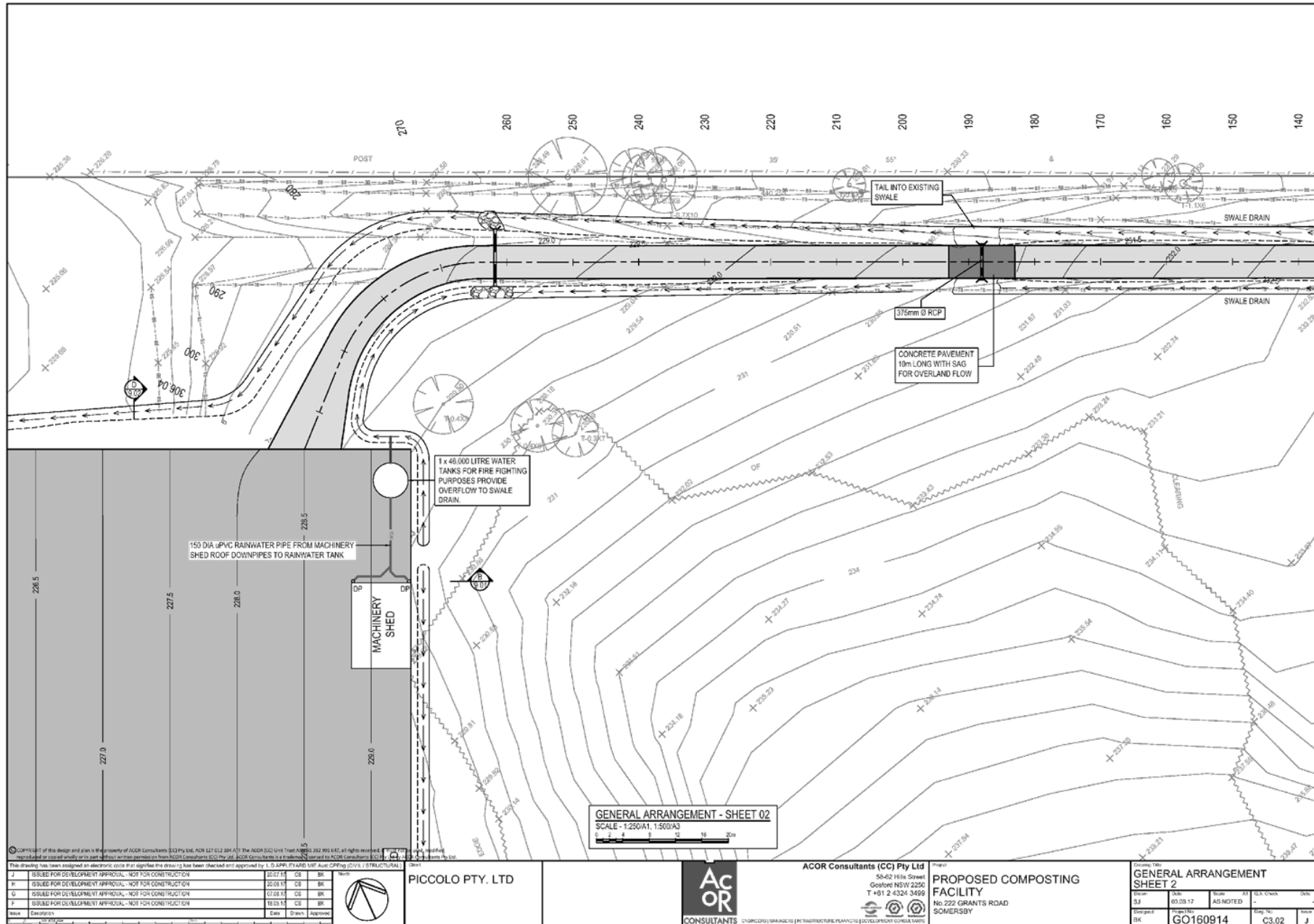
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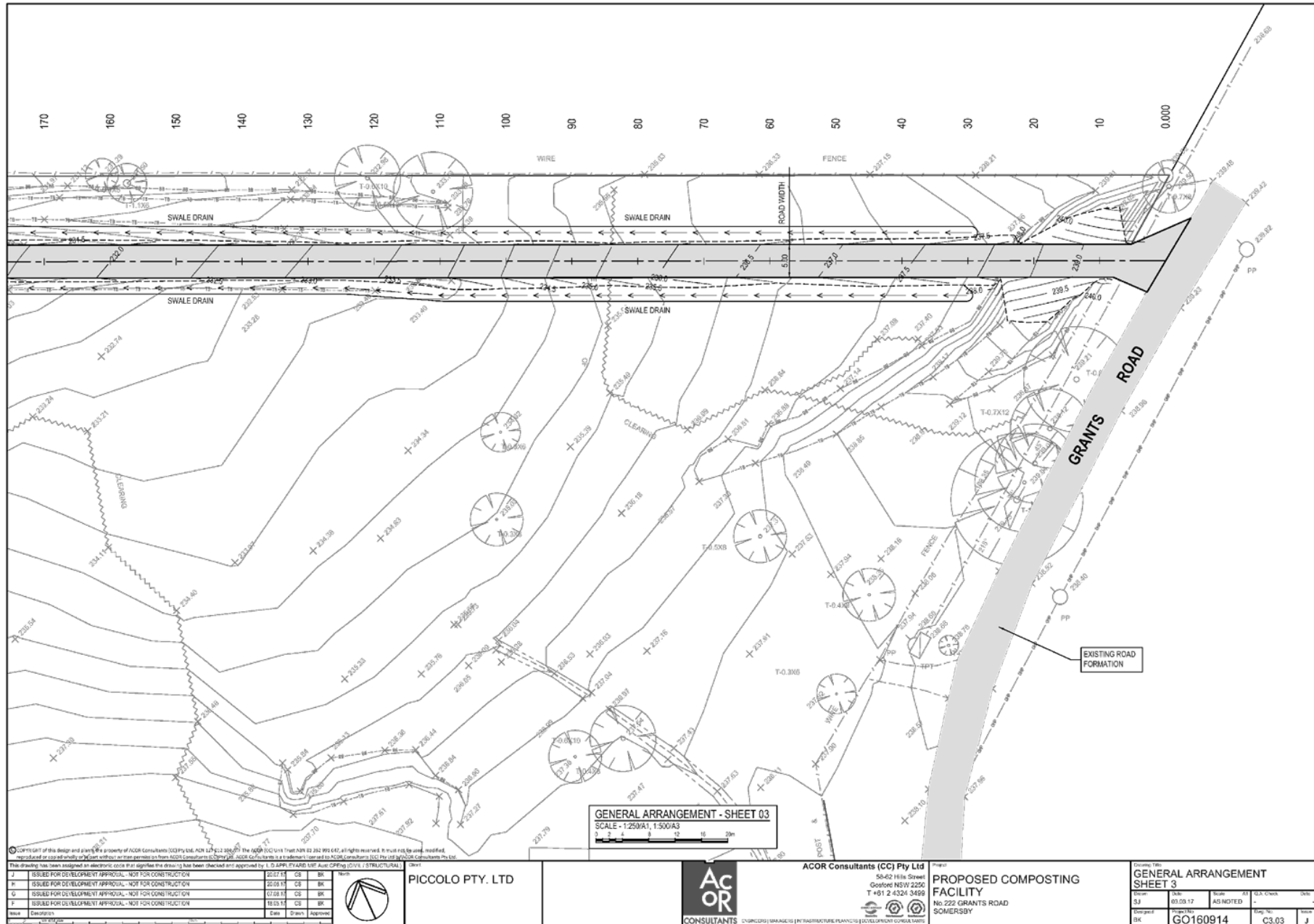
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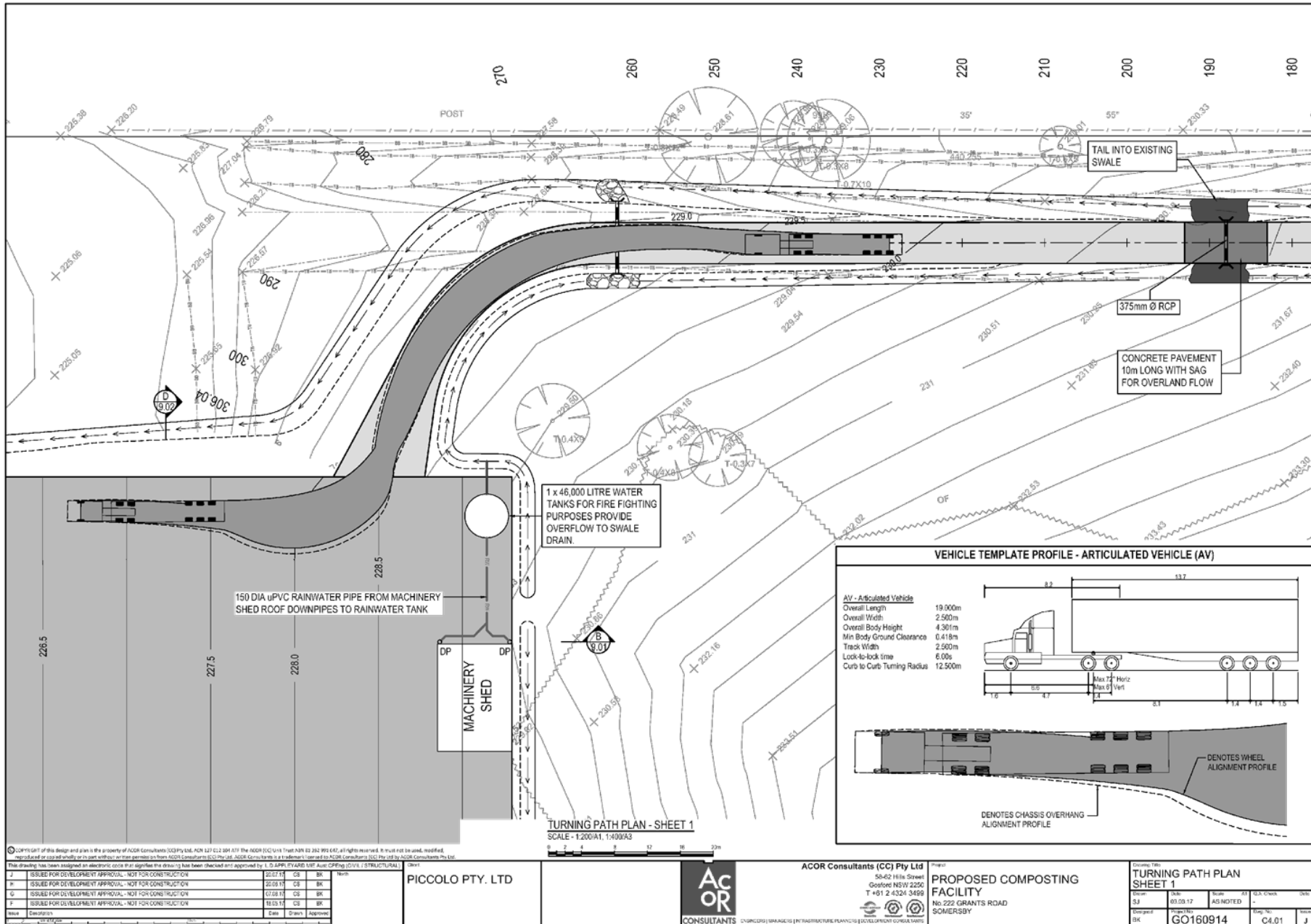
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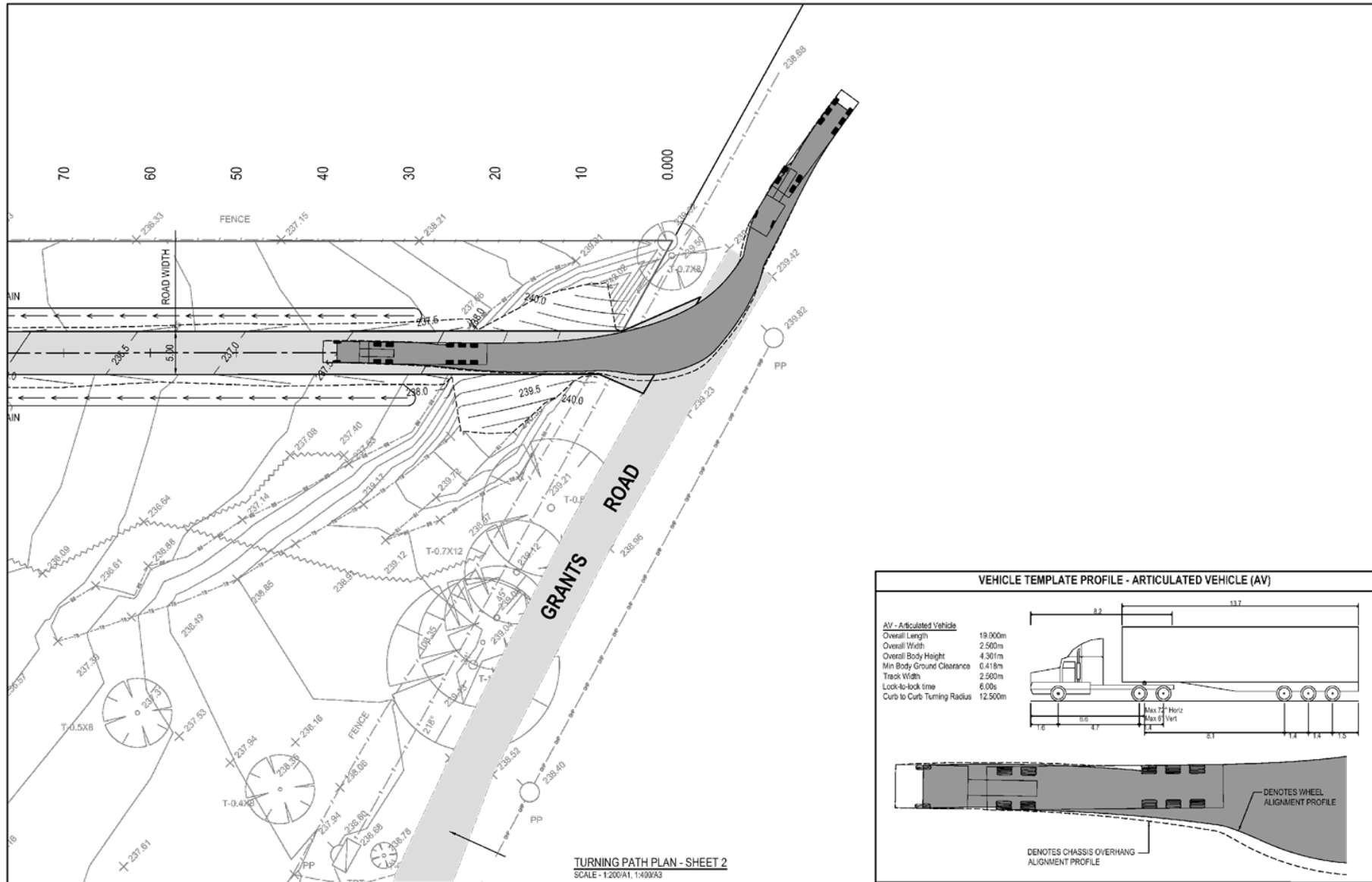
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CS	AS NOTED			

Project No: **GO160914** | Drawing No: **C3.01** | Sheet: **J**

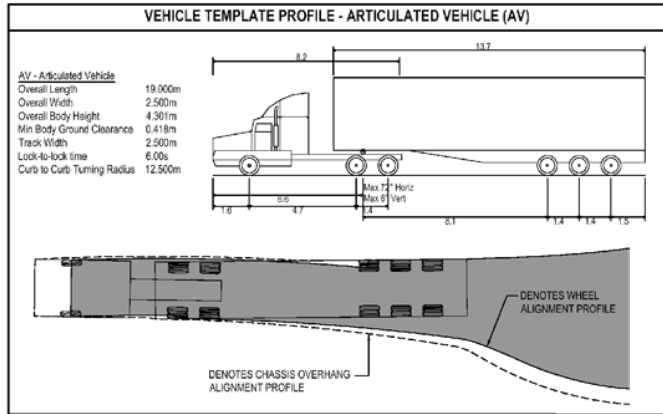








TURNING PATH PLAN - SHEET 2
SCALE - 1:200(A1, 1:400(A3))



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M <td>ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION</td> <td>18/05/17</td> <td>CS <td>BK <td>None</td> </td></td>	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	18/05/17	CS <td>BK <td>None</td> </td>	BK <td>None</td>	None

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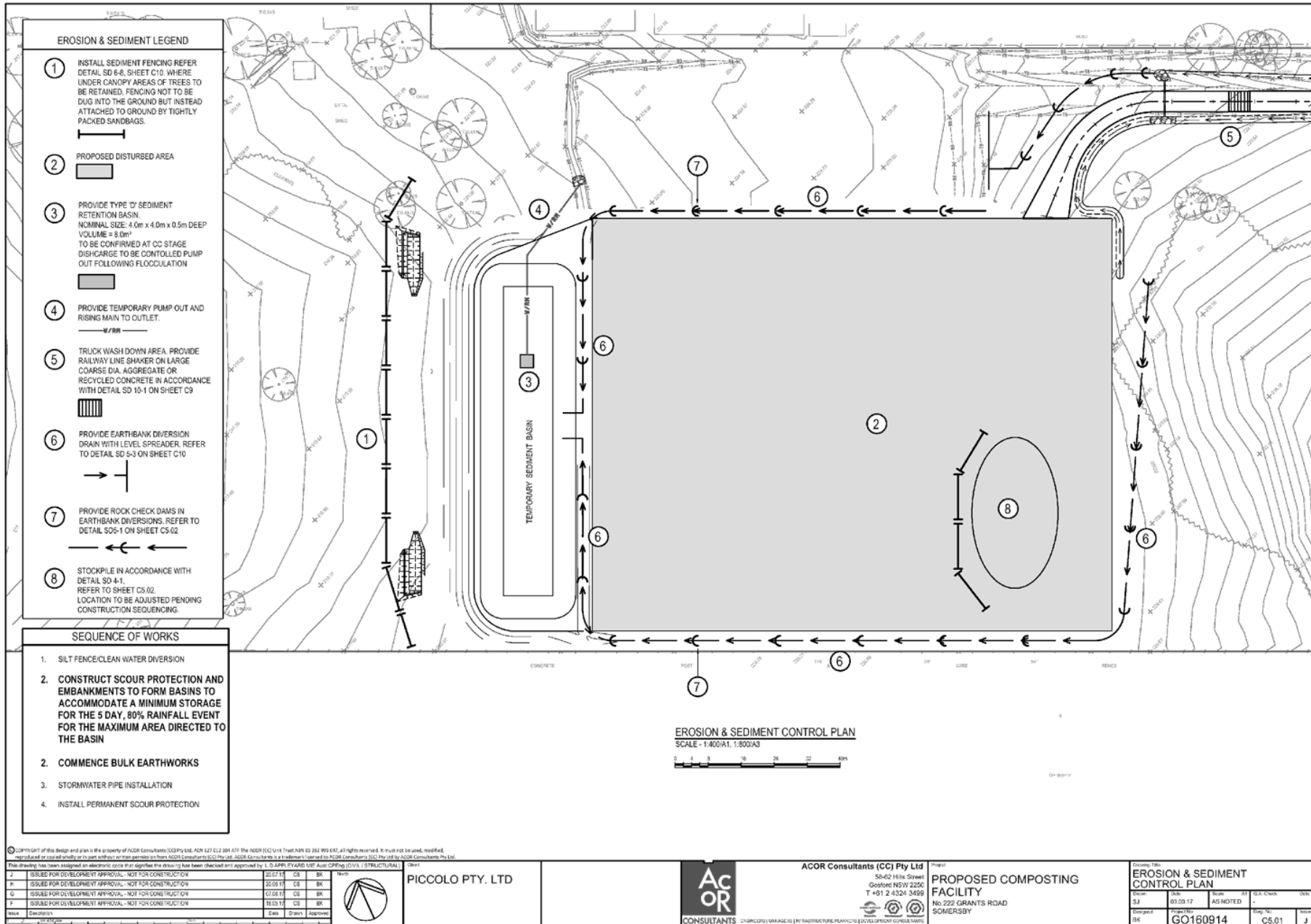
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PROPOSED COMPOSTING FACILITY
No 222 GRANTS ROAD
SCHMERSDYS

Drawing Title: TURNING PATH PLAN SHEET 2

Drawn	Check	Scale	Alt	U.S. Check	Date
CS	BK	AS NOTED			

Revised: []
 Drawn: []
 Check: []
 Scale: C4.02
 Date: []



SOURCE: MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION THIRD EDITION, AUGUST 1988, PRODUCED BY THE DEPARTMENT OF HOUSING

CONSTRUCTION NOTES:

- CONSTRUCT SEDIMENT FENCE AS CLOSE AS POSSIBLE TO PARALLEL TO THE CONTOUR OF THE SITE.
- DRIVE 1.5 METRE LONG 3" ANCHORS INTO GROUND, 3 METRES APART.
- DO A MINIMUM DEPTH TRENCH ALONG THE UPRIGHT LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
- BACKFILL TRENCH OVER BASE OF FABRIC.
- FOR SELF-SUPPORTING GEOTEXTILE TO UPSLOPE SIDE OF POSTS WITH WIRE TIES OR AS RECOMMENDED BY GEOTEXTILE MANUFACTURER.
- JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH A 150MM OVERLAP.

SEDIMENT FENCE SD 6-7

SOURCE: MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION THIRD EDITION, AUGUST 1988, PRODUCED BY THE DEPARTMENT OF HOUSING

CONSTRUCTION NOTES:

- CONSTRUCT ALONG GRADIENT AS SPECIFIED.
- AVOID HEAVY TREES AND SHRUBS IF POSSIBLE.
- DESIGN TO BE OF PARABOLIC OR TRIANGULAR CROSS SECTION AS OPPOSED TO V-SHAPED.
- EARTH BANKS TO BE ADEQUATELY COMPACTED IN ORDER TO PREVENT FAILURE.
- PERMANENT OR TEMPORARY STABILISATION OF EARTH BANK TO BE COMPLETED WITHIN 10 DAYS OF CONSTRUCTION.
- ALL OUTLETS FROM DISTURBED LANDS ARE TO FEED INTO A SEDIMENT BASIN OR SUMP.
- ESKIMHO-BUNCH COLLECTED FROM UNDISTURBED LANDS ON TO EITHER A STABILISED OR AN UNDISTURBED DISPOSAL SITE WITHIN THE SAME SUBSIDIARY AREA FROM WHICH THE WATER ORIGINATED.
- CONTACT WITH A SUITABLE SUPPLEMENT IN SITUATION WHERE THEY ARE REQUIRED TO FUNCTION FOR MORE THAN FIVE DAYS.
- EARTH BANKS TO BE FREE OF PROJECTIONS OR OTHER IRREGULARITIES THAT WILL IMPEDE NORMAL FLOW.

EARTHBANK (HIGH FLOWS) SD 5-3

SOURCE: MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION THIRD EDITION, AUGUST 1988, PRODUCED BY THE DEPARTMENT OF HOUSING

CONSTRUCTION NOTES:

- LOCATE STOCKPILE AT LEAST 5 METRES FROM EXISTING VEGETATION, CONCENTRATED WATER FLOWS, ROADS AND HAZARDOUS AREAS.
- CONSTRUCT ON THE CONTOUR AT A LOW, FLAT, DRAINAGED HINDS.
- WHERE THERE IS SUFFICIENT AREA TO SOIL, STOCKPILES SHALL BE LESS THAN 2 METERS IN HEIGHT.
- RE-VEGETATE IN ACCORDANCE WITH THE SWAMPSCOP.
- CONSTRUCT EARTHBANK (STANDARD DRAWING 5-2) ON THE UPSLOPE SIDE TO DIVERT RUN OFF AROUND THE STOCKPILE AND A SEDIMENT FENCE (STANDARD DRAWING 6-7), 1 TO 2 METRES DOWN-SLOPE OF STOCKPILE.

STOCKPILES SD 4-1

SOURCE: MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION THIRD EDITION, AUGUST 1988, PRODUCED BY THE DEPARTMENT OF HOUSING

CONSTRUCTION NOTES:

- TRENCH STRUCTURE 200mm INTO GROUND SURFACE WHEREVER THE STRUCTURE CONTACTS THE GULLY BASE. FILL TRENCHES TO 100mm ABOVE GROUND SURFACE TO REDUCE RISK OF UNDERCUTTING.
- ENGINEER HEIGHT OF SPILLWAY IS LESS THAN 1 METRE ABOVE THE GULLY FLOOR.
- SPACE CHECKS SO THE TOE OF THE UPSTREAM DAM IS LEVEL WITH THE SPILLWAY OF THE NEXT DOWNSTREAM DAM. DAM TO BE SPECIFIED ON SWAMPSCOP.

ROCK CHECK DAM SD 5-1

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F	ISSUED FOR DEVELOPMENT APPROVAL - NOT FOR CONSTRUCTION	18.03.17	CS <td>BK</td> <td></td>	BK	

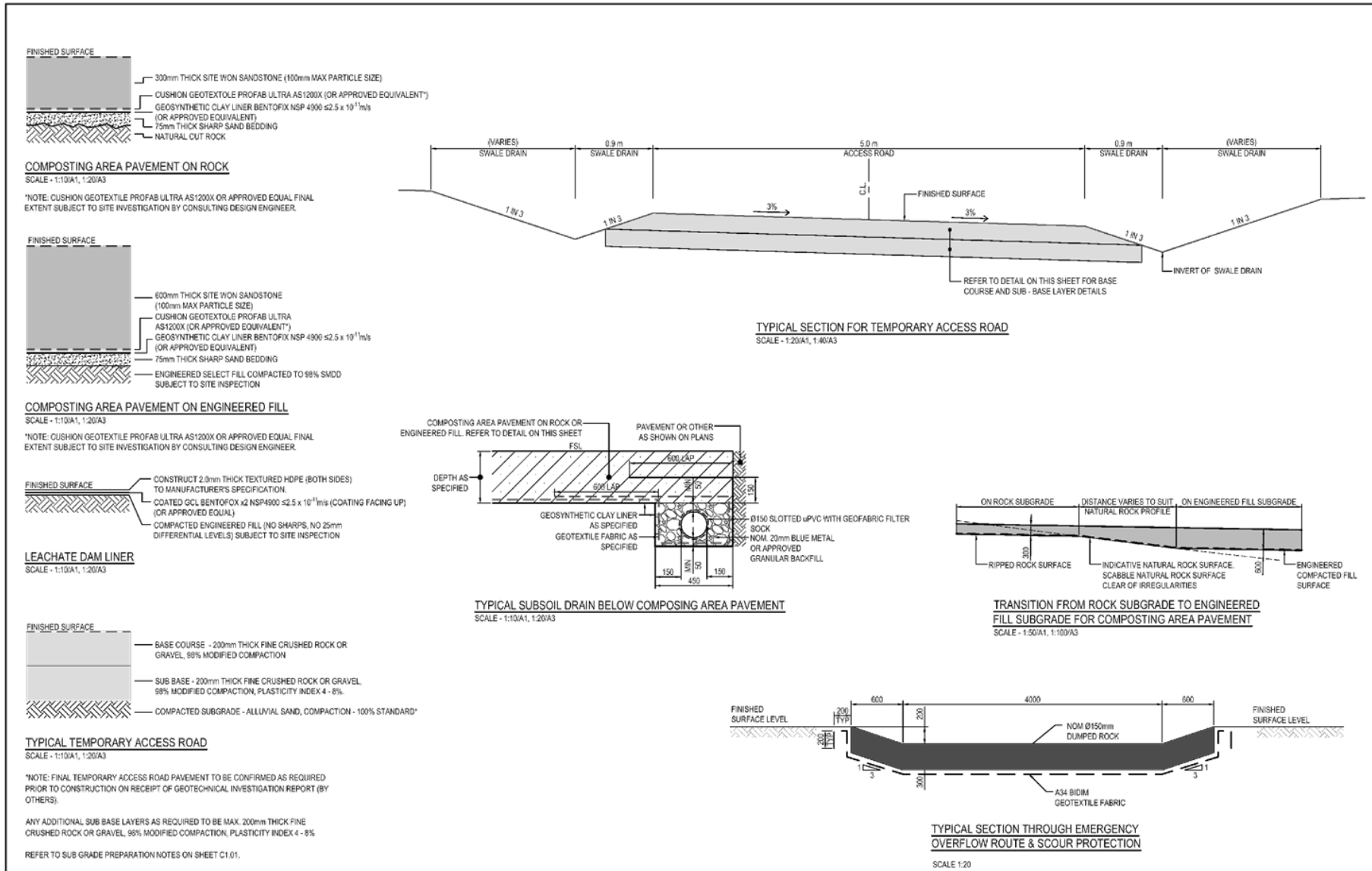
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PROPOSED COMPOSTING FACILITY
 No 222 GRANTS ROAD
 SCHERMERSDY

EROSION & SEDIMENT CONTROL DETAILS					
Drawn	Scale	Scale	Alt	U.S. Units	Notes
CSJ	AS NOTED				
Revised By					
BK	GO160914		C5.02		J



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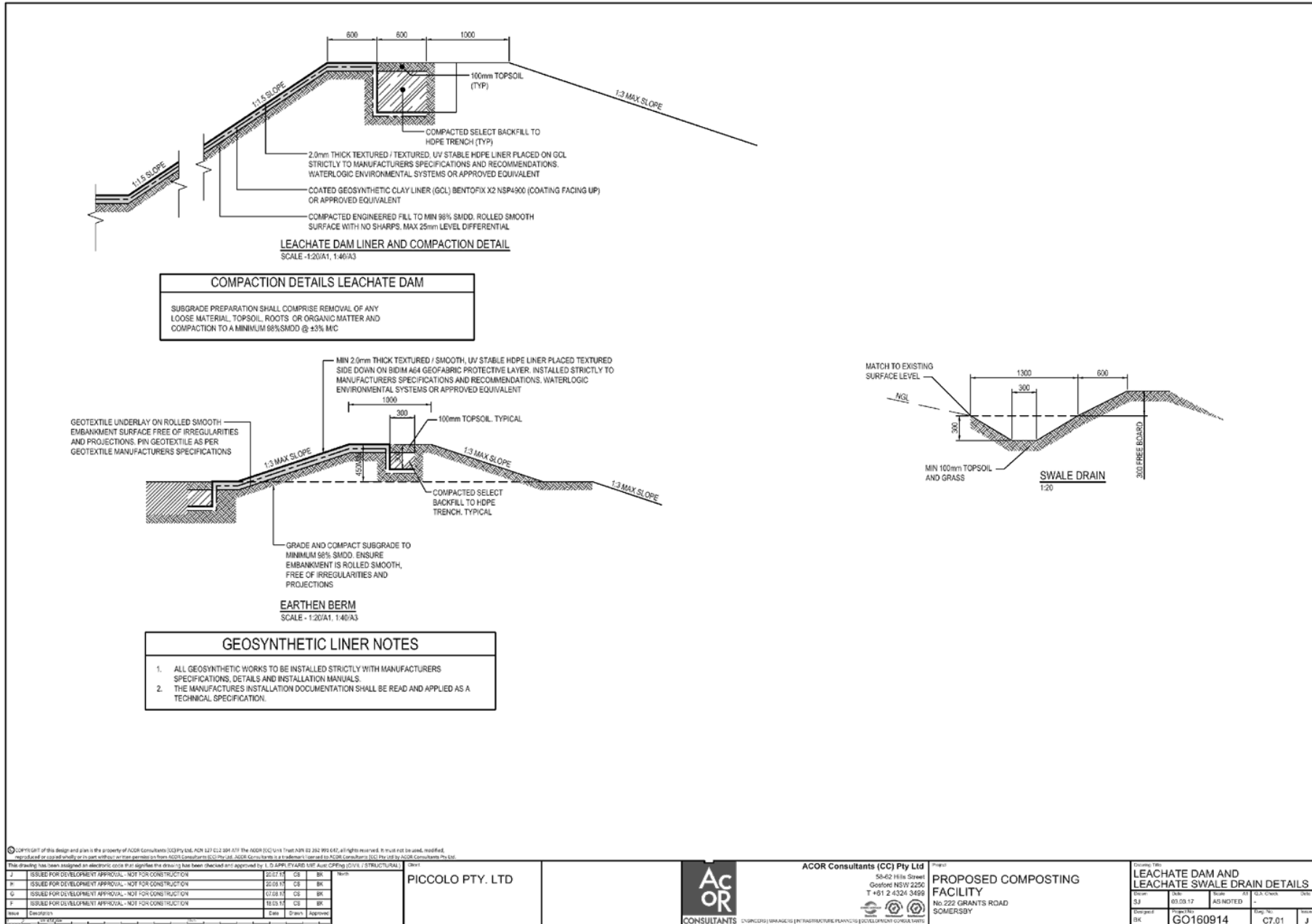
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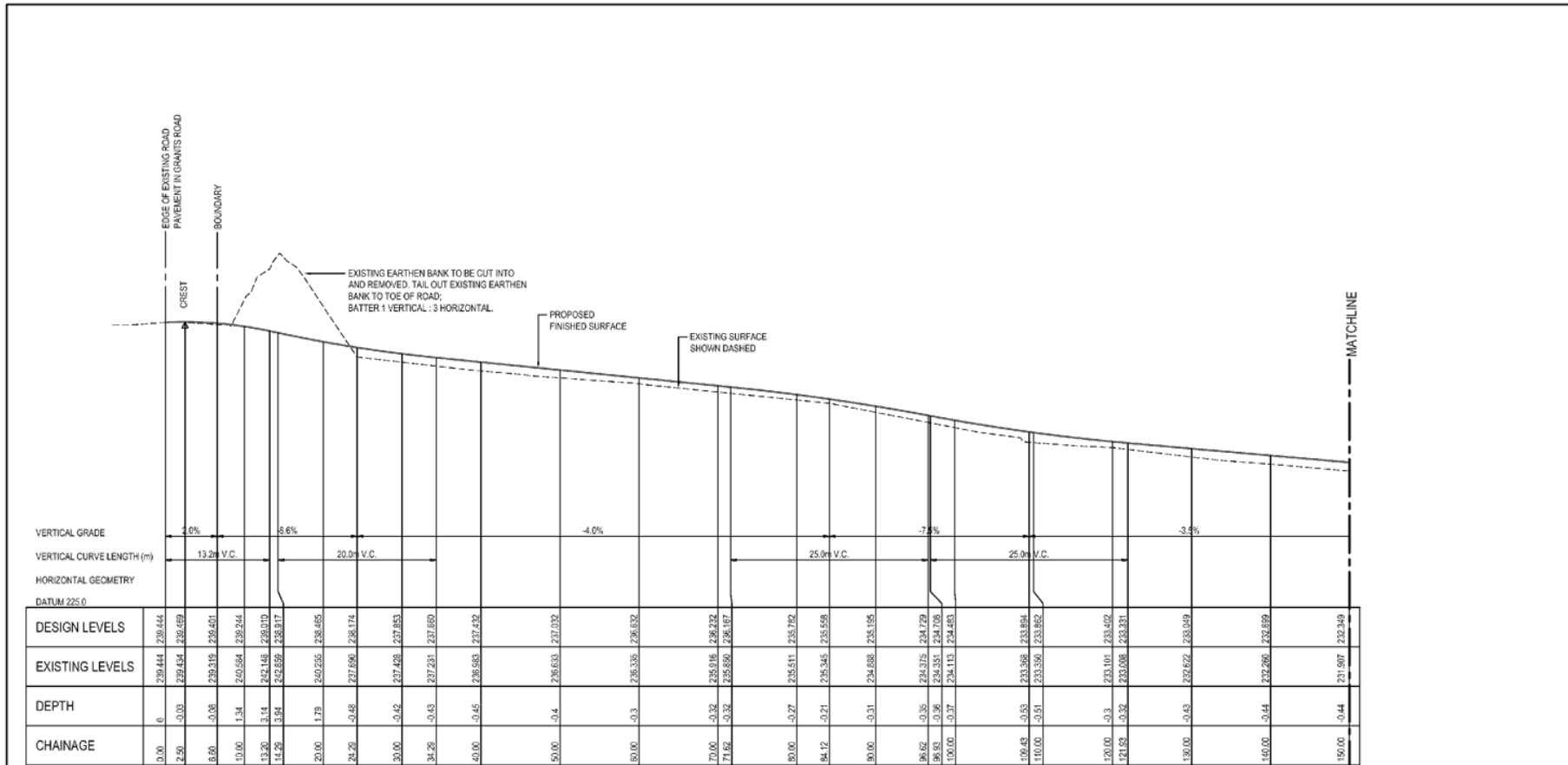


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PROPOSED COMPOSTING FACILITY
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DRAWING TITLE					
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CSJ	AS NOTED				
Checked					
BK	GO160914		C6.01		J





ACCESS ROAD LONG SECTION - SHEET 1

HORIZONTAL SCALE - 1:2500/A1, 1:500/A3
 VERTICAL SCALE - 1:100/A1, 1:200/A3

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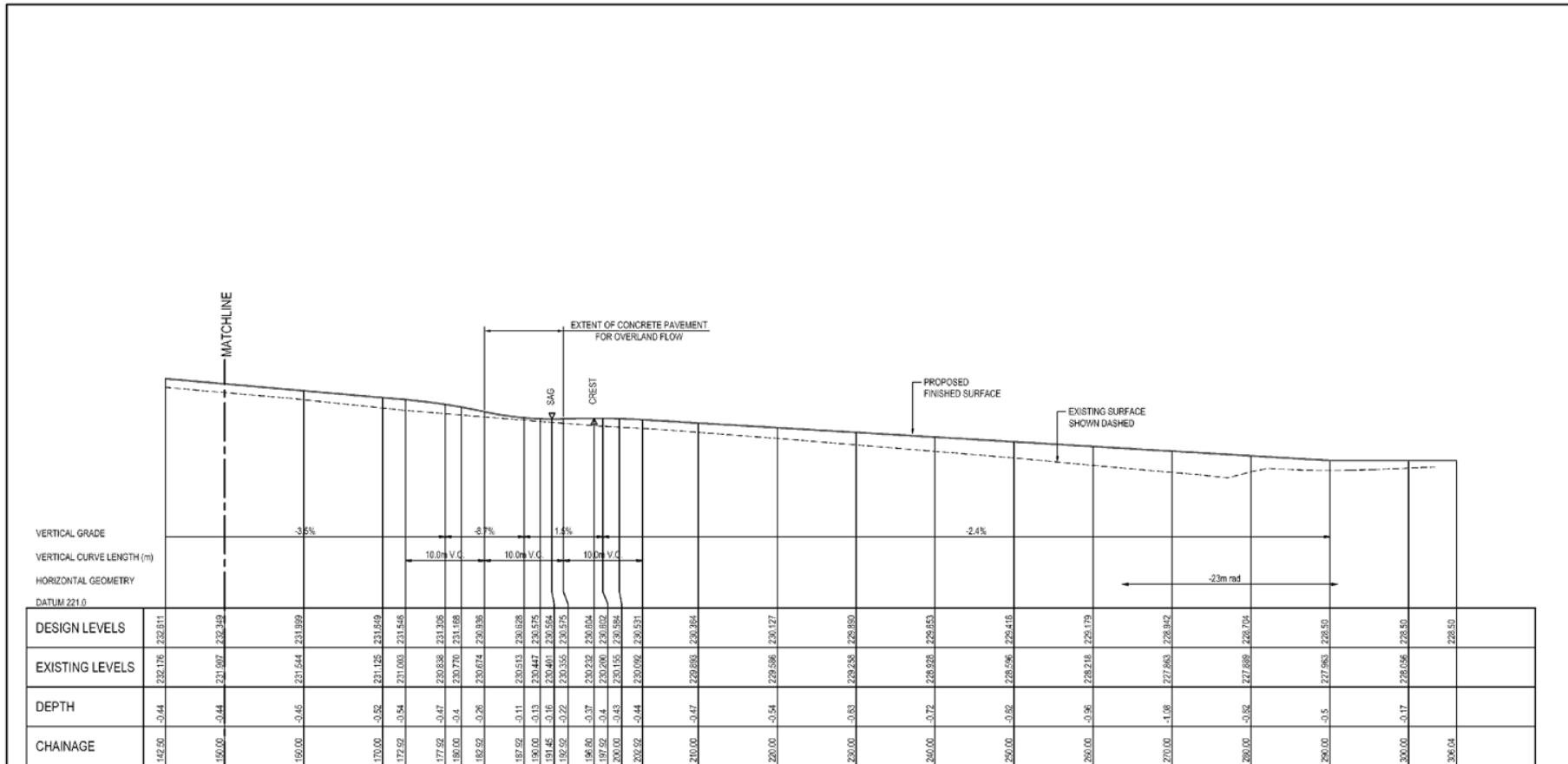
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CSJ	AS NOTED	
Revised	BY	DATE
BK	GO160914	C8.01



ACCESS ROAD LONG SECTION - SHEET 2

HORIZONTAL SCALE - 1:250A1, 1:500A3
 VERTICAL SCALE - 1:100A1, 1:200A3

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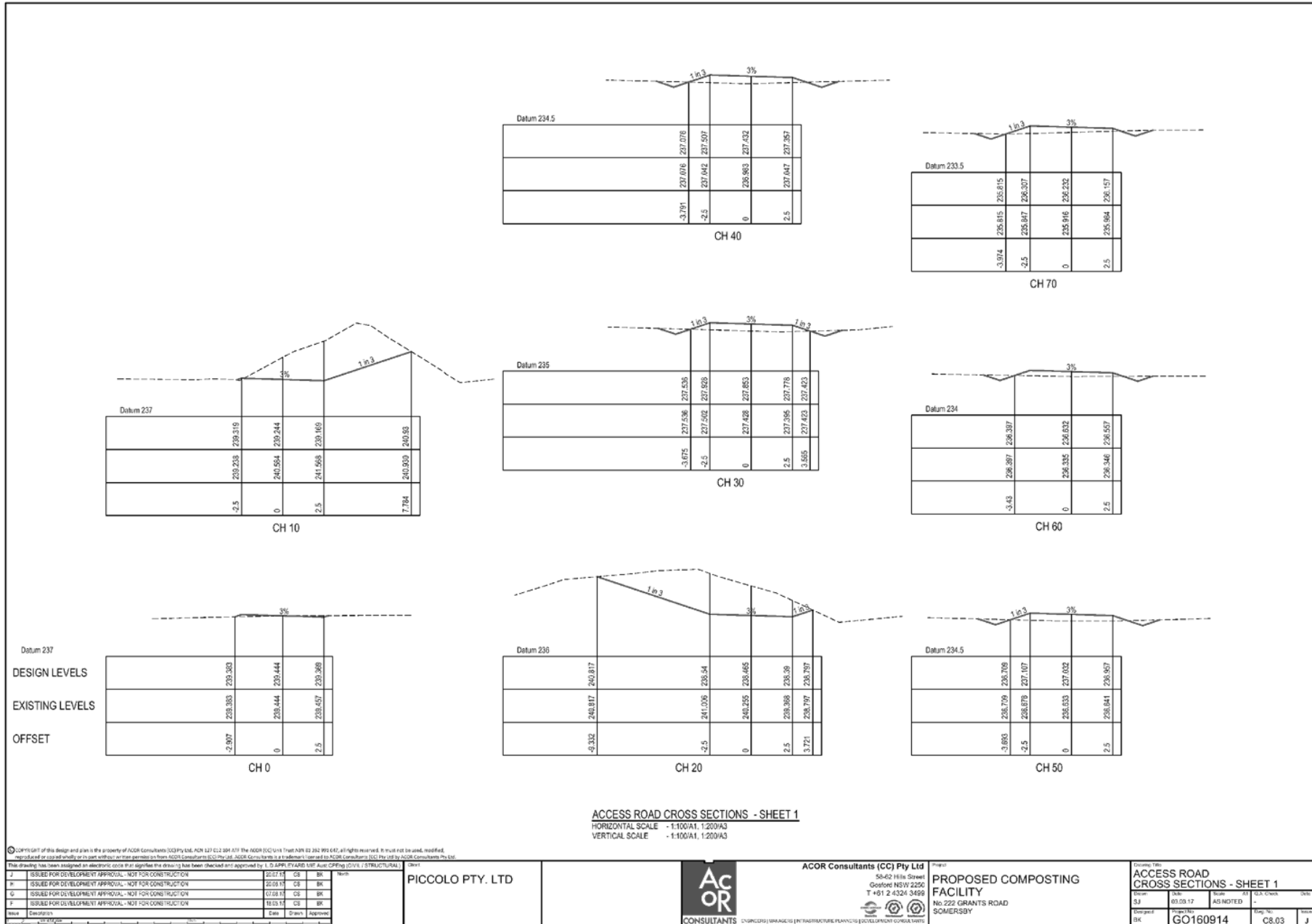
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PROPOSED COMPOSTING FACILITY
 No 222 GRANTS ROAD
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Drawing Title

ACCESS ROAD LONG SECTION - SHEET 2

Drawn	Check	Scale	Alt	U.S. Check	Date
CS	BK	AS NOTED			
Revised By	Revised Date	Rev. No.			
BK	GO160914	C8.02			J



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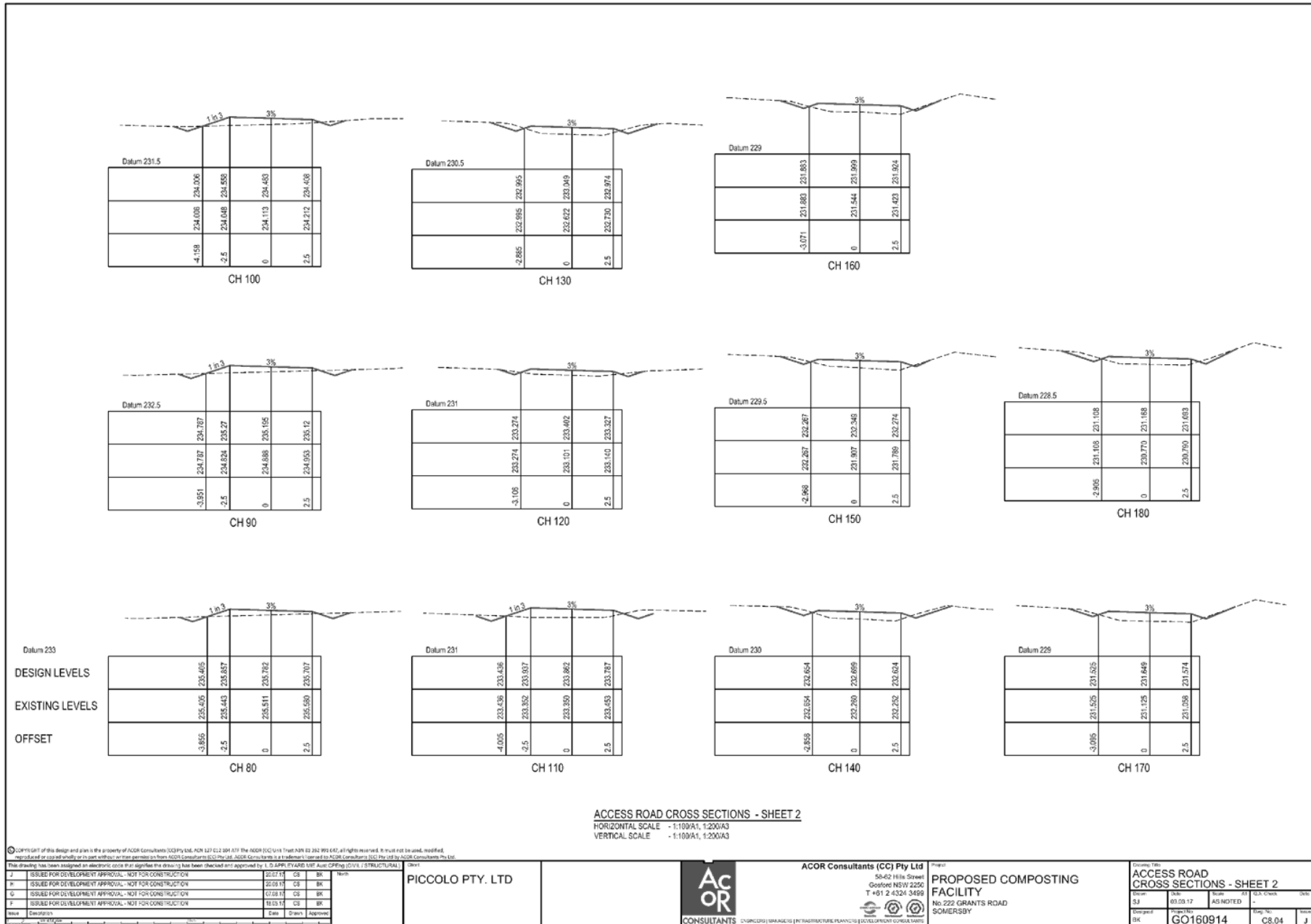


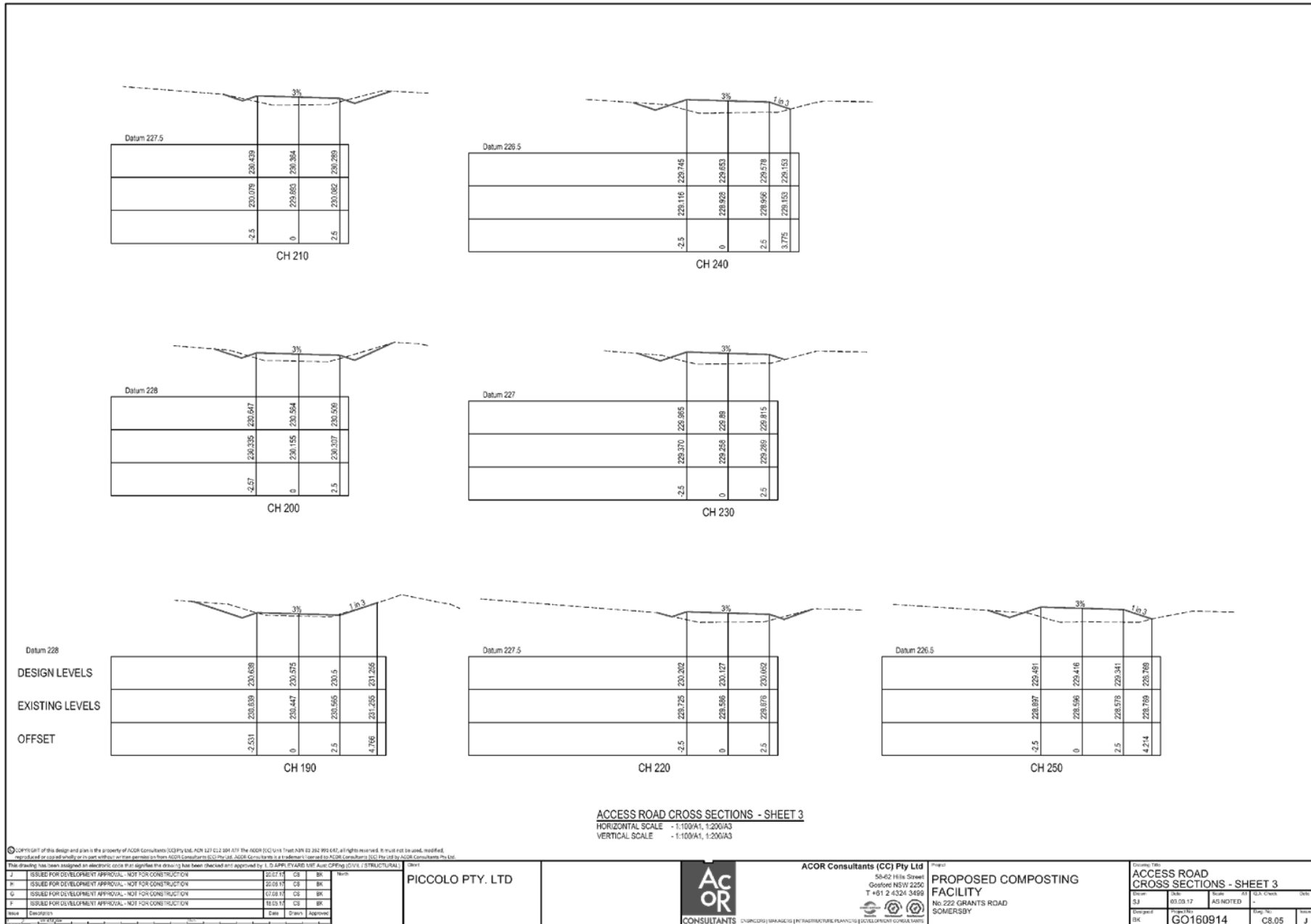
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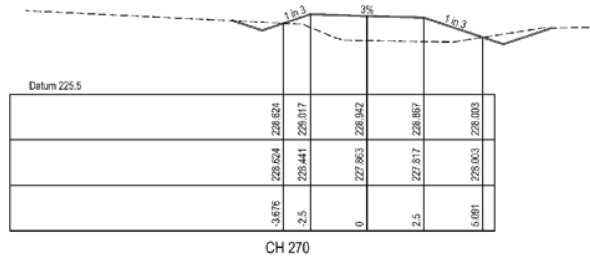
PROPOSED COMPOSTING FACILITY
 No 222 GRANTS ROAD
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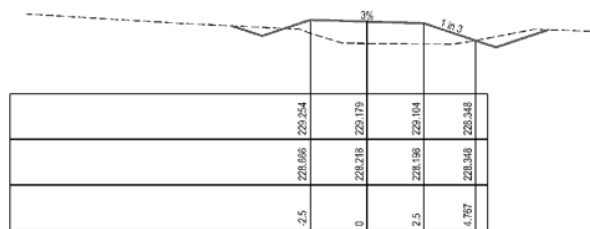
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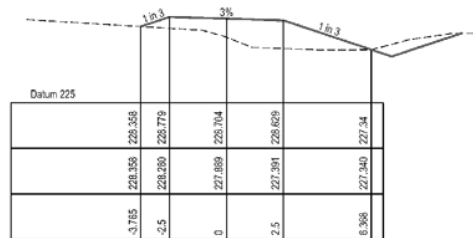




CH 270



CH 260



CH 280

ACCESS ROAD CROSS SECTIONS - SHEET 4

HORIZONTAL SCALE - 1:100A1, 1:200A3
 VERTICAL SCALE - 1:100A1, 1:200A3

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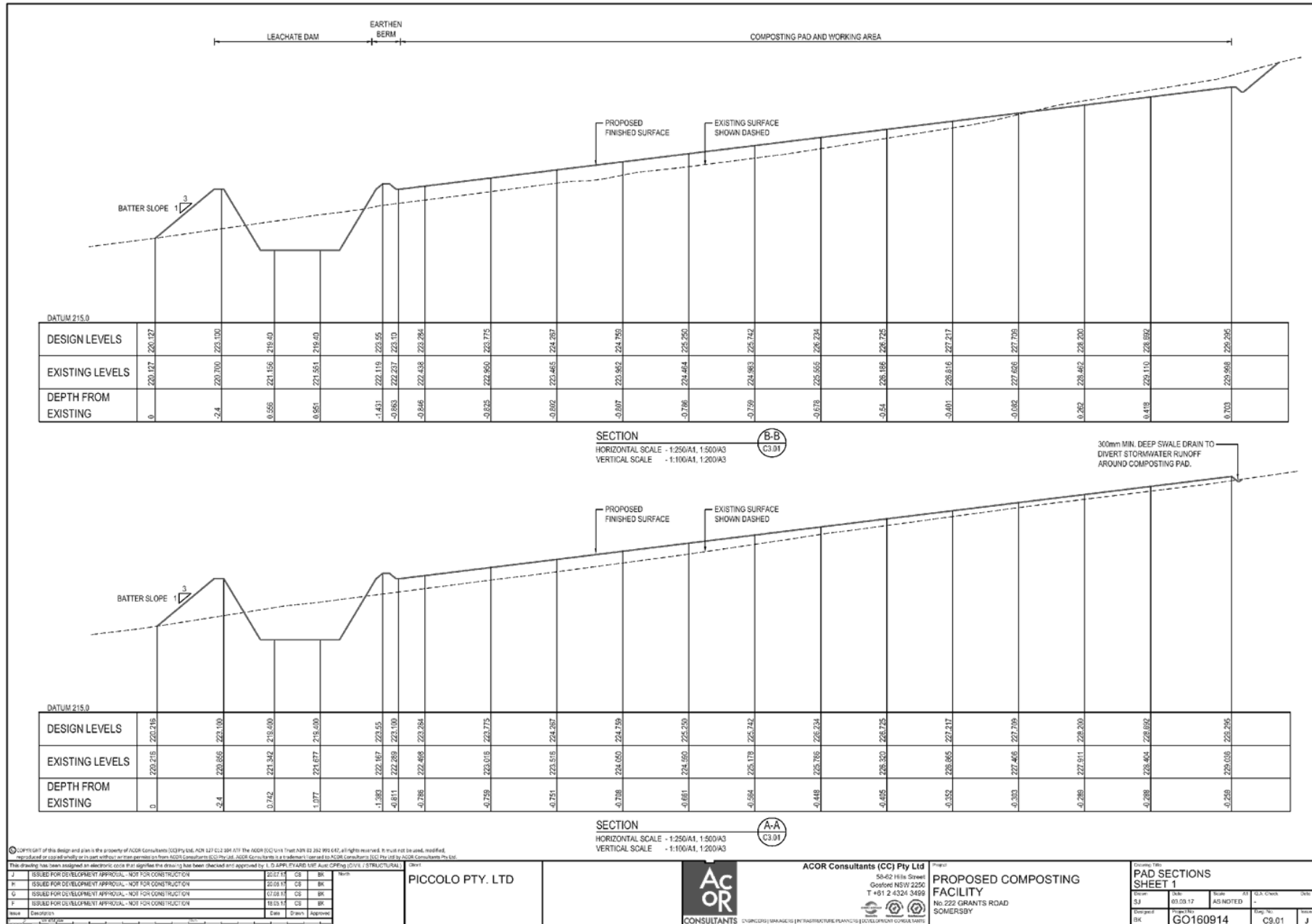
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Drawing Title: ACCESS ROAD CROSS SECTIONS - SHEET 4					
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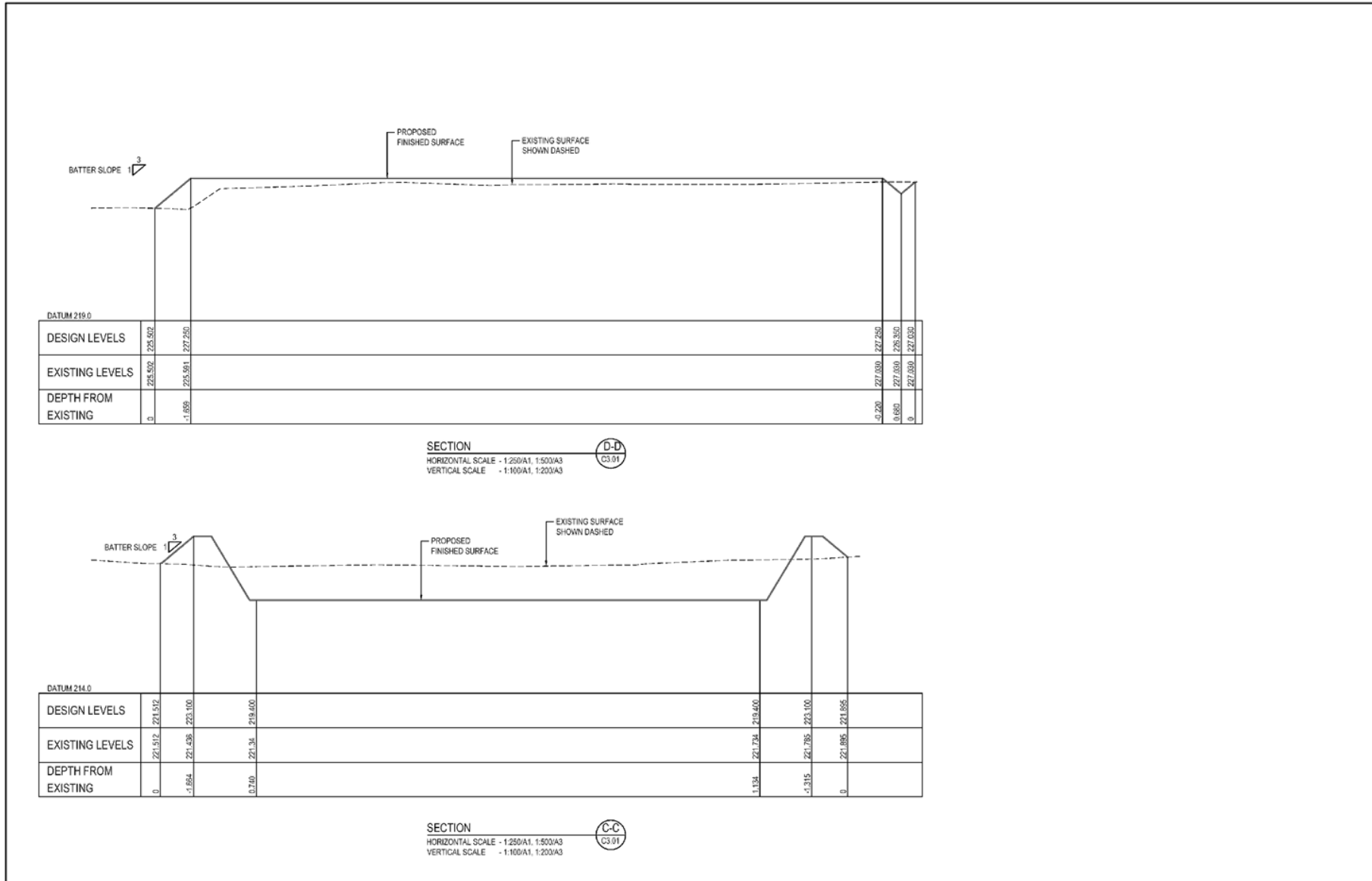
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Drawing Title			
PAD SECTIONS SHEET 1			
Drawn	Scale	Rev	Date
CS	AS NOTED		
Checked	Project No.	Drawn No.	Rev. No.
BK	GO160914		C9.01



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PROPOSED COMPOSTING FACILITY
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Drawing Title			
PAD SECTIONS SHEET 2			
Drawn	Scale	Alt	Scale
CS	AS NOTED		
Checked	Proj. No.	File No.	Sheet
BK	GO160914	C3.02	J

Attachment 4

Environmental Planning and Assessment Regulation 2000

Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP & A Regulations) identifies developments, which are designated development.

The development application is supported by Council Officers and the Environmental Protection Authority (EPA), concluding that the proposed development will not significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

With regard to the environmental parameters for consideration in accordance with Schedule 3, Clause 13 of the EP & A Regulations, a detailed response is provided below:

Composting facilities or works (being works involving the controlled aerobic or anaerobic biological conversion of organic material into stable cured humus-like products, including bioconversion, biodigestion and vermiculture):

(a) that process more than 5,000 tonnes per year of organic materials, or

Comment:

The development application is for the establishment of a composting facility with the capacity to process up to 5,000 tonnes of organics per annum. The volume of all incoming organics received and processed will be monitored and recorded by source, type, load, and volume.

Volume will be converted into tonnes, with a running total in a log, available on site at all times, with mandatory reporting to the EPA to ensure volume limits are not exceeded and compliance requirements met for the environmental protection licence.

(b) that are located:

(i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or

Comment:

Councils mapping indicates that the proposed composting area is located in excess of 100m of the dams located within No. 210 Grants Road, Somersby. The location of the operational area on site is setback 176m from the common boundary shared with an environmentally sensitive area, being Brisbane Water National Park.

(ii) in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or

Comment:

The site is not located within an area considered to have a high watertable, highly permeable soils, acid sulphate, sodic or saline soils.

(iii) *within a drinking water catchment, or*

Comment:

The subject site is not located within a drinking water catchment area.

(iv) *within a catchment of an estuary where the entrance to the sea is intermittently open, or*

Comment:

The site is located within the Hawkesbury-Nepean River catchment. The Hawkesbury River, the nearest estuary to the site, is permanently open to the sea.

(v) *on a floodplain, or*

Comment:

The site is located on the Somersby Plateau and not on a flood plain.

(vi) *within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.*

Comment:

The operational site is not located within 500m of a residential zone.

The two nearest dwellings are located at No. 210 Grants Road, Somersby (approximately 254m to the north-east) and No. 239 Grants Road, Somersby (approximately 315m to the east) of the operational pad location. The dwelling located at No. 200 Grants Road, Somersby is located approximately 396m to the north east of the operational pad. All three of these dwellings are therefore located in excess of 250m from the proposed development and within an area zoned as RU1 – Primary Production within *Gosford Local Environmental Plan 2014* (GLEP 2014).

However, the construction of a new driveway/crossover forms part of the proposal, wherein this driveway is within 250m of nearby dwellings located at No. 200, No. 210 and No. 239 Grants Road, Somersby. Where composting facilities/works are located within 250m of a dwelling and the consent authority considers that the proposal will likely have a significant impact on the amenity of the neighbourhood (from impacts including noise, visual impacts, air pollution, vermin or traffic) then the development application is Designated Development. Further consideration with regard to this environmental parameter is provided below.

The nearest residential receptor to the new access is located at No. 210 Grants Road, Somersby. However, this dwelling is associated with the subject proposal. Notwithstanding, the amenity to this residential receptor, which is located approximately 40m north of the proposed driveway, has been considered in accordance with Clause 13(b)(vi). The residential receptor located at No. 239 Grants Road, Somersby is located approximately 155m to the south-east of the proposed driveway junction with Grants Road. The residential receptor located at No. 200 Grants Road, Somersby is located approximately 200m north of the proposed driveways junction with Grants Road.

The access driveway is considered to have a minimal impact to these three residential receptors in accordance with Clause 13(b)(vi) in that:

- Mitigating measures proposed are considered sufficient in managing odour (including moisture content, aerobic decomposing of organics and minimal handling of products).
- Mitigating measures proposed are considered sufficient in managing noise (including hours of operation, duration of machinery use per day and maintenance of vehicles).
- Mitigating measures proposed are considered sufficient in managing dust (including moisture content of windrows, covering of geotextile fabrics and times of day of windrow turning).

With regard to the traffic impacts associated with the proposed development, Council's Traffic and Transport Engineer provided the following advice: -

- Grants Road provides a local rural road with a sealed pavement in the order of 6m wide with an unsealed shoulder and a single lane of travel in each direction. It does not provide street lighting and there are no pedestrian or cycling facilities along its length, reflective of its rural nature.
- The current peak hour flows (8:15am to 9:15am) along Wisemans Ferry Road (north of Grants Road) were 174 vehicles during the morning peak, split between 78 northbound and 96 southbound. Traffic flows along Grants Road were significantly lower with 34 vehicles during the morning peak, split between 18 eastbound and 16 westbound.
- It is noted that a number of the vehicles observed along Grants Road were trucks associated with the existing quarry operations in this location.
- During the traffic survey, heavy vehicles represented 11% of the peak hour flows along Wisemans Ferry Road and 35% of the peak hour traffic along Grants Road.
- The submitted traffic impact assessment has determined that the proposed development will not have an adverse impact upon the surrounding road network.
- Accident data provided by New South Wales Road and Maritime Services indicates there have been two accidents recorded along the local roads in the locality of the site in the five (5) years from July 2011 to June 2016. Both accidents occurred at the intersection of Wisemans Ferry Road and Grants Road with one accident having speeding as a contributing factor. Neither accident involved heavy vehicles.
- No accidents have been recorded on Grants Road to the front of the subject site.
- Given the good road alignment and the low overall traffic flows along the local road it is considered that the road network provides an acceptable level of overall traffic safety.

- The available sight distances of 85m meets the minimum requirement, however a desirable sight distance requirement for Australian Standard 2890 of 97m could be achieved in both directions with trimming/and/or removal of vegetation.

In view of the above considerations, Council's Traffic and Transport Engineer concluded the engineering aspects to the proposal are satisfactory. However, a desirable sight distance of 97m can be achieved in both directions with trimming/and/or removal of vegetation at the proposed driveways junction with Grants Road. **Refer to Condition 2.3 (b).**

The visual impact associated with the proposed driveway is considered limited from the three residential receptors considered in accordance with this clause. Along the eastern boundary adjacent to Grants Road, an embankment visually screens the entrance from the northern aspect, and a raised and vegetated strip from the southern aspect. There is also significant tree cover along the roadside verge in both directions on the eastern side of Grants Road, including in front of the property at No. 239 Grants Road, Somersby.

Furthermore, neither the land owner/future landlord at No. 210 Grants Road, Somersby or residents at No. 239 Grants Road, Somersby submitted an objection about impacts to the amenity of the neighbourhood. The applicant contends detailed discussions were had with these neighbours, with No. 239 Grants Road, Somersby providing a written letter of endorsement accompanying the development application.

In view of the above considerations, it is concluded the proposed development is not designated in accordance with Clause 13 in Schedule 3 of the EP &A Regulations.

Attachment 3 – Comprehensive Project Description

Project Description

- The project involves the receipt and composting of organic waste sourced from commercial and industrial waste streams (e.g. green arborist waste and source-separated commercial food waste). At capacity operation, the site will be able to process up to 5,000 tonnes per annum of organic waste, resulting in approximately 3000 tonnes per annum of saleable material. The end-product, a humified soil conditioner, will be used for agricultural and horticultural purposes.

Note A: The 40% process loss of material is due to heat and evaporation during the decomposition process.

At capacity, the composting process will accept approximately 100 tonnes per week of organic waste, control the process to reach pasteurisation and create a high quality soil conditioner. The process to produce fully mature compost from receipt of input to production of a saleable product using the controlled open window system takes approximately 10 weeks. At the end of 10 weeks, the product will be sold and moved off the pad to allow additional area on the pad to accept the next incoming 100 tonnes of organic waste.

- Relevant details of all incoming organics received and processed will be monitored and recorded by source, type, load and volume. Volume will be converted into tonnes, and a running total kept in a log available on-site, and reported monthly to the Environmental Protection Authority, to ensure volume limits are not exceeded and Environmental Protection License compliance requirements are being met. The industry categorization system of organic material is based on three categories. Subject to availability, it is anticipated the subject site will use organic material from all three categories.
- The organic materials will be composted via an open windrow, aerobic system, and vermiculture (where required). Green waste provides the necessary carbon input whereas the food waste provides the necessary nitrogen input to the composting process. Open windrow composting uses a controlled microbial process which transforms organic feedstocks through the aerobic breakdown in a controlled environment. Inputs are layered to form windrows, each with a base of approximately 2.5 metres in width and 1.4 metre in height. A tractor (fitted with a super creep gear) will drive along the windrow (approximately 200 metres per hour), pulling a windrow turner beside it - and over the pile. A windrow will be turned initially once per day during the break down phase (generally 2 weeks), then once every second day thereafter decreasing to a point where no turning is required during the maturation phase (approximately after week 8).

The ten-week process of composting requires the presence of water, as bacteria do not operate in dry conditions. Over the ten-week process of decomposition, approximately 100,000 litres of water per row will be required.

Considering the annual rainfall of the area and expected run-off from the pad into the leachate dam, at certain times of the year, the volume supplied by the leachate dam is unlikely to be sufficient to deliver the amount of water required for the composting process. Therefore, the 46,000 Litre water tank will be utilised to store purchased water which has been trucked to the site, if required.

Note B: The windrow turner rotates in such a way as to turn, blend and aerate the compost from all directions (top down and bottom up, outside in and inside out). This ensures a thorough mixing of materials and aids in controlling temperature and oxygen levels.

Note C: The turner has spray jets. Applying water moistens the pile and speeds the process of decomposition. A water carrier, attached to the rear of the tractor, supplies the water.

Note D: The windrow piles will be covered with geotextile fleeces as to prevent moisture loss and moderate temperatures.

- Adjacent to the open windrows, the site will also have a covered static pile that will be used to process inputs that contain significant quantities of Category 3 inputs. This pile will employ vermiculture to process these inputs which are regarded as having the greatest potential environmental impact, related to Category 3 inputs such as odour and vermin. As vermiculture does not require turning of the biomass, and will be covered with a thick (minimum 150 mm) layer of cured compost, it is recognised in the 'Guidelines' to be without significant odour-emission problems.

Once Category 3 material has fully undergone breakdown through the process of vermiculture it will be incorporated into and processed via the open windrow system to reach pasteurisation.

PROPOSED WORKS

- A compacted pad with dimensions approximately 120m x 90m. The pad has been designed to allow adequate space (5 metres) between rows and 10 metres around the perimeter for machinery access and egress. The pad will be bunded around the lower perimeter and graded sufficiently to direct surface water run-off into the leachate collection system. The 3 degree slope and east-west orientation of the windrows will allow for free drainage of leachate to this system. Surface water run-on will be prevented by the raised elevation and the berms.
- A leachate collection system designed to manage potential runoff from input material storage areas and the active working pad. The proposed leachate collection system for managing potential runoff from input material storage areas and the active working pad is provided by a 4.8 ML leachate dam. Using a pump, surface water collected in the pond will be recycled, stored in an aboveground storage tank as required and used for wetting the windrows.

Note E: In order to address concerns made by the Environmental Protection Authority during the assessment process, the size of the leachate dam was increased from 2.4 ML to 4.8ML, wherein the General Terms of Approval issued reflect this. In accordance with Section 7.3.2.10 (c) of Gosford Development Control Plan 2013 (Notification of Proposals Amended Prior to Determination), the amendments did not require re- advertisement or re-notification.

- Three 30,000 Litre water tanks will be used to store processed water (captured surface water from leachate collection system), which will be used to moisten windrows. A 46,000 L tank will be available for clean water and fire-fighting purposes.
- A site office to accommodate one full time employee is proposed.
- A shed to store equipment and machinery is proposed. Regular plant and machinery to be utilised on-site would include one tractor driving a windrow turner beside it and trailing a water carrier to moisten the pile and a telehandler for movement of material into piles and windrow formations, and loading of trucks. This machinery is not expected to be operating concurrently on a typical day.
- The receival area will be positioned in the south east corner for ease of access for incoming trucks and operational use. The receivals pad will be concreted and bunded. Any potential leachate coming from the receivals area will be captured as part of the leachate collection system.
- As the site is not serviced by sewer, a composting toilet will be provided for staff and any visitors.
- Entry to the operational area is via 5 metre wide access from Grants Road. As the gate will be set back of the road, the entry will allow for vehicles to move fully off the road safely before opening a gate. The gate will remain open during the hours of operation, preventing the need for drivers to stop/start their engines (reducing emissions), and reducing the work health and safety risks of drivers being removed from their vehicles. An access road from the property entry to the operational area, a distance of approximately 330 metres will be constructed.
- The proposed operational area is a largely cleared paddock. The earthworks will involve minor cut and fill. All spoil will be used on site. No material will be taken off site. Any additional material needed (ripped sandstone, clay and blue metal) will be certified VENM supplied by a licensed contractor.

HOURS OF OPERATION (CONSTRUCTION & ONGOING)

- It is anticipated that construction of the site is to take 20 days of machinery work to do earthworks associated with construction of the pad, batters and leachate collection system. An additional 10 days will be required to fence and complete other site preparations such as construct shedding, site office, install tanks etc. During this construction phase, environment protection measures such as noise mitigation, dust control and erosion control will be employed.
- Once established, the site will be operational 5 days per week, Monday to Friday, between the hours of 7 am and 5 pm. Deliveries of incoming material, and transport of final product will occur only on these 5 weekdays. However, to maintain the integrity of the process, windrows must be turned every day. Therefore, on weekends, at full capacity, this is expected to take 2 hours in the morning (between 8 am until 10 am). The delivery of food and/or agricultural waste (i.e. putrescible waste) will be scheduled to minimise prolonged on-site storage and to maximise opportunities for that material to be incorporated directly into the windrows.

INTEGRATED DEVELOPMENT

The matter is Integrated Development in accordance with Part 4, Division 5, Section 91 of the *Environmental Planning and Assessment Act 1979* wherein Integrated Development is defined as 'development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent' and requires additional approvals under the provisions of select state statutory planning legislation.

Schedule 1 of the Protection of the Environment Operations Act 1997 lists scheduled activities for which an environmental protection licence is required. Clause 12 of Schedule 1 defines composting as the aerobic or anaerobic biological conversion of organics into humus-like products. Clause 12 of Schedule 1 states that composting is considered a scheduled activity if:

- (a) *where it takes place inside the regulated area, or takes place outside the regulated area but receives organics from inside the regulated area (whether or not it also receives organics from outside the regulated area):*
 - (i) *it has on site at any time more than 200 tonnes of organics received from off site,*
or
 - (ii) *it receives from off site more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics, or*
- (b) *where it takes place outside the regulated area and does not receive organics from inside the regulated area:*
 - (i) *it has on site at any time more than 2,000 tonnes of organics received from off site,*
or

(ii) it receives from off site more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics.

The subject site is located within the regulated area and is therefore subject to the provisions of part a) as described above. At capacity, it is anticipated the facility would process up to 5,000 tonnes of organics, a proportion of which will be putrescible organics.

Attachment 5State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (SEPP Mining)

Clause 13 of SEPP Mining requires a consent authority to consider the compatibility of the proposed development with mining, petroleum production and extractive industries in proximity to the site in accordance with the following parameters: -

(1) *This clause applies to an application for consent for development on land that is, immediately before the application is determined:*

(a) *in the vicinity of an existing mine, petroleum production facility or extractive industry, or*

Comment:

Located directly south of the subject site at No. 270 Grants Road, Somersby is a sand quarry. Further afield to the north of the site at No. 24 Reservoir Road, Somersby is a further sand quarry. Having regard to the proximity of these sand quarries, Clause 13 is applicable in the consideration of the proposed development.

(b) *identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or*

Note. At the commencement of this Policy, no land was identified as referred to in paragraph (b).

Comment:

Neither the subject site, nor those quarries in the immediate vicinity of the site are identified having regard to this Clause.

(c) *identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.*

Note. Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995) is an example of an environmental planning instrument that identifies land as containing significant deposits of extractive materials.

Comment:

Neither the subject site, nor those quarries in the immediate vicinity of the site are identified having regard to this Clause.

(2) *Before determining an application to which this clause applies, the consent authority must:*

(a) consider:

(i) the existing uses and approved uses of land in the vicinity of the development, and

Comment:

The development application supported by Council Officers and the Environmental Protection Authority (EPA), concluding that the proposed development will not significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic in accordance with Schedule 3, Clause 13 of the EP & A Regulations.

A hydrological investigation of both the site and the surrounding groundwater regime was conducted by ACOR consulting in accordance with the Environmental Impact Statement Practice Guideline: Composting and Related Facilities, dated 1996, and published by the Department of Urban Affairs and Planning. This investigation identified groundwater flow pathways for all aquifers on site, assessed the vulnerability of the underlying groundwater, and established whether systems to prevent groundwater pollution needed to be set up.

The above-mentioned supporting information forms the basis for ongoing management and assessment of water at the site, and is incorporated into the Water Cycle Management Plan, prepared by ACOR Consultants, dated 31 July 2017, supporting the proposal.

(ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and

Comment:

The proposed development will not impede prospective future extractive industries.

(iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and

Comment:

No significant impacts to existing mining operations in close proximity of the site are anticipated as part of the proposed development:

- Approximately 570m north of the proposed composting area is Central Coast Sand Quarry, located at No. 24 Reservoir Road, Somersby. On 1 August 2014 the Minister of Planning by delegation approved development consent MP 08 0173 for the land formally identified as Lot 33 DP 755246, Part Lot 118 DP 755246, and Part Lot 10 DP 1090880. The only valid approval for is the Minister's approval known as MP 08 0173, wherein consent was obtained for the following:

- Continued extraction and processing operations at the existing quarry for up to 30 years;
- An 8 hectare expansion to extract an additional 5 million tonnes of sand;
- Transporting product from the site via road; and
- Rehabilitation of the site.

The approval granted by the Minister covers the existing quarry operations as well as the area to which it is proposed to extend the quarry, wherein adequate performance measures remain in place to ensure compatibility with surrounding properties.

- Adjacent and parallel to the southern property boundary located at No. 270 Grants Road, Somersby is an earthen bund associated with the Grants Road Sand quarry, with the quarry pit beyond. Grants Road Sand Quarry has been in operation since 2002. On 25 July 2014, the Minister of Planning by delegation approved development consent MP 08 0173 on Lot 1 DP 358717, 270 Grants Road Somersby for the extension of the existing quarry. This recent approval permits the extension of the Grants Road Sand Quarry, including the extraction, processing and transporting by road of up to 250,000 tonnes of extractive material a year for a period of 30 years totalling 7,500,000 tonnes of sand product. The estimated total resource on site is estimated to be 9,433,000 tonnes. The existing quarry and quarry extension will incorporate approximately 20 hectares of the site. The approval granted by the Minister covers the existing quarry operations as well as the area to which it is proposed to extend the quarry, wherein adequate performance measures remain in place to ensure compatibility with surrounding properties.

(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a) (i) and (ii), and

Comment:

The zoning of the land permits the proposed development. Furthermore, the proposed composting facility is compatible with the rural locality and the approved uses of rural land in the immediate and surrounding vicinity. Furthermore, the proposal will provide a public benefit in term of resource recovery, which will not hinder, if sought, extraction and recovery on the site in the future.

(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).

Comment:

Environmental impact assessment for all future major projects with material impacts on the environment is required under the EP & A Act (including the projects identified in paragraph (2) (a) (iii)). This requirement also applies to future exploration projects that are likely to have a significant impact on the environment or incompatibility with surrounding uses.

The subject proposal is supported by a draft Environmental Management Plan (EMP), wherein the principle components of the draft EMP address water management, odour and dust management, incoming organics management, noise management and fire prevention.

Having regard to the matters for consideration contained within Clause 13(2) of SEPP Mining, it is concluded the draft EMP accompanying the development application, identifies the relevant risks associated with the operation of the facility, and proposes acceptable mitigating measures to address these risks to the environment and adjoining properties.

Attachment 6State Environmental Planning Policy No. 33 – Hazardous or Offensive Development (SEPP 33)

Clause 11 of SEPP 33 applies to any proposals, which fall under the policy's definition of '*potentially hazardous industry*' or '*potentially offensive industry*'. In order to form a view as to whether or not SEPP 33 would apply to a particular development application, Clause 13 of SEPP 33, identifies matters for consideration consent authorities must consider for those developments identifies as potentially offensive industry:

- (a) *current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and*

Comment:

Applying SEPP 33, published by the Department of Planning, dated January 2011, does not identify the proposed development as a potentially hazardous industry.

However, the processing of waste, is identified within Appendix 3 of the abovementioned planning guidelines as potentially offensive in terms of possible impacts associated with air and water.

In deciding if a proposal is '*potentially offensive industry*' consent authorities need to determine whether, in the absence of safeguards, the proposal would emit a polluting discharge which would cause a significant level of offence. These matters are further addressed below.

- (b) *whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and*

Comment:

The Environmental Protection Authority (EPA) reviewed the information provided and has determined it is able to issue an Environmental Protection Licence for the proposal, in accordance with Section 4.46 (1A) of the *Environmental Planning and Assessment Act* (EP & A Act).

- (c) *in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and*

Comment:

Applying SEPP 33, published by the Department of Planning, dated January 2011, does not identify the proposed development as a potentially hazardous industry, and therefore this provision is not relevant.

- (d) *any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and*

Comment:

The applicant has confirmed there are no viable alternatives in the region to accommodate the proposed development.

(e) any likely future use of the land surrounding the development.

Comment:

Located directly south of the subject site at No. 270 Grants Road, Somersby is a sand quarry. Further afield to the north of the site at No. 24 Reservoir Road, Somersby is a further sand quarry. In accordance with Clause 13 of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (SEPP Mining), a detailed response with regard to the impact to affected properties in close proximity to the site is provided in **Attachment 5**.

Having regard to the matters for consideration contained within Clause 13(2) of SEPP Mining, it is concluded the draft Environmental Management Plan (EMP) accompanying the development application appropriately identifies the relevant risks associated with the operation of the facility, and proposes acceptable mitigating measures to address these risks to the environment and adjoining mining properties.

Whilst the subject site is located immediately adjacent to the Great North Walk, there is a buffer zone of approximately 150m from between the leachate dam and the western property boundary, beyond which is the Great North Walk, located within the Brisbane Water National Park. In issuing the GTA, the EPA has confirmed conditions intended for the environmental protection licence. With regard to operating conditions relating to odour, the following requirements will be attached to any environmental protection licence issued for the subject proposal:

- The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.
- The proponent must prepare and implement an Air Quality and Odour Management Plan for the site, which must be implemented prior to the commencement of the operation of the facility.
- All animal waste transported to the premises is to be in sealed containers and be incorporated into the composting immediately.

The two nearest dwellings are located at No. 210 Grants Road, Somersby (approximately 254m to the north-east) and No. 239 Grants Road, Somersby (approximately 315m to the east) of the operational pad location. The dwelling located at No. 200 Grants Road, Somersby is located approximately 396m to the north east of the operational pad. All three of these dwellings are therefore located in excess of 250m from the proposed development and within an area zoned as RU1 – Primary Production within *Gosford Local Environmental Plan 2014* (GLEP 2014). In accordance with Schedule 3, Clause 13 of the EP & A Regulations, a detailed response of associated impacts is provided in **Attachment 4**, wherein no objection is raised.

Having regard to the likely future use of land surrounding the site, it is not considered the proposed development will significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

Council Officers are satisfied SEPP 33 does not apply in this instance, in that the proposal cannot be defined as an offensive industry. Council Officers are satisfied there are adequate safeguards to ensure emissions from the facility can be controlled to a level at which they are not significant.

It is concluded the development is neither hazardous nor offensive (and hence permissible as a rural industry). Furthermore, the proposed site and its intended use will be regulated by the EPA, wherein, sufficient information has been provided about the nature of potential contamination to enable the EPA to issue GTA.

Attachment 7Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (SREP 8)

SREP 8 aims to provide environmental protection for the Central Coast plateau areas and provide a basis for evaluating competing land uses. SREP 8 seeks to encourage use of land of high agricultural capability for that purpose and as much as possible and direct development for non-agricultural purposes to land of lesser agricultural capability. SREP 8 also aims to protect regionally significant mining resources and extractive materials, enable development of extractive industries in specified locations, protect natural ecosystems and opportunities for wildlife movement and discourage rezoning that would permit rural-residential development.

The subject land is not identified as a resource of regional significance, however, is contained within the area identified for SREP 8 (refer to Figure 1) and identified on the map marked "Classes of Agricultural Land on the Plateaux of New South Wales Central Coast" prepared by the Department of Agriculture as Class 4.

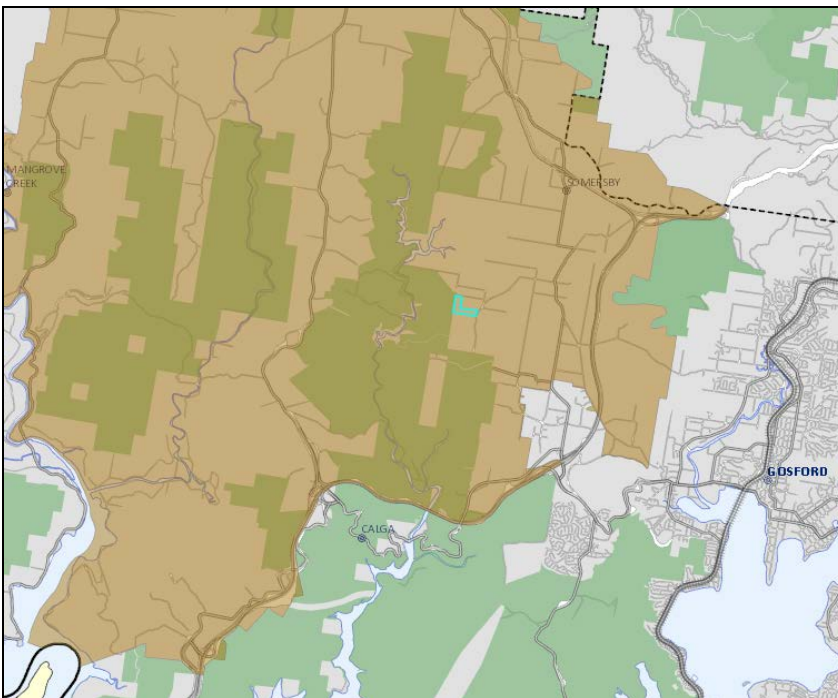


Figure 1 - SREP 8

The general aims of this plan are contained within Clause 2 of the SREP 8, wherein those aims relevant to the proposed development application are addressed below:

(a) *to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,*

Comment:

The environmental impacts associated with the development application as detailed throughout this report have been found to be minimal. In the event the operation of the proposed composting facility on site ceased, the subject site will be able to be restored to the equivalent or better than original condition. For these reasons, the development will not preclude future broad-acre agricultural or livestock activities.

(b) *To encourage the use of land having a high agricultural capability for that purpose and, as much as possible to direct development for non-agricultural purposes to land of lesser agricultural capability.*

Comment:

The "Classes of Agricultural Land on the Plateaux of New South Wales Central Coast" map prepared by the Department of Agriculture (Classes from '1' to '5') refer to depth of soil to solid rock. Class 1 refers to a depth of > 2 metre, Class '5' < 0.5 metre. Class '4', is defined as having 0.5 to 1.0 metre of soil, which is suitable for pastures only.

Supporting information indicates the subject site is underlain by Middle Triassic Hawkesbury Sandstone of the Sydney Basin. The Hawkesbury Sandstone comprises medium to very coarse grained quartz sandstone, minor laminated mudstone and siltstone lenses below which is the sedimentary rock of the Narrabeen Group.

A visual assessment of the subject site ascertained the soil profile is typically gravelly sand with increasing clay component with depth in some parts, bedrock typically occurs at shallow depths (i.e. less than 2 metres below ground surface with bedrock exposed in some parts. Exposed bedrock was observed within the former quarry footprint in proximity to Grants Road.

Although the subject site is not capable of high agricultural capacity, the proposed development will support the agricultural industry through the provision of high-grade compost for the local agricultural industry concurrently reducing transport miles that waste material is required to travel to landfill. The high-grade end product proposed can also help reduce the amount of chemical fertilisers and pesticides used in the area.

(c) *to protect regionally significant mining resources and extractive materials from sterilization*

Comment:

The subject site is a potential resource in a transition area (refer to Figure 2). However, no objection is made in that potential resource areas surrounding the site will not be left isolated by the proposed development.

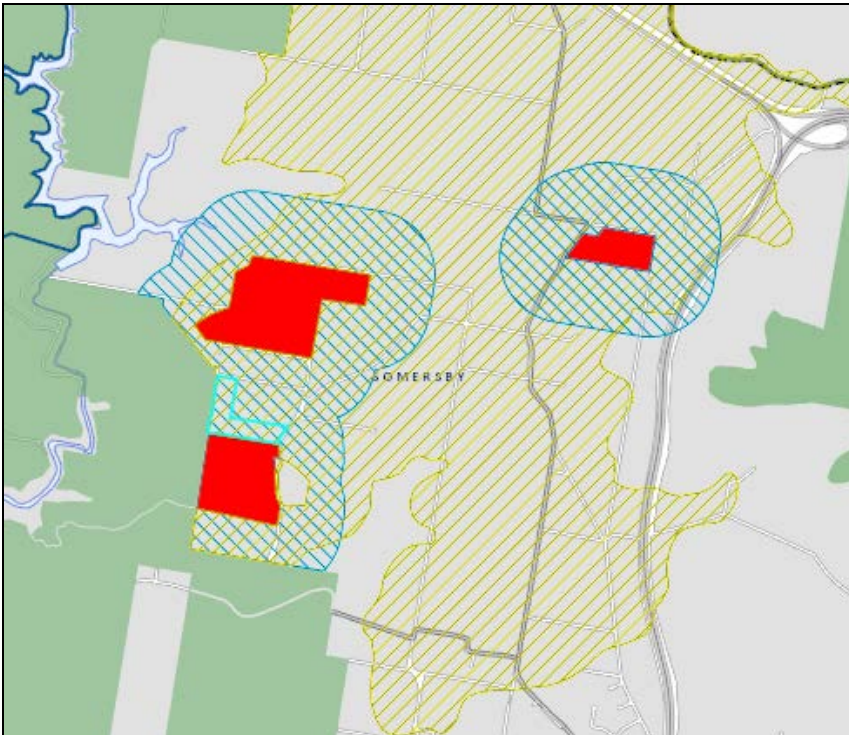


Figure 2- Mineral Resource Audit 2014 Plan

(d) to protect the natural ecosystems of the region and (h) to maintain opportunities for wildlife movement across the region

Comment:

The proposed development application incorporates satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible, will not 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 affect fluvial environments.

Clause 6 of the SREP 8 (Prime Agricultural Land) specifies those provisions that must be considered where Council is considering granting development consent to the carrying out of development on prime agricultural land:

(1) A person shall not:

- (a) erect a building on prime agricultural land,*
- (b) construct a dam on prime agricultural land, or*
- (c) subdivide prime agricultural land,*

except with the consent of the council.

Comment:

As required, development consent is sought to erect structures and a dam on prime agricultural land.

(2)(b): A council shall not consent to an application to carry out development on or with respect to prime agricultural land unless the council is satisfied that the carrying out of the development would not adversely affect the present or future use of other prime agricultural land for the purposes of agriculture.

Comment:

The proposed development will not affect the present or future use of other prime agricultural land for the purposes of agriculture, as conditioned.

(5): A council shall not consent to the carrying out of development on prime agricultural land for a purpose other than a purpose of agriculture unless it is satisfied that no other land to which this plan applies, not being prime agricultural land, could provide a viable or workable alternative site for the carrying out of the development.

Comment:

Although the subject site is not capable of high agricultural capacity, the proposed development will support the agricultural industry through the provision of high-grade compost for the local agricultural industry concurrently reducing transport miles that waste material is required to travel to landfill. The high-grade end product proposed can also help reduce the amount of chemical fertilisers and pesticides used in the area.



Item No: 2.3
Title: DA 52576/2017 - 620-658 Terrigal Drive, Erina
Department: Environment and Planning

9 July 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13254332

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

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director Environment and Planning

Summary

An application has been received for the extension of Hoyts Cinema at No. 620-658 Terrigal Drive, Erina. 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	The Planning Group
Owner	Lend Lease Real Estate Investments Ltd Lend Lease Funds Management Ltd Lend Lease IMT SM Pty Ltd
Application No	DA52576/2017
Description of Land	Lot 201 DP 1064473, 620-658 Terrigal Drive, ERINA NSW 2250
Proposed Development	Cinema – Hoyts Extension
Site Area	39,080m ²
Zoning	B2 Local Centre E2 Environmental Conservation
Existing Use	Cinema
Employment Generation	Yes
Estimated Value	\$8,877,000

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.

Precis:

Proposed Development	Cinema - Hoyts Extension
Permissibility and Zoning	The subject site is zoned B2 Local Centre, E2 Environmental Conservation under <i>Gosford Local Environmental Plan 2014</i>
Relevant Planning Legislation, Instruments and Controls	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment.</p> <ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i> • <i>Local Government Act (LG Act) 1993 - Section 89</i> • <i>State Environmental Planning Policy No 71 - Coastal Protection (SEPP 71)</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 (GDGP 2013)</i>
Current Use	Cinema
Integrated Development	No
Submissions	Nil

Variations to Policies*Gosford Local Environment Plan 2014*

LEP/DCP	Clause 4.3 Height of Buildings
Standard	Maximum height limit of 14.25m
Departure basis	The proposal seeks an extension of the existing cinema which has an existing height of 20.7m. This results in a maximum variation of 6.45m or 45.26%

The Site

The subject site is located within the Erina Fair Commercial complex which is bound by Terrigal Drive, Karalta Road and the Central Coast Adventist School. There are a number of entrances to the Erina Fair Commercial complex, with the main entrance accessed from Terrigal Drive.

The site slopes down to the south west resulting in a level change of 4m across the development footprint. The site contains various commercial tenancies and ancillary car parking.

The site is identified as "Bushfire Prone Land" on Council's bushfire maps.

The site is zoned B2 Local Centre and E2 Environmental Conservation under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014). The whole site including the E2 Environmental Conservation zoned land is owned by Lend Lease Real Estate Investment Ltd.



Figure 1 – Aerial photograph of subject site (existing cinema shown in blue) and adjoining properties



Figure 2 – View of front of cinema within Erina Fair complex



Photograph 1 – View at the back of existing cinema showing both the B2 Local Centre and E2 Environmental Conservation zoned areas.



Photograph 2 – View at the back of existing cinema, with extension to be built in the cleared area in the B2 Local Centre zoned land.

Surrounding Development

The subject development sits within the Erina Fair complex. Surrounding development within the Erina Fair Complex consists of the Erina Ice Arena, a supermarket and other commercial premises.

Adjoining the Hoyts Cinema to the west is a heavily vegetated parcel of land. Carparking for the Hoyts Cinema is provided within the Erina Fair complex.

Adjoining the cinema complex to the north west is the Central Coast Adventist School. To the south of the Erina Fair Complex is Karalta Road, along this road is a mixture of types of residential properties, dentist surgery, child care centre, Pine Needles Village (relocatable manufactured home estate) and two storey dwelling houses.

The Proposed Development

The subject proposal seeks consent to extend the existing 8 screen Hoyts Cinema Complex. The proposed development is an extension to the existing Hoyts Cinema complex. The proposed building work for the extension is to be situated directly west of the existing Hoyts Cinema within the B2 Local Centre zoned area.

The current cinema complex provides 2,468 seats over eight cinemas, with a gross floor area of 5,065m².

The proposal comprises of the following:

- Extension of cinema building – 50.7m x 36.5m and a height of 20.7m located wholly within the B2 Local Centre zone.
- The extended works will be on the west of the existing cinema, with a total area 2012m².
- Addition of two new cinema screens, resulting in 10 cinema screens and ability to increase capacity to accommodate an additional 296 people.
- Internal fit out of the two new cinemas including seating, sound insulation, screens and additional emergency exits.

- Tree and vegetation removal is proposed to provide the required Asset Protection Zone (APZ). This would occur in both the B2 Local Centre zoned land and the E2 Environmental Conservation zoned land. The proposed tree removal is shown in figures 5 and 6.

Figures 3 & 4 provided below show the extent of the proposed works.

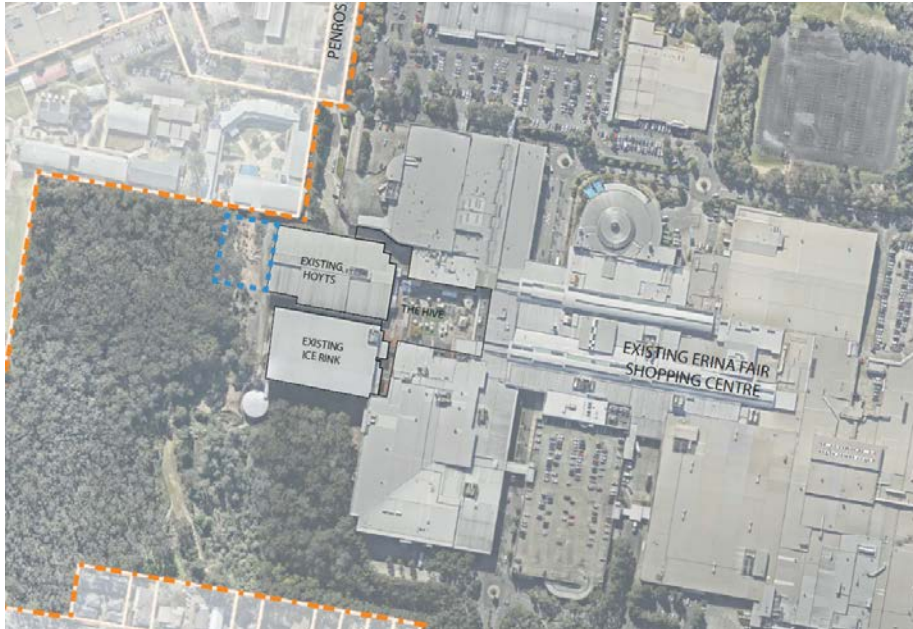


Figure 3 – Proposed location of the extension to Hoyts cinema



Figure 4 - Proposed Hoyts cinema extension

History

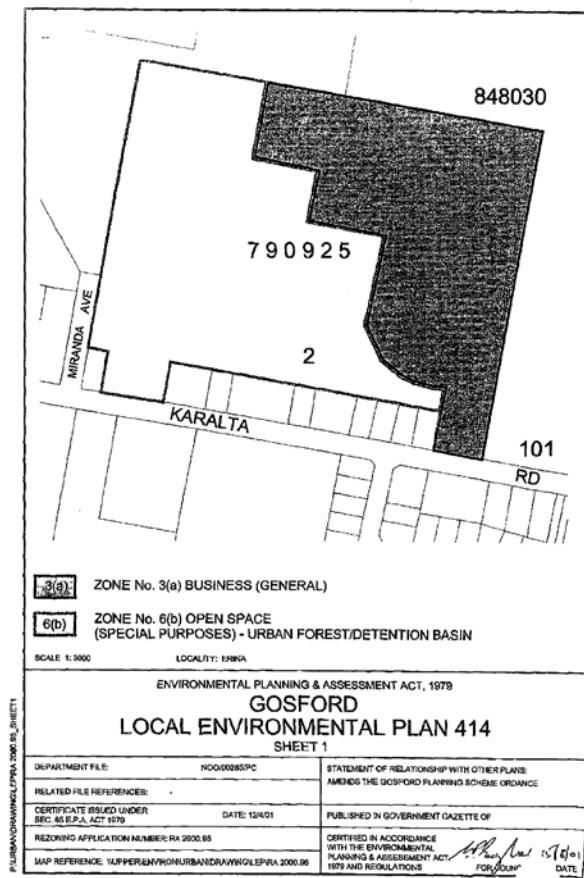
The subject site forms part of Erina Fair which comprises numerous commercial, retail and entertainment businesses. Erina Fair was granted consent under Development Application 1984/4728/1.

Development Application DA19283/1994 proposed a 10 screen Cinema complex, which was recommended for approval by Council staff, and was refused by Gosford Council’s Review Committee (acting under delegated authority) on 9 December 1994. The reasons for refusal were the potential adverse economic impact upon existing cinemas in Gosford, Kincumber and Avoca, increase in traffic, size of the development and loss of a number of trees over 15m in height.

The applicant appealed that refusal to the Land and Environment Court. The key contention in the hearing of that appeal was the economic impact the proposal could have on other cinema complexes on the Central Coast.

Consent was granted for an 8 cinema complex by the Land and Environment Court on 21 April 1995.

A review of the both the 1984 and 1995 development consents has identified that there was no specific requirement to protect the vegetation to the west of the site. This occurred in 2001, by Amendment No.414 of the *Gosford Local Environment Plan* to the *Gosford Planning Ordinance Scheme* which rezoned land within the 3(b) Business General zoned land to 6(b) Open Space (Special Purposed) – Urban Forest/Detention Basin under the *Gosford Planning Scheme Ordinance*.



Plan 1 – Amendment GLEP No.414 to the *Gosford Planning Ordinance Scheme*

The 6(b) zoned land was amended under the GLEP 2014 to E2 Environmental Conservation in 2014. The E2 Environmental Conservation zoned area is mapped as E37a – Alluvial Paperbark Sedge Forest which is indicative of Swamp Sclerophyll Forest on Coastal Floodplains Endangered Ecological Community.

The E2 Environmental Conservation zoned land is not in Council's ownership, and there are no restrictions regarding work within this area other than those stated under the zoning provisions for the E2 Environment Conservation zone under GLEP 2014.

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

Public Consultation

In accordance with Chapter 7.3 of GDCP 2013, the application was notified between 17 August 2017 and 31 August 2017. There were no submissions received in relation to this proposal.

Submissions from Public Authorities

NSW Rural Fire Service - Sydney

- Supported, subject to conditions (**Condition Nos. 2.3, 2.5, 2.6,5.4,5.5 and 6.2**)

Roads & Maritime Services- State & Regional Roads

- Supported, without condition

Internal Consultation

Building	Supported, subject to conditions
Engineering	Supported, subject to conditions
Engineering Traffic/Transport	Supported, without conditions
Ecologist	Supported, subject to conditions, refer to comments below
Trees	Supported, subject to conditions
Waste Service (Garbage)	Supported, subject to conditions
Water and Sewer Assessment	Supported, subject to conditions

Ecology

Council's Ecologist has provided the following assessment of the proposal:

The vegetation on site is mapped as E37a – Alluvial Paperbark Sedge Forest which is indicative of Swamp Sclerophyll Forest on Coastal Floodplains Endangered Ecological Community. The Ecological Report has identified that the vegetation in the development area is a transitional

between the EEC community and Narrabeen Coastal Peppermint Forest which is a regionally significant vegetation community.

The site contains suitable habitat for a number of threatened flora and fauna species however none were recorded by the Ecologist. Only common urban fauna was detected and this is likely due to the isolation of the patch of vegetation and the dense surrounding urban development. Threatened bats and flying foxes may utilise the area for foraging.

The Ecological Report included a threatened species assessment for the Swamp Sclerophyll Forest EEC and threatened flora and fauna with the potential to occur on the site. The threatened species assessment concluded that the proposal is not likely to have a significant impact. This is generally supported and the proposal does mainly utilise an existing cleared area.

The tree removal is quite substantial however it appears to have been selected by the arborist and ecologist to meet APZ standards whilst minimising tree removal.

Planning Comment

Conditions have been recommended to ensure that a Vegetation Management Plan is submitted to Council's Ecologist for approval requiring an Ecologist to supervise the removal of trees and ensure protection methods are in place to protect the trees that are to remain on site (refer to **Conditions Nos. 2.8, 3.7, 4.10 and 6.4**).

A condition is recommended (refer to **condition 5.10**) due to the required amount of tree removal. The recommended conditions would require the planting of 20 indigenous trees within the E2 Environmental Conservation zoned land (outside of the area required for the proposed APZ). This will offset the removal of trees that have been identified to be in good condition within the APZ.

Ecologically Sustainable Principles:

Vegetation removal is required in the adjacent E2 Conservation zoned land to the south of the proposed extension. This is required to form part of the Asset Protection Zone (APZ) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. This will result in the removal of a total of 29 trees (10 of these trees are considered to be in good condition) from the whole site.

A total of 26 trees are proposed to be removed from the B2 Local Centre portion of the site and a total of 3 trees (with 7 trees being retained in this area including 6 large Eucalyptus Piperita trees) from the E2 Environmental Conservation portion of the site.

None of the trees were observed to contain obvious hollows. There will be the retention of 25 trees within the whole APZ area and this will be managed as per the recommended conditions (refer to **condition Nos. 2.8, 3.7, 4.10 and 6.4**).

The E2 Environmental Conservation zoned land has been previously cleared in part, with only three (3) trees identified for removal in this area and seven (7) trees are being retained (refer to figure 6).



Figure 5 – Approximate area where 3 trees and underscrub are to be removed in the E2 Environmental Conservation zoned land (in light blue), hatched blue line shows zone boundary.

The trees for removal are No. 49 (Eucalyptus Piperita which has been identified with die back), No. 51 (Eucalyptus Piperita which has been identified with die back) and No. 52 (Eucalyptus Piperita which has a suppressed canopy) shown in figure 6.

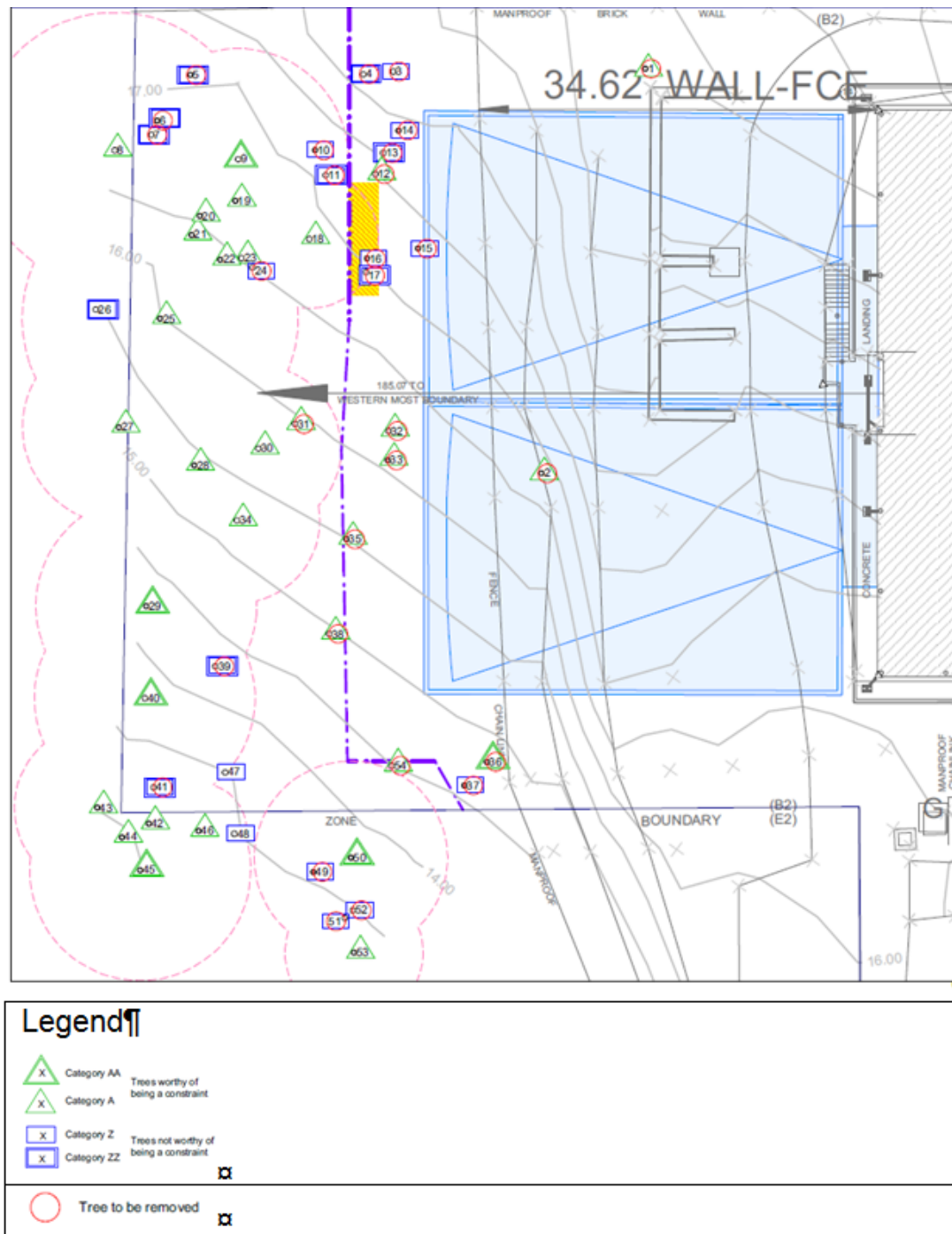


Figure 6 – Tree Management Plan showing tree removal and retention, contained within the Arboricultural Impact Method Statement supporting the development application (proposed extension highlighted in blue; zone interface with the B2 Local Centre and E2 Environmental Conservation zones highlighted in red).

The required tree removal proposed for clearing is minimal in the E2 Environmental Conservation zone land.

A condition is recommended (refer below to **condition 5.10**) due to the required amount of tree removal for the whole APZ area, that planting of 20 indigenous trees should be required within the E2 Environmental Conservation zone land outside of the APZ. This will offset the removal of the 10 trees within the APZ area that have been identified as being in good condition.

5.10 Replacement Trees

Plant a minimum of 20 replacement trees in the E2 bushland areas beyond the 26m Asset Protection Zone (APZ). Location for planting to be advised by the Project Arborist.

*Replacement trees must be indigenous species same as those removed (*Eucalyptus robusta*, *Eucalyptus piperita*, *Glochidion ferdinandi*). The most advanced specimens available are to be provided.*

In conjunction with the recommended conditions (refer to condition **Nos. 2.8, 3.7, 4.10, 5.10 and 6.4**) requiring a vegetation management plan to ensure that the tree removal and protection of remaining trees is supervised by an Ecologist and the planting of additional trees the proposed vegetation clearing is supported.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and with the recommended condition will not result in significant adverse impacts on the environment and will not decrease environmental quality for future generations.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the 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 *Environmental Planning and Assessment Act (EP&A Act) 1979* and other statutory requirements, Council's policies and s.10.7 Planning Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information.

s. 4.15 (1)(a)(i) of the EP & A Act: Provisions of Relevant Instruments/Plans/Policies:**State Environmental Planning Policies (SEPP)***State Environmental Planning Policy No. 71 – Coastal Protection (Repealed on 3 April 2018)*

State Environmental Planning Policy (Coastal Protection) No. 71 (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 provide that the SEPP 71 provisions continue to apply if a development application was lodged and not finally determined prior to the commencement of the SEPP Coastal Management. Development application DA 52576/2017 was lodged but not determined on 3 April 2018, and so SEPP 71 applies to that application.

The provisions of SEPP 71 require Council consider the Aims and Objectives of SEPP 71 together with the matters for consideration listed in Clause 8 of SEPP 71 when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within the mapped coastal management areas.

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

State Environmental Planning Policy (Coastal Management) 2018

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

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

The subject site is zoned B2 Local Centre and E2 Environmental Conservation under *Gosford Local Environmental Plan 2014* (GLEP 2014). The proposed development is defined as Entertainment Facility (Cinema - Extension) which is permissible within the B2 Local Centre zone with the consent of Council. The proposed extension to the cinema is wholly contained within the area zoned B2 Local Centre. Clearing for the Asset Protection Zone (APZ) occurs within both the B2 Local Centre zoned area and partly within the E2 Environmental Conservation zoned area. The size of the area to be managed as an APZ in the E2 Environmental Conservation zoned land has a variable length between 41m and 45m and a variable width between 10m and 11.3m.

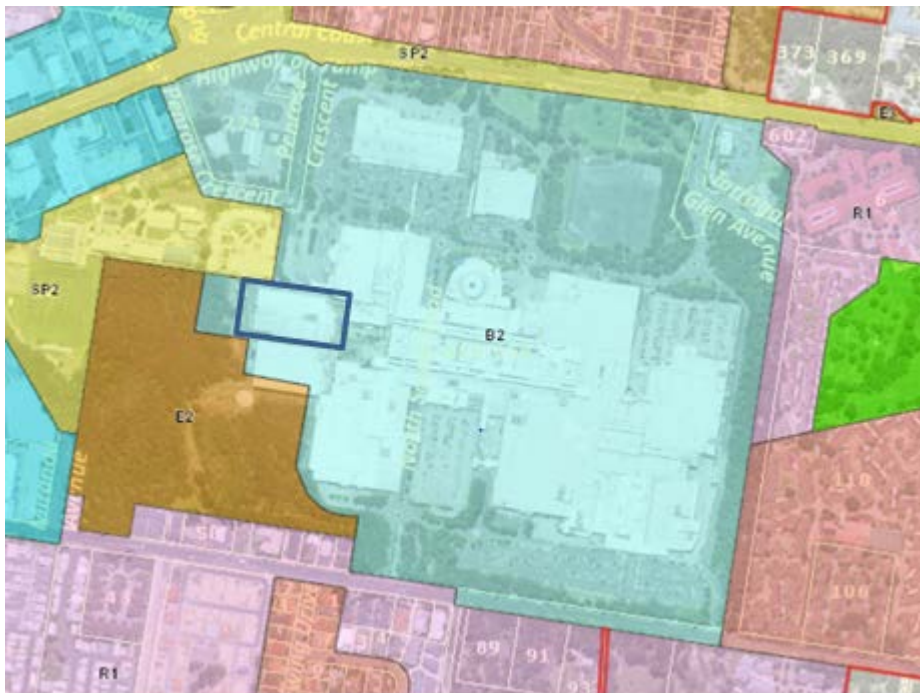


Figure 7: Zoning map showing the site in outlined in blue.

B2 Local Centre Zone

The objectives of the B2 Local Centre zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for residential uses, but only as part of a mixed use development.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To promote ecologically, socially and economically sustainable development.*
- *To ensure that the town centres of Erina and Woy Woy are recognised as providing a higher level, and greater diversity, of services and facilities to serve a wide population catchment from numerous localities and as key public transport nodes, secondary to Gosford City Centre.*
- *To ensure that village centres such as Avoca, East Gosford, Ettalong Beach, Kincumber, Lisarow, Niagara Park, Terrigal, Umina Beach, West Gosford and Wyoming are recognised as providing a broad range of services and facilities to serve the population of the locality.*
- *To ensure that villages are recognised as providing local level services and facilities and are developed at a scale that reflects their population catchment and as a focus for public transport routes.*

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

The proposal to extend the existing cinema complex does require the removal of 26 trees within the B2 Local Centre portion of the site located directly west of the existing cinema structure to comply with the Asset Protection Zone (APZ). The APZ is necessary for the proposed extension of the Cinema and conditions have been provided by the NSW Rural Fire Service in line with Planning for Bushfire Protection - 2006. An arborist report prepared by Natural Trees, dated 10 July 2017 and a Flora and Fauna Survey, prepared by ACS Environmental Pty Ltd, dated July 2017 have been provided and assessed by Council's Tree Officer and Council's Ecologist.

The proposed development will necessitate the removal a total of 26 trees (ten trees are considered to be in good condition) in the B2 Local Centre zoned portion of the site. The ten trees considered as being in good condition are notated as 1, 2, 12, 31, 32, 33, 35, 36, 38 and 54 in figure 6. None of the trees were observed to contain obvious hollows. However, 16 trees are being retained within the B2 Local Centre zoned portion of the site (refer to **condition Nos. 2.8, 3.7, 4.10, and 6.4**).

In this instance, it is considered that the proposal in conjunction with the recommended proposed conditions of consent is consistent with the stated objectives of the B2 Local Centre zone in that it will continue to provide an entertainment service to the Local Centre and provide further employment opportunities in an accessible location.

E2 Environmental Conservation Zone

There is no building work proposed within the E2 Environmental Conservation area, however the removal of 3 trees and understorey vegetation is required to comply with the required Asset Protection Zone (APZ).

These works and the planting of 20 replacement trees (as required by the proposed **condition 5.10**), are defined as bush regeneration works which are permissible in the E2 Environmental Conservation zone.

The objectives of the E2 Environmental Conservation zone are:

- *To protect, manage and restore areas of high ecological, scientific, and cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise 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 ensure that development is compatible with the desired future of the zone.*
- *To limit development in areas subject to steep slopes and flooding.*

An irregular shaped area, measuring between 41m and 45m in length and between 10m and 11.3m in width, of E2 Environmental Conservation zoned land is located directly south of the zone interface boundary forms part of the required APZ for the proposed development. The area required to be managed for the APZ within the E2 Environmental Conservation zone, has been previously cleared in part. This is shown in photograph 3.



Photograph 3 – View of portion of the E2 Environmental Conservation zoned land extending past the fence.

The trees proposed to be removed are notated as 49 (Eucalyptus Piperita which has been identified with die back), 51 (Eucalyptus Piperita which has been identified with die back) and 52 (Eucalyptus Piperita which has a suppressed canopy) shown in figure 6. These are identified as having a limited ecological value in the Arboricultural Impact Method Statement, prepared by Naturally Trees, dated 10 July 2017, supporting the development application. Council's Tree Assessment Officer and Council's Ecologist have raised no objection to the removal of this vegetation.

As indicated in figure 6, there are 25 trees that will be protected and managed within entire APZ and this area will be maintained as per the recommendations contained with the Arboricultural Impact Method Statement, prepared by Naturally Trees, dated 10 July 2017 and required to be implemented as per the recommended conditions of consent (**Condition Nos. 2.8, 3.7, 4.10, 5.10 and 6.4**).

As previously stated in this report, it is also recommended that additional tree planting should occur in the E2 Environmental Conservation area outside the required APZ to offset the loss of the 10 trees that are considered to be in a good condition.

In this instance, it is considered with the retention of 25 trees and the recommended additional planting of advanced indigenous trees that the proposal is consistent with the stated objectives of the E2 Environmental Conservation zone.

Development Standards

Development Standard GLEP 2014	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
Clause 4.3 - Height of buildings	14.25m	20.7m	No - see comments below	45.26%	Yes - see comments below Yes
Clause 4.4 - Floor space ratio	0.8:1	0.3:1	Yes	No variation proposed	Yes

Clause 4.3 Height of buildings

The maximum height permitted under Clause 4.3 – Height of Building in the B2 Local Centre zone under GLEP 2014 is 14.25m. The proposal is to extend the existing cinema which has an existing height of 20.7m. The proposed extension continues the existing roof line which results in a non-compliance with Clause 4.3 – Height of Buildings. The Applicant has sought to vary the Development Standard in accordance with Clause 4.6 of GLEP 2014, which is addressed below.

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 submitted a justification that outlines the variation is worthy of support for the following reasons:

- *The proposed non-compliance will not result in any significant adverse impacts on the subject site, neighbouring land uses or environment.*
- *The variation is consistent with both the objectives of the zone and the development standard.*
- *Compliance with the standard would prevent the orderly development of the proposed extension of the Hoyts Cinema.*

- *The development is found to be of a consistent nature to the surrounding development including the current building housing the Hoyts Cinema. Support of the variation will bring uniformity with the existing and proposed building.*
- *The site falls 4.92m from the northern to the southern side of the development of the area and therefore the development is responding to the need to ensure conformity with existing finished floor levels within the Shopping Centre.*
- *As indicated in the shadow diagrams supporting the application, the additional shadow created will not be unreasonable.*

Comment:

It is considered that the justification provided by the applicant is acceptable as the site is constrained by topography and the existing cinema height, as the extension is a continuation of the current building. The subject site adjoins bushland and therefore the height variation will not impact upon existing residential amenity. The applicant's written request has 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.

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 –

It is considered that the proposed variation is consistent with the objectives of the zone and results from the topography of the site and the design need to match the existing built form.

The development will not have unreasonable impacts on the neighbouring residents or character of the area and remains consistent with the objectives of the standard and objectives of the B2 Local Centre Zone.

3. *Has the concurrence of the Director-General been obtained?*

Planning Circular PS 18- 003 issued 21 February 2018 states that Council may assume the concurrence of the Director-General when considering exceptions to development standards under clause 4.6 of GLEP 2014. The Council is therefore empowered to approve the application.

The request for a variation under Clause 4.6 is considered to be well founded and is recommended for support.

5.5 Development within the coastal zone

The provisions of Clause 5.5 of GLEP 2014 require Council to consider matters in relation to 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 and are considered consistent with the stated aims and objectives.

7.2 Flood planning

A portion of the land is classified as being under a "flood planning level" and would be subject to the imposition of a minimum floor level. However, the proposed location of the cinema extension is not within the flood liable area and is not subject to minimum floor level requirements and as such the development is considered satisfactory in respect to Clause 7.2 Flood Planning of GLEP 2014.

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

Gosford Development Control Plan 2013 (GDGP 2013)

The relevant chapters of the GDGP 2013 were considered during assessment of this application. There are no variations to relevant planning controls in relation to the proposed development.

Chapter 2.1: Character - Erina 11 - Regional Centre

The site is located within the Regional Centre precinct of Erina. The desired character of this precinct states that it should remain the retail and entertainment centre for the regional population. The proposed development is for the extension of the existing Hoyts Cinema Complex, the proposal is consistent in design with the existing premises. The extension will upgrade the existing entertainment facilities for the future in line with the desired character for the area. The development proposes clearing to maintain adequate asset protection zones for bushfire purposes but still maintains a vegetation backdrop. The proposal is considered consistent with the desired future character of the area.

Chapter 6.3 Erosion Sedimentation Control

Appropriate siltation control will be conditioned.

Chapter 7.1 Car Parking

A Traffic and Parking Assessment Report prepared by Cardno, dated 10 July 2017 was submitted with the development application. The Traffic and Parking Assessment Report, outlines that the current provision of car parking is adequate to service the additional demand generated by the cinema extension. Council's Traffic Engineer and the RMS have reviewed the submitted information and concur with the recommendation.

Chapter 7.2 Waste Management

A Waste Management Plan, prepared by Cardno, dated July 2017, has been submitted with the Development Application. A condition has been included in the development consent requiring compliance with the Waste Management Plan.

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

Built Environment

The subject proposal is an extension of the existing Hoyts complex, presenting with a design consistent with the existing cinema. The proposed extension does present with a variation to the mapped height requirement for the area but the variation results from the topography of the site and the need to provide continuity with the roof of the existing complex.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of GLEP 2014 and GDCP 2013. The proposal will not result in any significant impacts on the built environment.

Access and Transport

A thorough assessment of the impacts of the proposed development upon the existing road network has been undertaken with the matter being referred to NSW RMS for comment. The assessment undertaken has concluded that the increase in traffic generated by the proposal can be adequately absorbed by the surrounding road network and there is no impact upon existing access provision.

Context and Setting

The subject proposal seeks consent for extension to the existing Hoyts Cinema complex. The proposed extension is consistent in appearance with the existing built form of Erina Fair. A thorough assessment of the impacts of the proposed development on the context and setting has been undertaken in terms of compliance with the GDCP 2013. The proposal will not result in any significant impacts on the context and setting and the subject proposal is consistent with the desired future character of the area.

Natural Environment

The proposed location of the cinema extension adjoins an area zoned E2 Environmental Conservation under GLEP 2014. The subject proposal requires vegetation removal and management to meet bushfire requirements. The application was submitted with an Arborist report prepared by Naturally Trees, dated 10 July 2017, which included an arboriculture method statement that outlines management and protection mechanisms. It is considered that the management and protection mechanisms are suitable in this instance and afford adequate protection to natural areas.

All other relevant issues of development have been discussed throughout this report. In general, it is considered that the site is suitable for the proposed development subject to recommended conditions.

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

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

A review of Council records has identified the following constraints:

- The site has multiple zones including B2 Local Centre and E2 Environmental Conservation. The proposed cinema extension will be undertaken on the B2 Local Centre zoned area under GLEP 2014, as previously mentioned in this report B2 Local Centre permits Entertainment Facilities with the consent of Council. No building work is proposed in the E2 Environmental Conservation area. The site also adjoins E2 Environmental Conservation; there is no built work to occur on the E2 Environmental Conservation area. Clearing for the proposed APZ is required and consent is sought to remove poor quality vegetation and replacement with 20 new trees in the E2 Environmental Conservation zone. This is defined as bush regeneration works which is permissible in the E2 Environmental Conservation zone.
- Bushfire: The land is classified as bushfire affected land and as such was referred to the NSW RFS for review. The NSW RFS provided concurrence to the proposal in accordance with Section 4.14 of the *EP&A Act 1979*. The extension to the existing cinema has been assessed and the site is suitable for the extension from a bush fire perspective.
- Flood: The land is classified as being under a "flood planning level" and subject to the imposition of a minimum floor level. The proposed location of the cinema extension is not subject to minimum floor level requirements and as such the development is considered satisfactory in respect to Clause 7.2 Flood Planning of GLEP 2014.

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

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

In 1996, the estimated population of the Central Coast was 263,050. The Central Coast Council area population forecast for 2018 is 342,548, and is forecast to grow to 414,615 by 2036.

The expansion of the existing cinema complex within the Erina Fair shopping complex is considered to be in the public interest as it will extend the life of the existing cinema within the Regional Centre, and will continue to provide additional employment opportunities in an accessible location.

The proposed embellishment of the E2 Environmental Conservation area with an additional 20 indigenous trees is also considered to be in the public interest.

Other Matters for Consideration:Planning Agreements

The proposed development is not subject to a planning agreement/draft planning agreement.

Development Contribution Plan*Section 7.11(formerly s. 94) Contributions*

The subject site is located within section 7.12 development contribution plan 58A Erina Fair-Local Roadwork where Cinema developments are subject to s. 7.11 contributions. Contributions Plan No 58A-Erina-Fair-Local Roadworks came into effect 24 May 1994 with subsequent amendments being made 31 August 1999 and 19 April 2006. The purpose of the contribution plan is to enable the levying of development contributions for the provision and upgrading of roadworks in the Erina vicinity that will be required as a result of the increased vehicular traffic requirements generated by proposed additional floor space and available car parking within the Erina Fair commercial/retail complex.

The s7.11 contribution for the proposed extension to the Hoyts cinema has been calculated as \$129,371.60. The applicable contribution amount was calculated based on the outlined GFA increase of 2012m². A standard condition of consent requiring the contribution be paid prior to the issue of any Construction Certificate is included within the consent (refer to **Condition 2.5**).

Water and Sewer Contributions

The proposed development is subject to Water & Sewer Contributions (refer to **Condition 2.7**).

Conclusion:

This application has been assessed against the heads of consideration of section 4.15 of the *Environmental Planning and 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 extension will extend the life of the existing cinema within the Regional Centre, will complement the locality and meet the desired future character of the area.

Accordingly, the application is recommended for approval.

Attachments

- | | | |
|----------|-----------------------------|-----------|
| 1 | Draft Conditions of Consent | D13261493 |
| 2 | Compliance Table | D13261256 |
| 3 | Development Plans | D13199802 |

Conditions

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: Hames Sharley

Project	Description	Sheets	Issue	Date
50987	Location Plan/Site Analysis	DA101	Rev E	20/07/17
50987	Site Plan	DA102	Rev D	20/07/17
50987	Ground Floor Plan	DA200	Rev C	13/07/17
50987	Bio Box Level Floor Plan	DA 312	Rev C	13/07/17
50987	Roof Plan	DA220	Rev C	13/07/17
50987	South & West Elevation	DA401	Rev E	20/07/17
50987	North Elevation	DA402	Rev D	20/07/17
50987	Sections	DA501	Rev D	20/07/17
50987	Materials Board	DA900	Rev C	13/07/17

Supporting Documentation:

Title	Prepared by	Date
Bushfire Assessment Report	Building Code & Bushfire Hazard Solution Pty Ltd	6 June 2017
Waste Management Plan	Cardno	July 2017

1.2 Carry out all building works in accordance with the Building Code of Australia.

1.3 Comply with the requirements from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
NSW Rural Fire Service	Letter of requirements	D17/2747	30 August 2017

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

2.2 No activity is to be carried out on site until the Construction Certificate has been issued, other than:

- a. Site investigation for the preparation of the construction, and / or
- b. Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

- 2.3** Provide details showing that the development complies with Bushfire Attack Level (BAL) 40 as prescribed by AS3959-2009: *Construction of buildings in bushfire prone areas*. Depending on the required BAL, the development must incorporate additional construction requirements that are contained in *subsection A3.7 - Additional Construction Requirements* of the document *Addendum: Appendix 3 to Planning for bushfire protection 2010* produced by the NSW Rural Fire Service.
- 2.4** Pay to Council a total contribution amount of \$129,373.60, that may require adjustment at the time of payment, in accordance with the relevant Contribution Plans No. 58A - Erina Fair Local Roadworks.

Roadworks - Capital	A	(Key No 840)	amount
TOTAL AMOUNT			\$129,373.60

The total amount must be indexed each quarter in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.

Contact Council's Contributions Planner for an up-to-date contribution payment amount on 4325 8222.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104 of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the office of Central Coast Council, 49 Mann Street Gosford or on Council's website:

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

- 2.5** Water, electricity and gas are to comply with the requirements of Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- 2.6** New constructions shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction in Bushfire Areas-2014' as appropriate & Section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006'.
- 2.7** Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the *Water Management Act 2000*. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 *Water Management Act 2000*' form can be found on Council's website www.gosford.nsw.gov.au. Early application is recommended.


- 2.8** Submit to Council's Environment Officer for approval, and obtain approval for, a Vegetation Management Plan (VMP) for management of the bushfire asset protection zone.

The VMP is to include a procedure for how vegetation clearing and removal of hollow bearing trees will be undertaken whilst providing for fauna welfare. Any tree hollows to be removed shall either be salvaged and attached to nearby trees or replaced with a constructed nesting box.

The VMP shall also include recommendations for weeding and ongoing management of the bushfire asset protection zone.

- 2.9** Submit design details of the following engineering works within private property:
- a. A stormwater detention system must be designed in accordance with the Gosford DCP 2013 Chapter 6.7 - *Water Cycle Management* and Council's *Civil Works Specification*. The stormwater detention system must limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1% AEP storm event. A runoff routing method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and/or secondary flowpaths.
 - b. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - *Water Cycle Management*. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.
 - c. Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system.
 - d. Construction of Fire Trails in accordance with the requirements of Section 4.1.3 of NSW Planning for Bush Fire Protection 2006.

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

- 
- 3.1** All under this section must be met prior to the commencement of any works.
- 3.2** Appoint a Principal Certifying Authority after the construction certificate for the building work has been issued.
- 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.gosford.nsw.gov.au
- 3.3** Do not commence site works until the sediment control measures have been installed in accordance with the approved plans / Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation and Control*.
- 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.
- Remove the sign when the work has been completed.
- 3.5** 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

- 3.6** 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.
- 3.7** Tree Protection is to be as per the recommendations of the Arboricultural Impact Assessment by Naturally Trees 10/7/17.
- 3.8** Provide toilet facilities at a ratio of one toilet plus one additional toilet for every 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 closet approved under the *Local Government Act 1993*
- 3.9** Install a hoarding or construction site fence between the work site and any public place to prevent any materials from or in connection with the work falling onto the public place. The use of barbed wire and/or electric fencing is not to form part of the hoarding or construction site fence.

A separate application made under the *Roads Act 1993* will need to be lodged with Council if the hoarding or construction site fence must be erected on the road reserve or a public place.

- 4.1** All conditions under this section must be met during works.
- 4.2** Clearing of land, excavation, and / or earthworks, building works, and the delivery of building materials must only be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm


Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

- a. No work is permitted on Sundays and Public Holidays
- b. No work is permitted on:
 - Saturdays when a public holiday is adjacent to that weekend.
 - Construction industry awarded rostered days off.
 - Construction industry shutdown long weekends.


Clause b does not apply to works of a domestic residential nature as below:

- ii. iii. iv.
 - i. Minor renovation or refurbishments to single dwelling construction.
Owner occupied renovations or refurbishments to single dwelling construction. Owner builder construction of single dwelling construction; and / or
Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.

- 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:
- All excavation or disturbance of the area must stop immediately in that area, and
 - 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 Implement the requirements of the Waste Management Plan listed as supporting documentation in this development consent.
- 4.7 Cease all works if any Aboriginal objects or artefacts are uncovered during works. Immediately contact the NSW Office of Environment & Heritage and comply with any directions or requirements.
- 4.8 Compliance with all Demolition and Construction commitments detailed in the Waste Management Plan by Cardno (NSW/ACT) Pty Ltd dated 10 July 2017.
- 4.9 Removal of trees is to be as per the Tree Management Plan within the Arboricultural Impact Assessment by Naturally Trees 10/7/17.
Trees must be removed in a manner so as to prevent damage to those trees that are to be retained.
- 4.10 Implement the approved Vegetation Management Plan for management of the bushfire asset protection zone.
- 4.11 Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*.
- 4.12 Demolish buildings in a safe and systematic manner in accordance with AS2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.

- 
- 5.1 All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2 Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.3 Do not occupy the premises until the Occupation Certificate has been issued.
- 5.4 Provide the Principal Certifying Authority with written certification from a recognised Bushfire Consultant certifying that all recommendations and findings of the Bushfire Report prepared by Building Code & Bushfire Hazard Solutiona Pty Ltd date 6 June 2017 have been complied with.

- 5.5** 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 40.
- 5.6** Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.7** Amend the Deposited Plan (DP) to:
- Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan.
 - a. Create a 'Restriction as to User' over all lots containing an on-site stormwater detention system and/or a nutrient/pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
 - Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
 - a. To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
 - (i) The facility will remain in place and fully operational.
 - (ii) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
 - (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
 - (iv) Council is indemnified against all claims of compensation caused by the facility.
- Submit, to the Principal Certifying Authority, copies of registered title documents showing the restrictive and positive covenants.
- 5.8** Water, electricity and gas are to comply with Section 4.1.3 of NSW Planning for Bush Fire Protection 2006.
- 5.9** Include each essential fire safety measure in the Final Fire Safety Certificate as identified in the attached Fire Safety Schedule.
- 5.10** Plant a minimum of 20 replacement trees in the E2 bushland areas beyond the 26m Asset Protection Zone (APZ). Location for planting to be advised by the Project Arborist. Replacement trees must be indigenous species same as those removed (*Eucalyptus robusta*, *Eucalyptus piperita*, *Glochidion ferdinandi*). The most advanced specimens available are to be provided.

- 
- 6.1** Operate and maintain all external lights in accordance with the *AS4282-1997: Control of the obtrusive effects of outdoor lighting*.
 - 6.2** At the commencement of building works and in perpetuity, the property around the proposed cinema extension to a distance of 24m shall be managed as an Inner Protection Area (IIPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Services document 'Standards for Asset Protection Zones.'
 - 6.3** Compliance On-Going Use details within the Waste Management Plan by Cardno (NSW/ACT) Pty Ltd dated 10 July 2017.
 - 6.4** Implement the approved Vegetation Management Plan for management of the bushfire asset protection zone. Suppress weeds in this area.

- 6.5 Maintain the on-site stormwater detention facility in accordance with the operation and maintenance plan.
- 6.6 Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.

- 7.1 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.

- Ensure the proposed building or works comply with the requirements of the *Disability Discrimination Act*.

NOTE: The *Disability Discrimination Act* (DDA) is a Federal anti-discrimination law.

The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. This development consent does not indicate nor confirm that the application complies with the requirements of the DDA.

- 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.

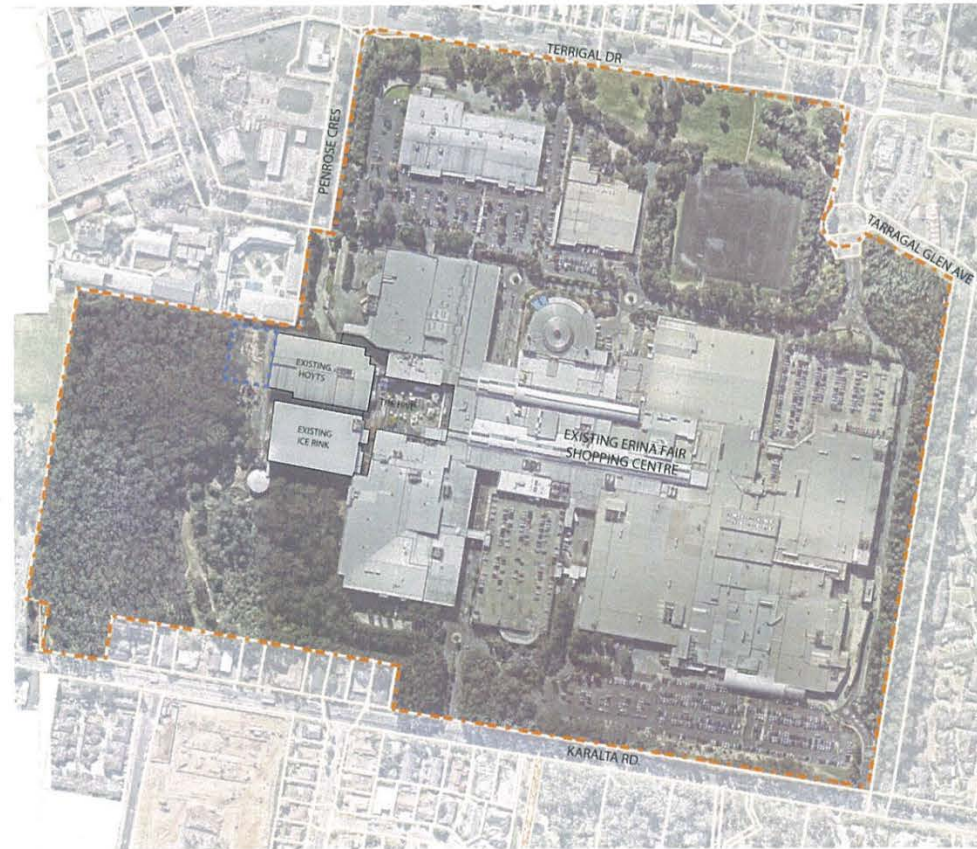
Standard	Requirement	Proposed	Compliance
Chapter 2.1 Character			
GDCP Chapter 2.1 - Character	The proposed development is required to meet the desired character under Erina 11: Regional Centre Existing and Desired	Yes – see comments within the report	Yes – see comments within the report
GDCP Chapter 2.2 – Scenic Quality	The proposed development is required to meet the Objectives for Scenic Quality	Yes – see comments within the report	Yes – see comments within the report
Part 6 Environmental Controls			
6.1 Acid Sulfate Soils			
6.1.4 Aims and Objectives	<p>a) To ensure effective management of areas containing Acid Sulfate Soils.</p> <p>b) To provide guidance to landowners, consultants and the general community on the procedures involved in the management of areas containing Acid Sulfate Soils.</p> <p>c) To ensure that activities located within an area of Acid Sulfate risk are identified</p> <p>d) .To require a preliminary Acid Sulfate Soil Assessment be undertaken to clarify the extent of risk.</p> <p>e) To require, where necessary, an Acid Sulfate Soil</p>	Minimal earthworks are proposed. The site is listed as Category 5. There will be minimal impact on the acid sulfate soils.	Yes
6.1.9 Soil Management Plan	All Development Applications for proposals which will disturb Acid Sulfate Soils must include an Acid Sulfate Soil Management Plan prepared in accordance with the OEH Guidelines, as amended from time to time.	<p>Minimal earthworks. Appropriate erosion and sediment control fencing will be required via condition 3.3.</p> <p>The site is identified as Class 5 Acid Sulfate Soils (ASS) within the GLEP 2014. No soil management is required.</p>	Yes –refer to Condition 3.3
Chapter 6.3 Erosion Sedimentation Control			

Standard	Requirement	Proposed	Compliance
6.3 Erosion and Sediment Control	Appropriate Erosion and sediment control required	An Erosion and Sediment Control Plan (ESCP) prepared by Cardno, dated was submitted. The plan provides the measures to be put in place to minimise erosion. The plan is accepted and will be required to be implemented.	Yes – Refer to Condition 4.4
Chapter 6.4 Geotechnical Requirements for Development Applications			
6.4.6 Specific Requirements	Geotechnical Engineers Report required dependent on Category.	The topography of the site is classified as Category 1, low hazard under Council's Landslip Hazard Assessment Matrix. Therefore and geotechnical report is not required.	Yes
Chapter 6.6 Preservation of Tree or Vegetation			
6.6 Preservation of Trees or Vegetation	Tree removal and retention	The proposal results in 29 trees being removed for proposed APZ and the retention of 25. It is recommended that additional planting occurs. This is assessed in detail in the report.	Yes– see comments within the report and conditions (Condition Nos. 2.8, 3.7, 4.10, 5.10 and 6.4)
Chapter 6.7 Water Cycle Management			
6.7.6 Water Cycle Management	Stormwater management of the site that requires retention.	A water cycle management plan prepared by Cardno, dated 10 July 2017 was submitted with the application. The Plan sets out how the existing water reuse and management mechanisms will be utilised to service the development. This has been assessed as acceptable.	Yes – Refer to condition 2.8 and 5.7
Part 7 General Controls			
Chapter 7.1 Car Parking			

Standard	Requirement	Proposed	Compliance
7.1 – Car Parking requirements	<p>In determining the car parking requirements for a development proposal, the following principles shall be followed:</p> <ol style="list-style-type: none"> 1. The minimum standards as set out in this chapter; 2. The likely demand for on-site parking to be generated by the development; 3. The availability of public transport in the vicinity to service the likely demands to be generated by the development; 4. Traffic volumes on the surrounding street network, including, where relevant, likely future traffic volumes; 5. The probable mode of transport of the users of the development; 6. The likely peak usage times of the development. 7. The provision of alternative private transport arrangements (eg courtesy buses to licensed premises at no charge to users). 	<p>A traffic and parking report prepared by Cardno, dated 10 July 2017. Provides details regarding parking. Further detailed in the body of the report</p> <p>There is available parking within Erina Fair complex to accommodate additional parking</p> <p>Council's Traffic Engineer and the RMS have reviewed the submitted information and concur with the recommendation.</p> <p>The proposed development has a car parking requirement of 101 spaces, which is less than the surplus of 182 spaces currently existing within Erina Fair Complex</p>	Yes – see comments within the report
Chapter 7.2 Waste Management			
7.2.10 Waste Management Plans	<p>Facilitate sustainable waste management within the Gosford Local Government Area in a manner consistent with the principles of ESD.</p> <p>A Waste Management Plan (WMP) outlines measures to minimise and manage waste generated during:</p> <ul style="list-style-type: none"> •demolition •construction •ongoing use of the site/premises. <p>In doing so, the WMP nominates:</p> <ul style="list-style-type: none"> •volume and type of waste and recyclables to be generated •storage and treatment of waste and recyclables on site •disposal of residual waste and recyclables •operational procedures for ongoing waste management once the development is complete. 	<p>A Waste Management Plan has been submitted with the application by Cardno, dated 10 July 2017. This has been reviewed and is acceptable.</p>	Yes – Refer to Condition 4.8

DRAWING SHEET LIST:

No.	DESCRIPTION	SCALE	REVISION
DA101	LOCATION PLAN / SITE ANALYSIS	SCALE 1:2000	D
DA102	SITE PLAN	SCALE 1:500	D
DA103	SHADOW ANALYSIS	NTS	C
DA200	GROUND FLOOR PLAN	SCALE 1:200	C
DA210	BIO BOX LEVEL FLOOR PLAN	SCALE 1:200	C
DA220	ROOF PLAN	SCALE 1:200	C
DA401	SOUTH & WEST ELEVATION	SCALE 1:200	E
DA402	NORTH ELEVATION	SCALE 1:200	D
DA501	SECTION	SCALE 1:200	D
DA900	MATERIAL BOARD	NTS	C



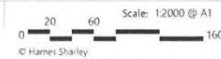
LEGEND

-  HOYTS PROPOSED EXTENSION
-  SITE BOUNDARY



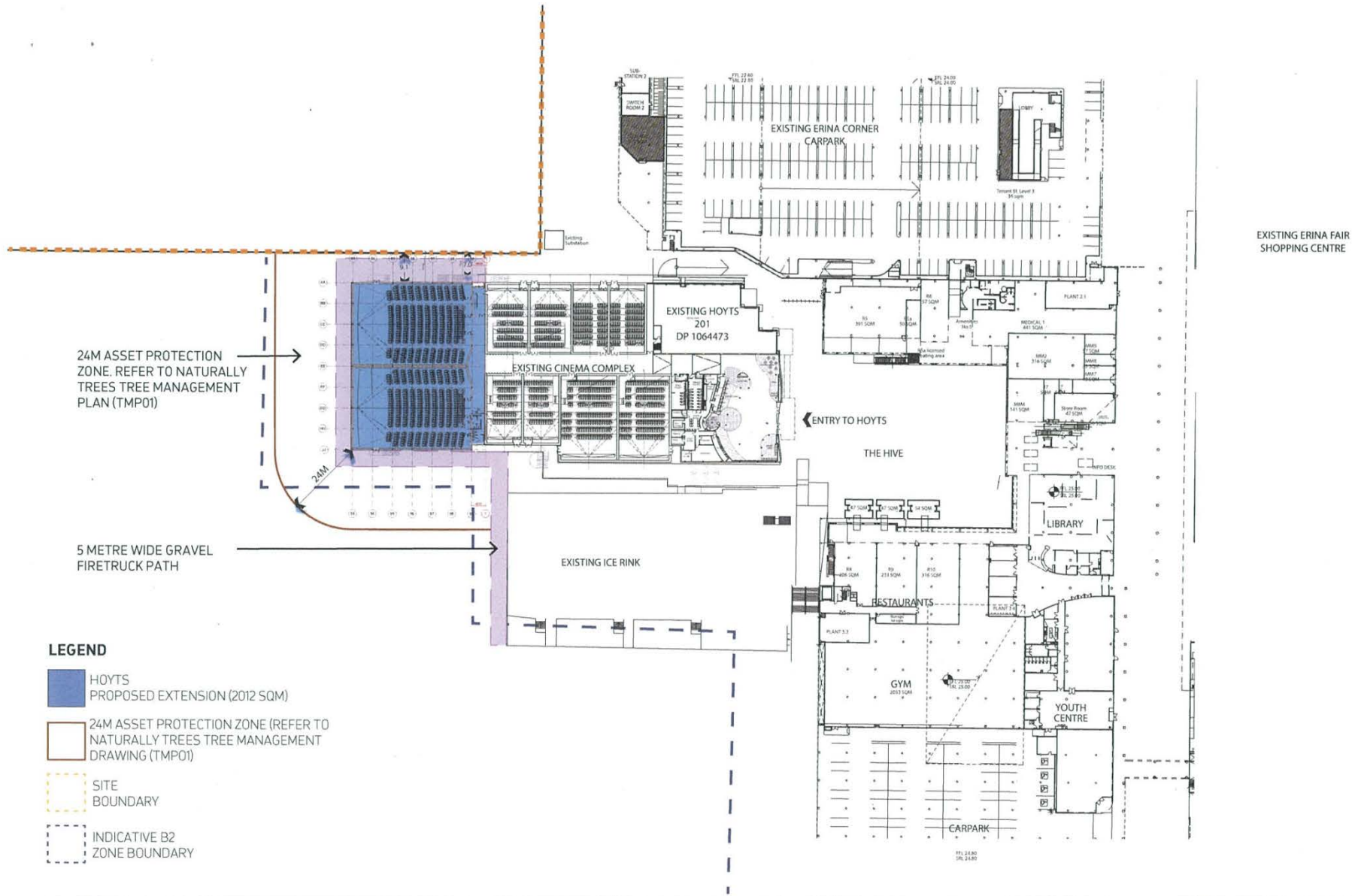
HOYTS EXTENSION DA SUBMISSION
ERINA HOYTS

Status : DA
Address : Erina Fair, 419 Terrigal Dr, Erina NSW 2250



Project Number: 50987
Drawing Number: -
Revision: E
Date: 20/07/17





LEGEND

- HOYTS PROPOSED EXTENSION (2012 SQM)
- 24M ASSET PROTECTION ZONE (REFER TO NATURALLY TREES TREE MANAGEMENT DRAWING (TMP01))
- SITE BOUNDARY
- INDICATIVE B2 ZONE BOUNDARY



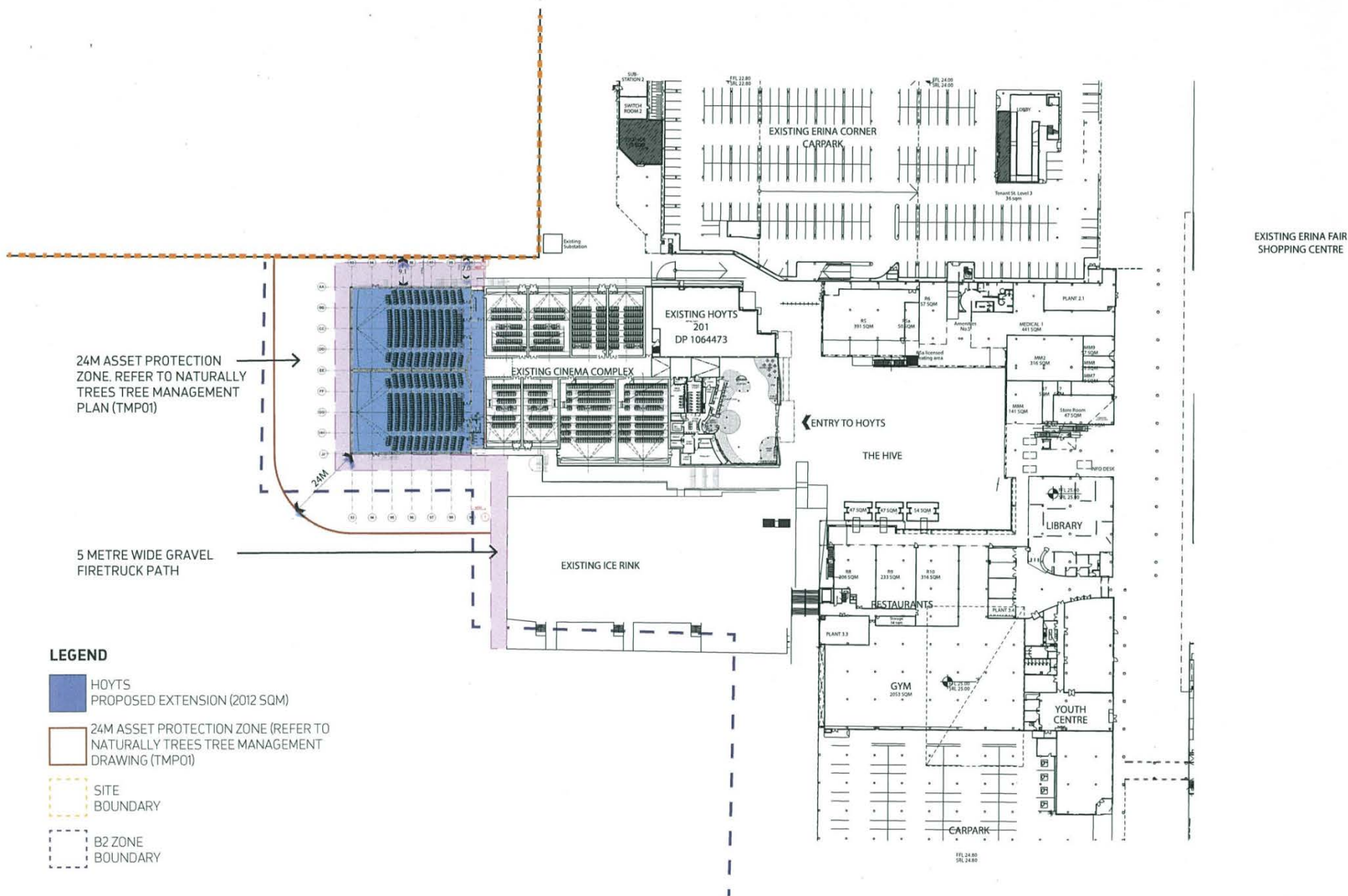
SITE PLAN
ERINA HOYTS

Status : DA
Address: Erina Fair, 419 Terrigal Dr, Erina NSW 2250



Project Number: 50987
Drawing Number: DA102
Revision: D
Date: 20/07/17





LEGEND

- HOYTS PROPOSED EXTENSION (2012 SQM)
- 24M ASSET PROTECTION ZONE (REFER TO NATURALLY TREES TREE MANAGEMENT DRAWING (TMP01))
- SITE BOUNDARY
- B2 ZONE BOUNDARY



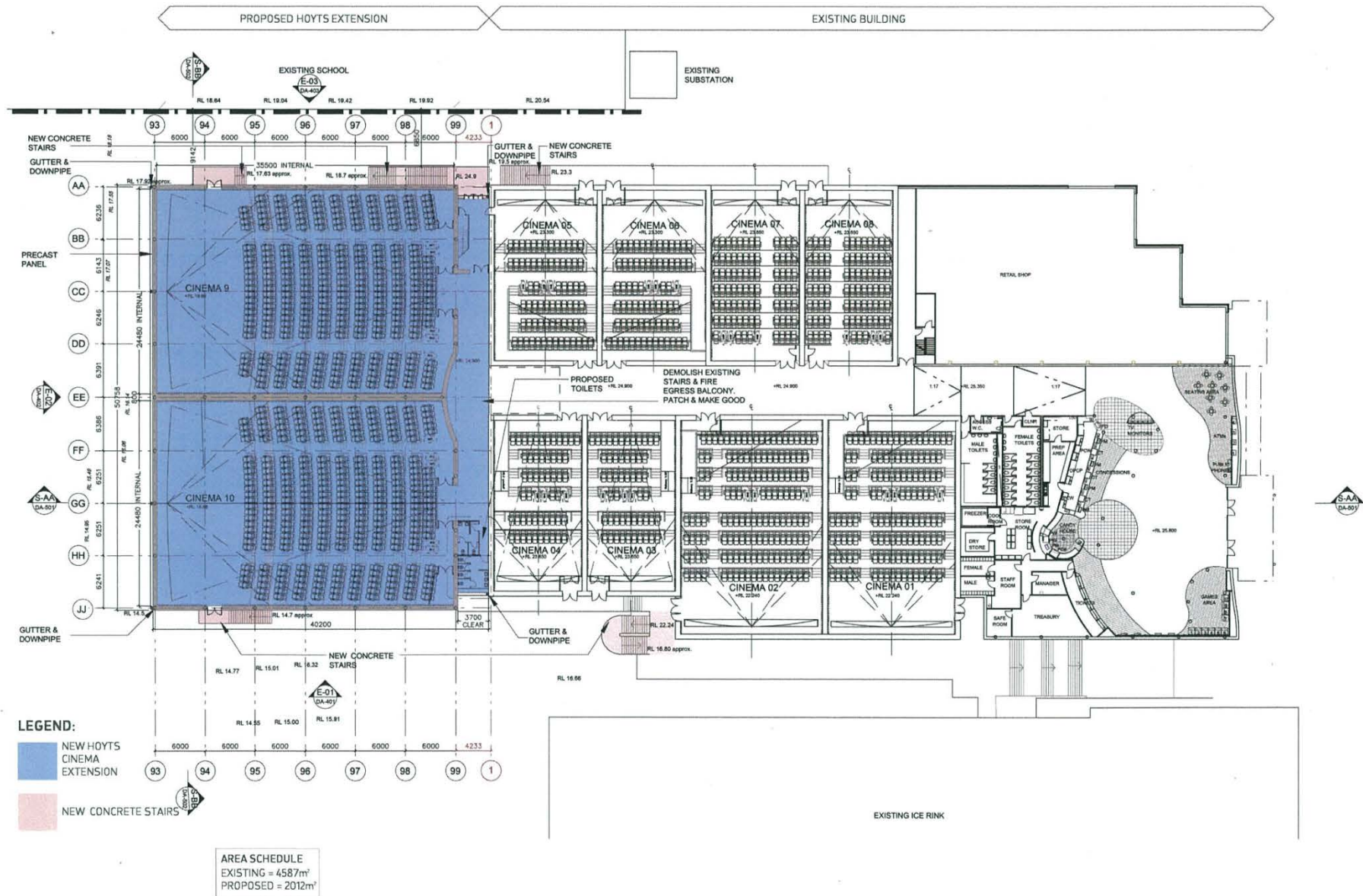
SITE PLAN
ERINA HOYTS

Status : DA
Address : Erina Fair, 419 Terrigal Dr, Erina NSW 2250



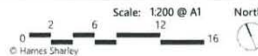
Project Number: 50987
Drawing Number: DA102
Revision: C
Date: 13/07/17





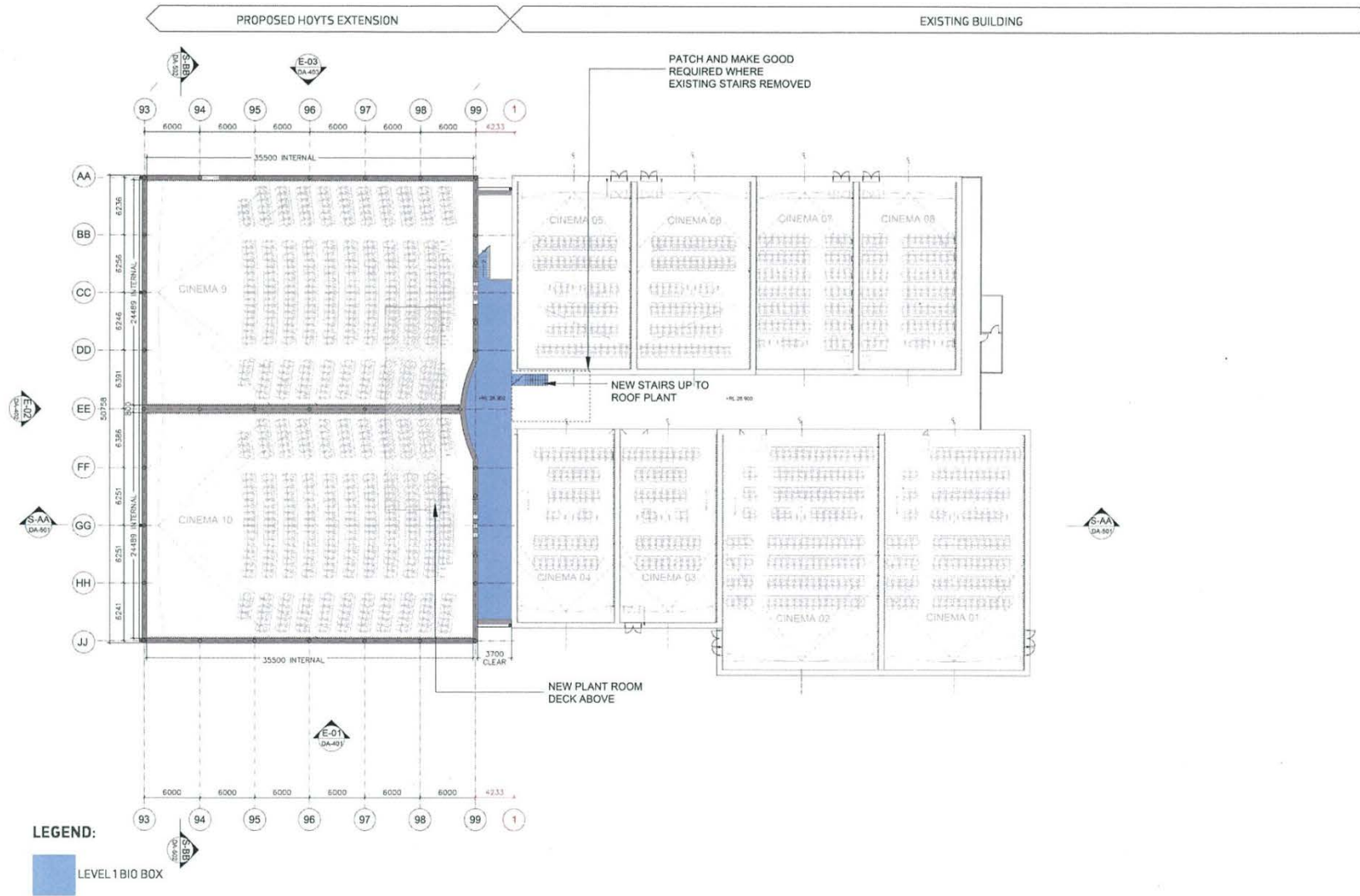
GROUND FLOOR PLAN
ERINA HOYTS

Status : DA
Address : Erina Fair, 419 Terrigal Dr, Erna NSW 2250



Project Number: 50987
Drawing Number: DA 200
Revision: C
Date: 13/07/17



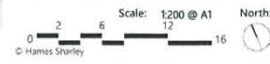


LEGEND:
 LEVEL 1 BIO BOX



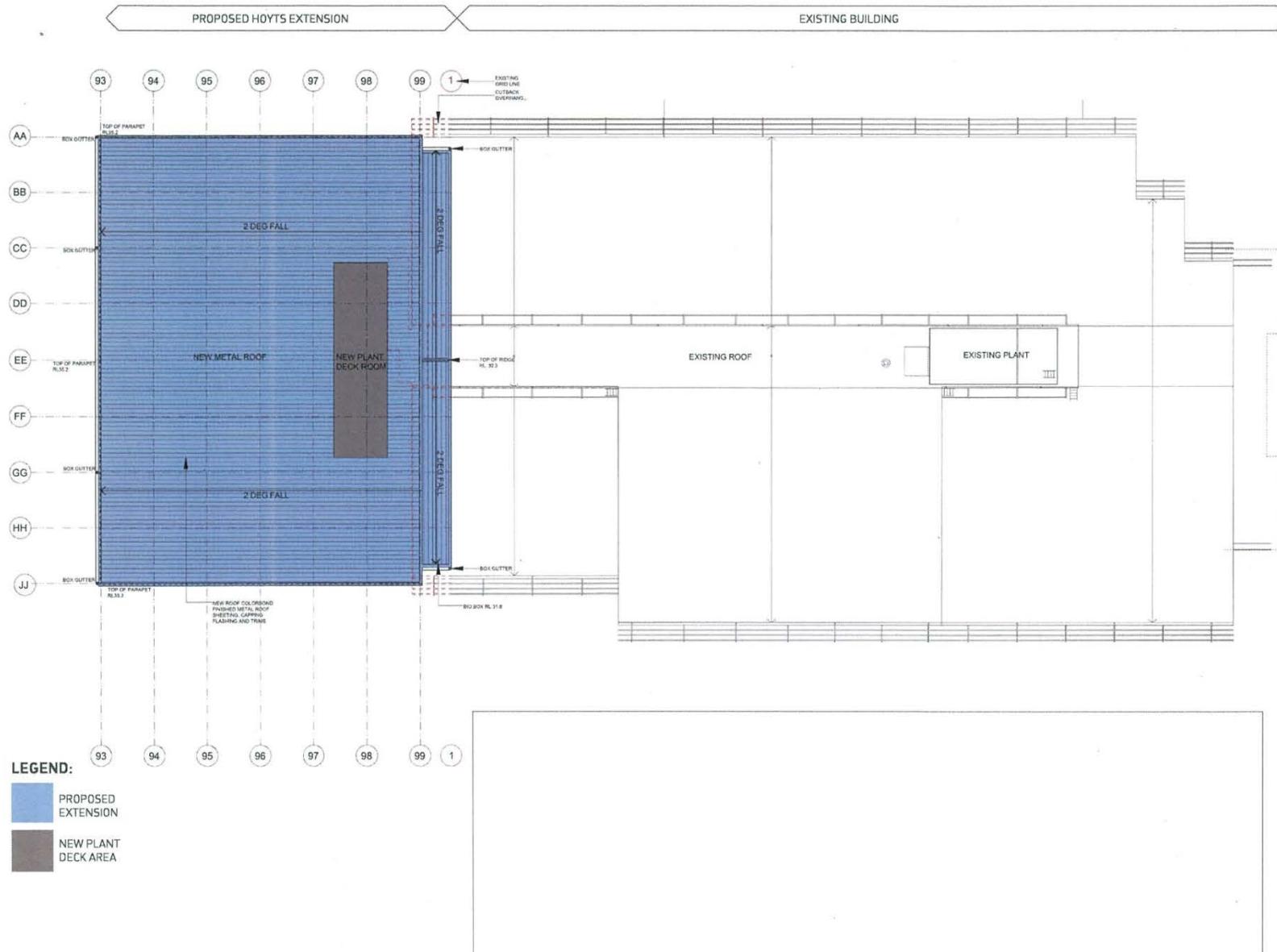
BIO BOX LEVEL FLOOR PLAN
 ERINA HOYTS

Status : DA
 Address : Erina Fair, 419 Terrigal Dc, Enna NSW 2250



Project Number: S0987
 Drawing Number: DA 312
 Revision: C
 Date: 13/07/17





ROOF PLAN
ERINA HOYTS

Status : DA
Address : Erina Fair, 419 Terrigal Dr, Erina NSW 2250

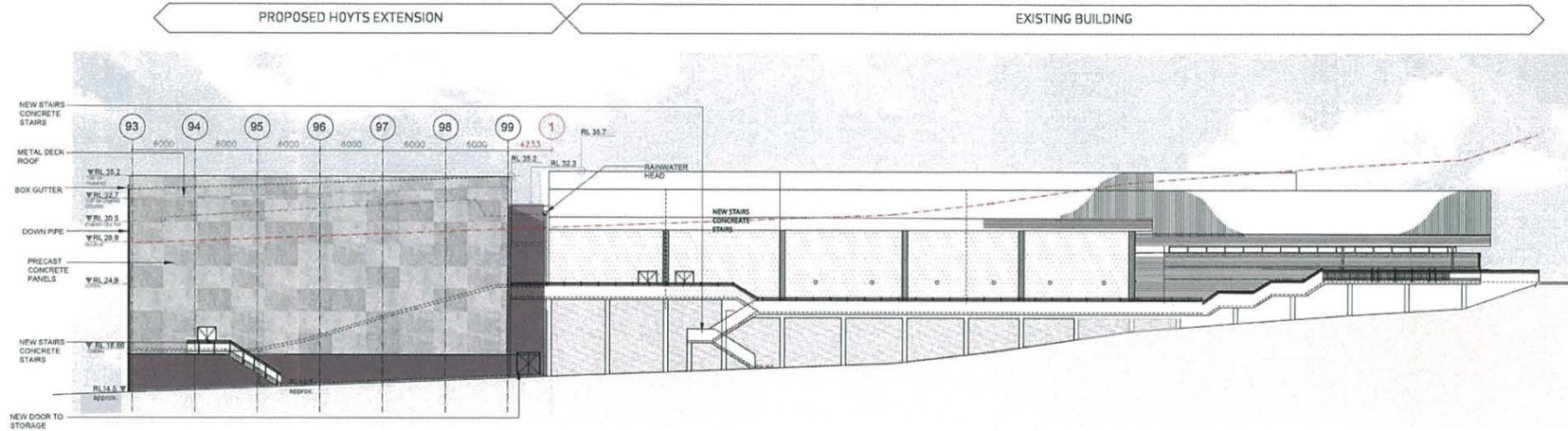
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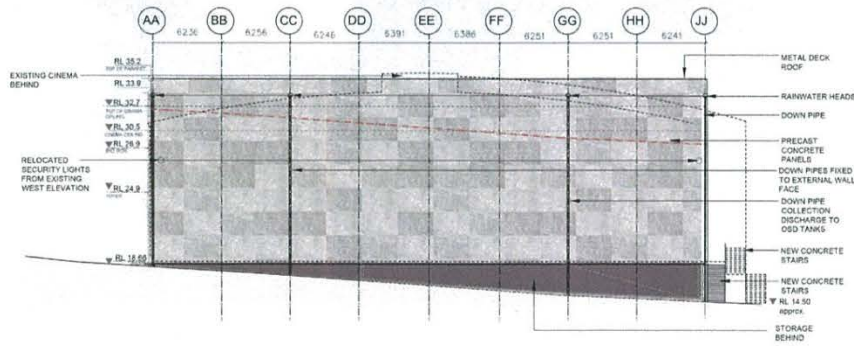
Project Number:
Drawing Number:
Revision:
Date:

50987
DA 220
C
13/07/17





01 ELEVATION SOUTH
(D4-1401)



02 ELEVATION WEST
(D4-141)

COLOUR PALLETTE INSPIRATION



LEGEND:

-  GREY NATURAL FINISH PRECAST
-  COLOR BOND DOWNPIPE
-  14.25 HEIGHT PLANE



SOUTH & WEST ELEVATION
ERINA HOYTS

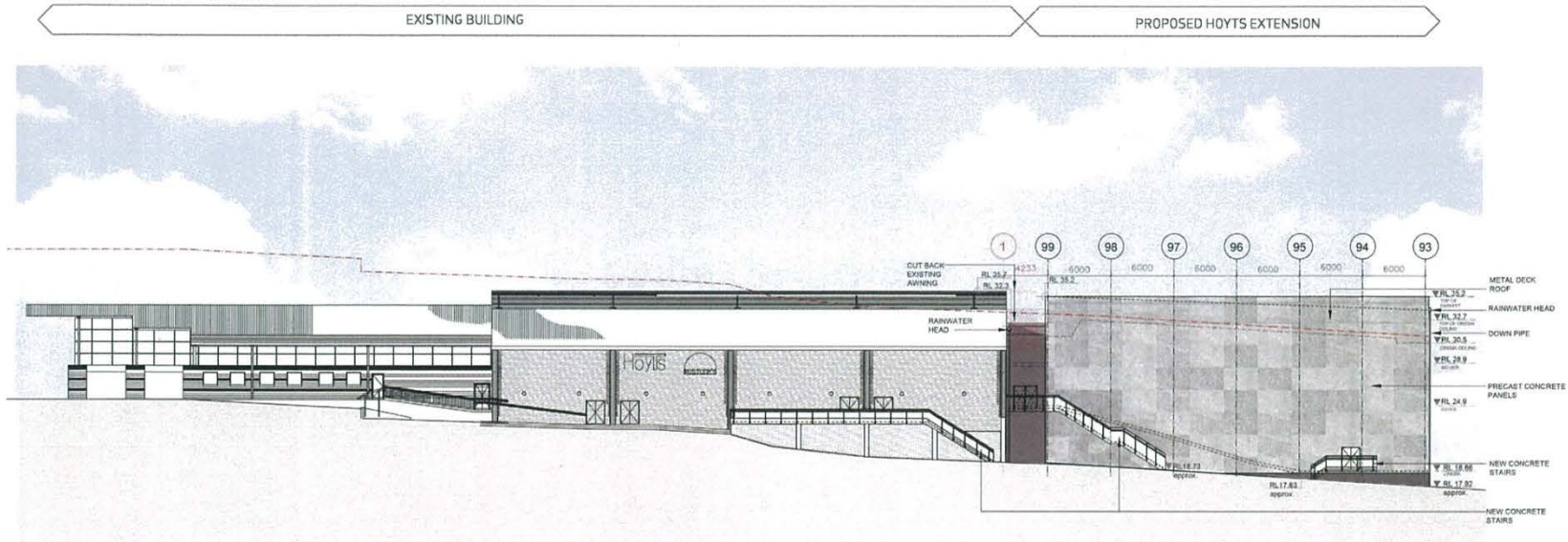
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Address : Erina Fair, 419 Terrigal Dr, Erina NSW 2250

Scale: 1:200 @ A1
0 2 6 12 16
© James Sharley



Project Number: 50987
Drawing Number: DA 401
Revision: E
Date: 20/07/17

James Sharley



02 ELEVATION NORTH
DA-402

COLOUR PALLETTE INSPIRATION



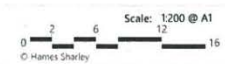
LEGEND:

-  GREY NATURAL FINISH PRECAST
-  COLOR BOND DOWNPIPE
-  14.25 M HEIGHT PLANE



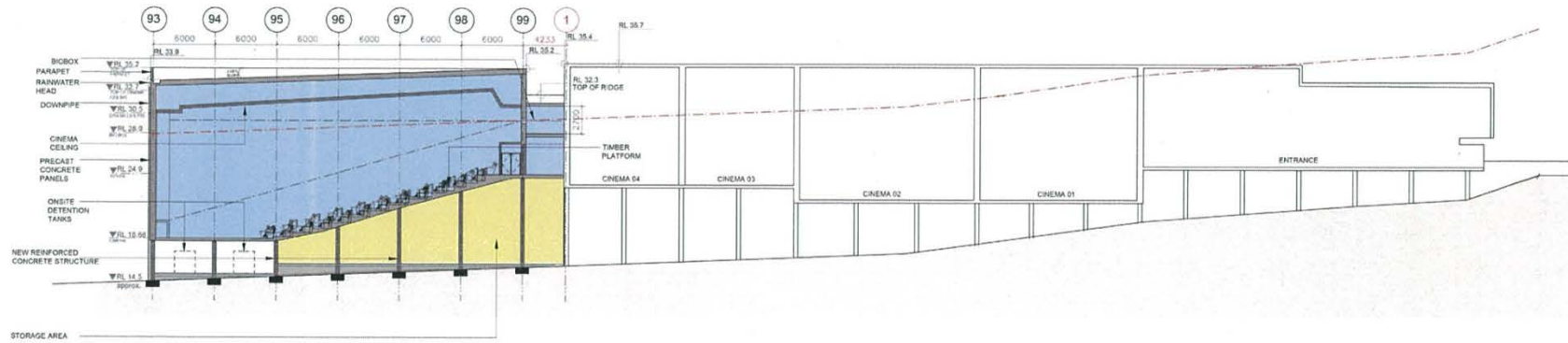
NORTH ELEVATION
ERINA HOYTS

Status : DA
Address: Erina Fair, 419 Terrigal Dr, Erina NSW 2250



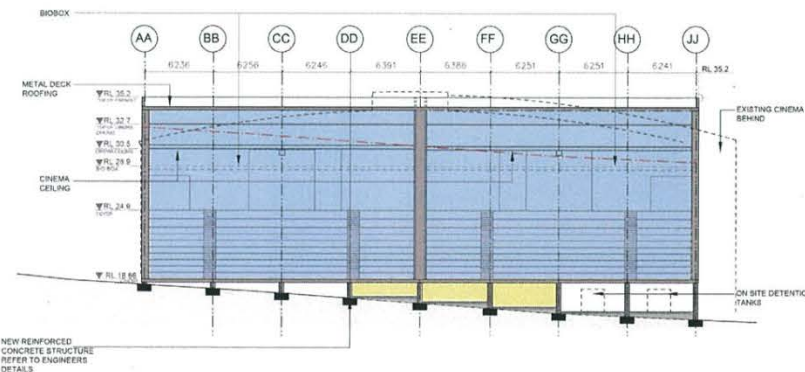
Project Number: 50987
Drawing Number: DA 402
Revision: D
Date: 20/07/17





01 SECTION AA
DA-501

- LEGEND:**
- PROPOSED HOYTS EXTENSION
 - STORAGE UNDERNEATH
 - 14.25 HEIGHT PLANE

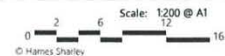


02 SECTION BB
DA-501



SECTIONS
ERINA HOYTS

Status : DA
ADDRESS: Erina Fair, 419 Terrigal Dr. Erina NSW 2250



Project Number: S0987
Drawing Number: DA-501
Revision: D
Date: 20/07/17



MATERIAL PALETTE INSPIRATION

GUMTREE GREYS



MATERIALS

**NATURAL GREY FINISH
PRECAST PANELS**



COLOR BOND

GUTTERS, DOWNPIPES AND ROOF



METAL DECK FOR ROOF



MATERIAL BORAD
ERINA HOYTS

Status : DA
Paths : ERINA FAIR, 419 Terrigal Dr, Erina NSW 2250

© Hames Sharley

Project Number: 50987
Drawing Number: DA 900
Revision: C
Date: 13/07/17





Item No: 2.4
Title: DA 53610/2018 - 44 Campbell Crescent, Terrigal
Department: Environment and Planning

9 July 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13246244

Author: Amanda Hill, Town Planner

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

Executive: Scott Cox, Director Environment and Planning

Summary

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

Applicant	C R Caskey
Owner	Canela Holdings Pty Ltd
Application No	DA53610/2018
Description of Land	Lot: 27A DP: 369719, 44 Campbell Crescent TERRIGAL
Proposed Development	Dual Occupancy Attached with Basement Carpark
Site Area	474 m ²
Zoning	R1 GENERAL RESIDENTIAL
Existing Use	Dwelling House
Employment Generation	No
Estimated Value	\$1,137,154

Recommendation

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

Precis:

Proposed Development	Attached Dual Occupancy with Basement Carpark
Permissibility and Zoning	The subject site is zoned R1 GENERAL RESIDENTIAL under the provisions of <i>Gosford Local Environmental Plan 2014</i> . Dual occupancy (attached) 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 and Assessment Act 1979 - Section 4.15 (EP&A Act)</i> • <i>Local Government Act 1993 - Section 89</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 and Ancillary Structures
Integrated Development	No
Submissions	Initial advertising period - 4 Second advertising period - 1

Variations to Policies*Gosford Local Environmental Plan 2014*

Clause	Clause 4.1B
Standard	Minimum Lot Size
Departure basis	The proposal seeks a minimum lot size of 476.6m ² to the required minimum lot size of 550m ² . This represents a 13.3% variation to the development standard.

Clause	Clause 4.4
Standard	Floor Space Ratio
Departure basis	The proposal seeks a floor space ratio of 0.59:1 to the required 0.5:1. This represents a 15.25% variation to the development standard.

Gosford Development Control Plan 2013

Clause	Clause 3.2.3.1.3
Planning Control	Building Envelope
Departure basis	The proposal seeks an encroachment to the required building envelope measured at 45 degrees from a height of 3.5m above natural ground level at both side boundaries. This represents a 22.8% or 0.8m variation to the control.

Clause	Clause 3.2.3.1.4
Planning Control	Cut and Fill
Departure basis	The proposal seeks to excavate the site to a depth of approximately 4m to locate the proposed development due to the steepness of the site. This represents a 75% variation to the planning control.

The Site

The site is commonly known as No. 44 Campbell Crescent, Terrigal and is legally known as Lot 27A DP39671.

The site is located on the western side of Campbell Crescent located between Barnhill Road to the north and Painters Lane to the south. The site has an area of 476.6m².

The subject site falls steeply towards the street at a gradient of 37%.

The site contains an existing one and two storey dwelling that is proposed to be demolished under this application.

The site is identified as "bushfire prone land" on Council's bushfire maps. A Bushfire Attack Level (BAL) Risk Assessment Certificate prepared by Peak Land Management dated 15 November 2017 was submitted with the application recommending the proposal comply with BAL-12.5.

The site is zoned R1 General Residential under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014).



Figure 1 – Aerial photograph of subject and adjoining properties (site shown outlined in blue)



Figure 2 – View of site from Campbell Crescent

Surrounding Development

An existing two storey residence that is known as No. 42 Campbell Crescent is located to the south-east of the subject site. Located to the north-west of the subject site at No. 46 Campbell Crescent is an existing multi-storey residential flat building. Directly across the road to the north-east at No. 29 Campbell Crescent is an existing two storey dwelling.

The land surrounding the site to the north, south, east and west is zoned R1 General Residential under the provisions of GLEP 2014.



Figure 3: Zoning Map with the site highlighted in blue

- 199



Figure 4- View of adjoining property to north, No. 46 Campbell Crescent



Figure 5 – View of adjoining property to south, No. 42 Campbell Crescent

The Proposed Development

The Development Application seeks approval for an attached dual occupancy with basement car park over three (3) storeys and comprises:

- Two (2) Dwellings each containing three (3) bedrooms and two (2) bathrooms over split levels known as first and second floor levels.
- Four (4) car spaces located in the basement level car park.
- Demolition of the existing one and two storey dwelling.
- Access to the site will be via a driveway from Campbell Crescent.
- Removal of trees within the site, consisting of one (1) large Brush Box, five (5) ornamental and palm trees;
- Removal of trees within the road reserve, consisting of one (1) Fig Tree and one (1) Phoenix Palm Tree.

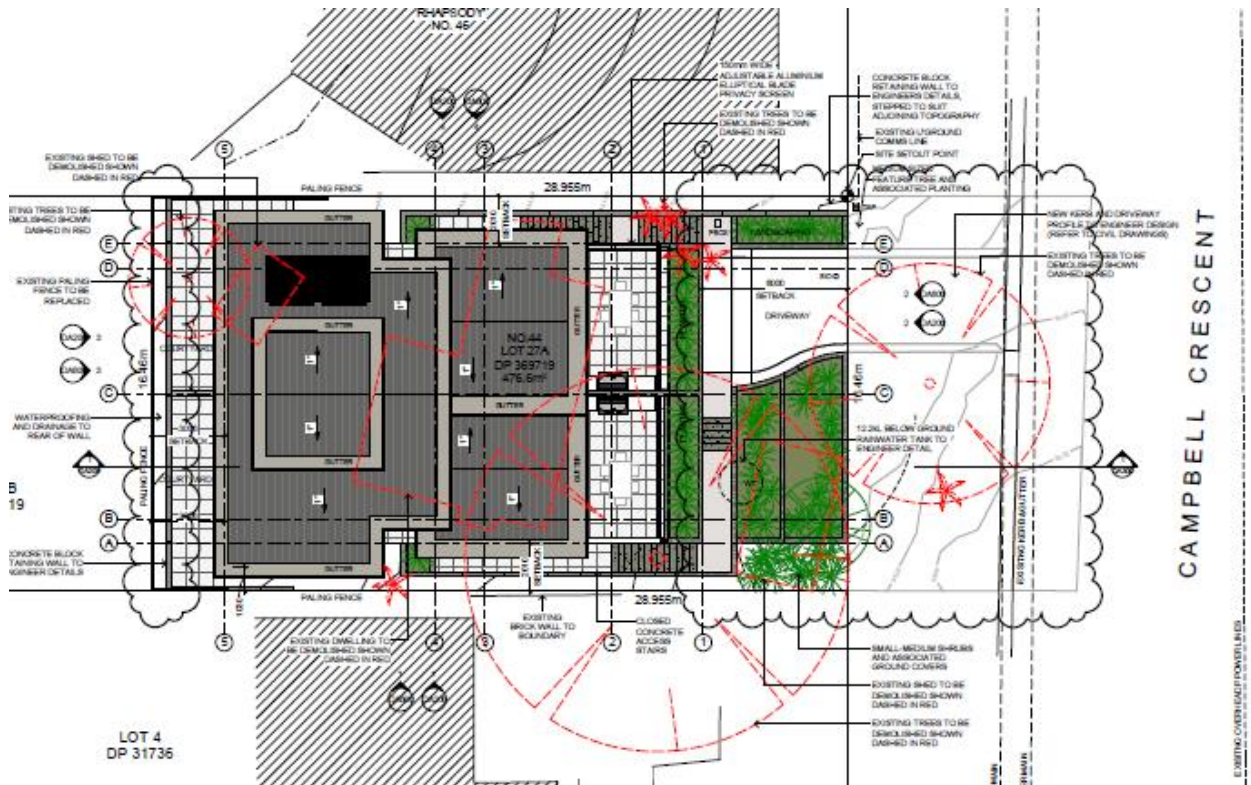


Figure 6 – Proposed Site Plan



Figure 7 – Perspective of front of building from Campbell Crescent



Figure 8 – Perspective of proposal and existing development to the north

History

Council's records show the following applications have been lodged on this site.

BA82755/1995

Building Application - BALCONY

Approved: 21/12/1995

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

Public Consultation

In accordance with Chapter 7.3 – Notification of Development Proposals of Gosford Development Control Plan (GDGP 2013) the application was notified from 25 January 2018 to 9 February 2018. A total of four (4) submissions were received. As a result of a view analysis being requested in one (1) of the submissions, Council staff requested a view analysis from the Applicant and re-notified the development application for a further seven (7) days between 6 March 2018 and 14 March 2018. Upon receipt of the view analysis, only one (1) submission was received in the second notification period in relation to privacy.

The issues raised in the public submissions include:

Height of Building does not comply

Comment:

The maximum height of the proposed building is 8.5m. The maximum height permitted under Clause 4.3 Building Height of GLEP 2014 is 8.5m. Therefore the height of the proposed building is compliant with the Development Standard for Building Height under Clause 4.3 of GLEP 2014.

Privacy Loss from Unit 1 at No. 46 Campbell Crescent

Comment:

The balconies of Unit 1/46 Campbell Crescent (north of the site) and the front balconies of proposed Unit 2/44 Campbell Crescent will be adjacent to each other as shown between grid lines 1 and 2 on the proposed plans shown in figure 9 and the photo from Unit 1/46 Campbell Crescent shown in figure 10. The balconies of each property face Campbell Crescent and will be separated by a distance of approximately 6m.

It should be noted that the proposed balcony for Unit 2 will be in a similar position to that of the front balcony of the existing dwelling at No. 44 Campbell Crescent as can be seen in figure 10.

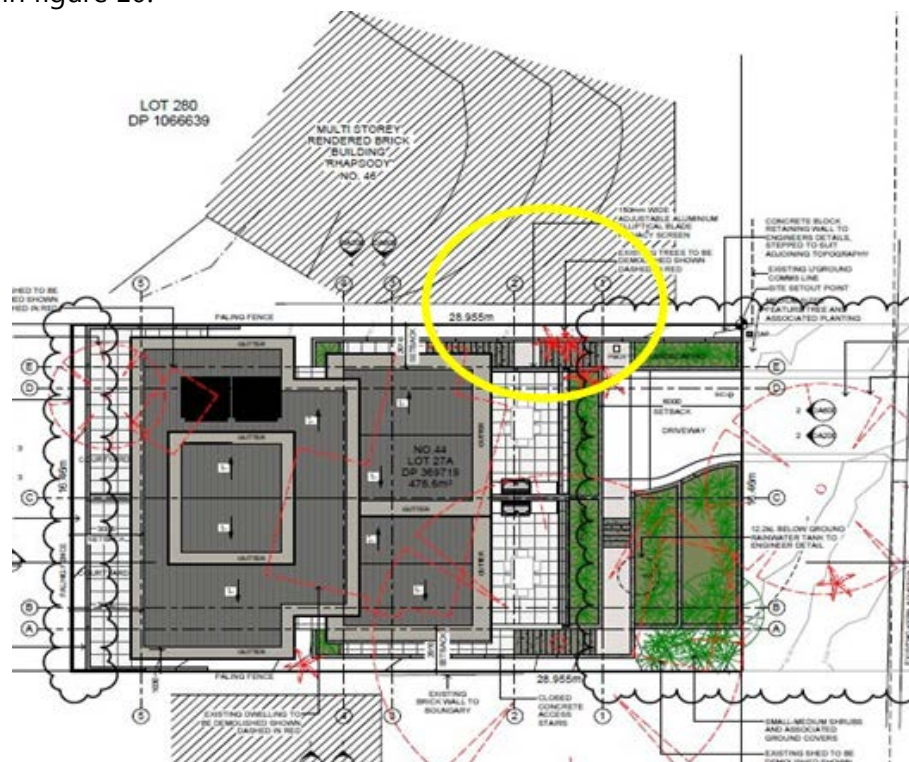


Figure 9 – Grid lines circled in yellow indicating area of privacy concern

The floor heights of the proposed Unit 2 at No. 44 Campbell Crescent and the adjoining Unit 1 at No.46 Campbell Crescent are also similar. Staff advised the applicant of the potential privacy issue that had been raised in the submissions to Council and the applicant amended the plans to include vertical louvered privacy screens to the front balconies (ceiling to floor height on the ground floor and 1.4m high on the first floor) of proposed Unit 2 (refer to Figure 11).



Figure 10 – Photo from Unit 1/46 Campbell Crescent, and photomontage of privacy screen

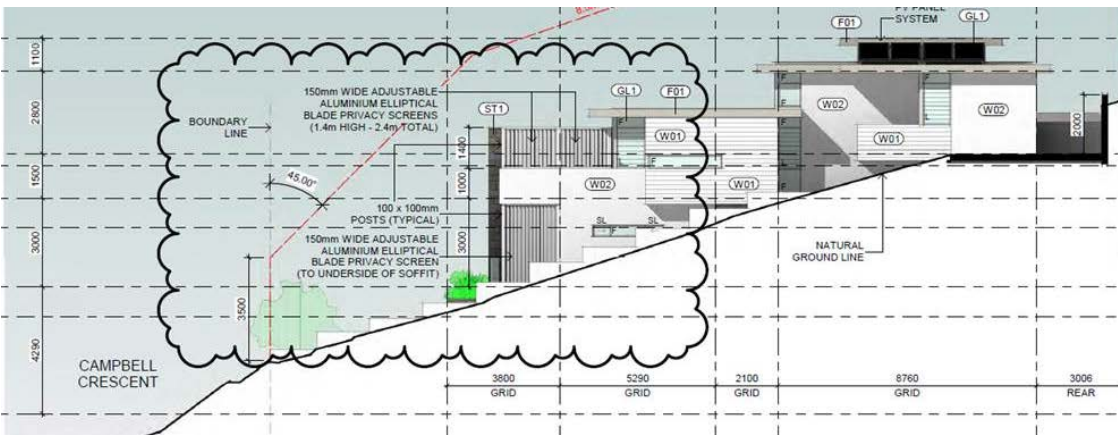


Figure 11 – Addition of privacy screens to Unit 2 balconies

It is considered that the privacy impacts of the proposal have been appropriately addressed.

Non-compliances with Site Area and Floor Space Ratio

Comment:

Correct, the proposed development seeks variations to the development standard within Clause 4.1b – Minimum Lot Size and Clause 4.4 - Floor Space Ratio of GLEP 2014. The variations have been considered to be reasonable and are discussed in more detail later in this report.

Impact on Palm Tree on fence line at No. 40 Barnhill Road, Terrigal

Comment:

An Arborist assessment was carried out on the existing palm tree at No. 40 Barnhill Road, Terrigal. The centre of the palm tree's trunk is located 2m from the existing fence line between No. 44 Campbell Crescent and No 40. Barnhill Road. The Arborist report supports retention of the palm tree (T1) located within the rear adjoining property at No. 40 Barnhill Road as a 4m tree protection zone can be achieved which is compliant with *Australian Standard AS4970-2009 Protection of Trees on Development Sites*. The proposed development is not expected to have an adverse impact on the palm tree. The Arborist considers that the site boundary fence will adequately protect the tree during works.

View Loss to Units at No. 46 Campbell Crescent.

Comment:

A View Analysis was submitted by the Applicant to address the issue of view loss raised in the submission. The View Analysis was re-notified. No further submissions were received in relation to view loss after the second notification period.

The assessment of the view analysis included:

- A site inspection from the balconies and living areas of Units 1, 2 and 3 at No. 46 Campbell Crescent;
- A cross-reference check of the finished floor and roof ridge levels of the existing dwelling (to be demolished), the neighbouring residential flat building at No. 46 Campbell Crescent and the proposed development; and
- Consideration of the view Sharing Planning Principles.

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

Step 1: Determining the type of view to be affected

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

The type of view from Units 1, 2 and 3 of No. 46 Campbell Crescent to be affected are of Terrigal Town Centre and the ocean in the distance located east and north-east of their building. The view is described as scenic. There are no iconic views available.

Step 2: Determining the position of where views are obtained

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

The views are obtained from the balconies, living areas and some bedroom areas of Units 1, 2 and 3 at No. 46 Campbell Crescent. The views from Unit 3 are more significant as this Unit is located higher on the site with a finished floor level of RL 49.80. Views are enjoyed from sitting and standing positions with the view to the ocean being closer in a standing position on the balconies and towards the east. It is to be noted that the proposed roof ridge height is RL 48.90. Unit 3 sits higher than the proposed development.

Step 3: Assessing the extent of impact

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

The proposal will result in the loss of a partial view of the Terrigal Town Centre for Units 1 and 2 to the north-east. No ocean view will be lost. For Unit 3, there will be no view loss. All views affected are attained across the side boundary. Accordingly, the view loss is considered to be negligible.

Step 4: Assessing whether the extent of impact is reasonable

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

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

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

Views across side boundaries are more difficult to protect than views from front and rear boundaries, and the expectation to retain side views is often unrealistic. No. 46 Campbell Crescent is located north-west of the subject allotment and the view loss created by the proposal is to the north-east and east (across a side boundary).

The proposal is non-compliance with *Clause 4.1B Minimum Lot Size and Clause 4.4 Floor Space Ratio* under GLEP 2014, however these variations have no impact upon the expected view loss on the adjoining property. The design has incorporated a flat roof; compliant side boundary setbacks and adequate building articulation in accordance with *Clause 3.2.3.2.2 Setback Controls* and *Clause 3.2.3.6.2 Façade Articulation* under GDCP 2013. This demonstrates that the building design has considered and addressed the principals of view sharing.

Assessment of the view loss caused by the development on No. 46 Campbell Crescent is considered to be minor given that the views are attained across a side boundary and the affected view from the balcony, living and bedroom areas of Units 1/46 and 2/46 will be maintained out to the ocean (east) which is more significant than the view across Terrigal Town Centre (north-east). The property enjoys uninterrupted views across the front of the site which remain unaffected by the development. It was also found that the finished floor levels of the existing residential flat building at No. 46 Campbell Crescent are higher than the proposed floor and roof ridge levels at No. 44 Campbell Crescent. In conjunction with the compliant building setbacks, building articulation of the proposed development, and the cross-referenced assessment of sites, it is considered that there will be minimal to no impact on current views.

Public Authority Consultation

No public authorities were consulted.

Internal Consultation

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

- Building Surveyor

The application has been assessed by Council's Building Surveyor in relation to the Building Code of Australia (BCA) and Geotechnical Landslip Hazards under Chapter 6.4 of GDCP 2013 and no objection was raised subject to recommended conditions.

- Engineer Development Assessment

The application has been assessed by Council's Engineer Development Assessment in relation to road works, access and traffic; flooding; and drainage and no objection was raised subject to recommended conditions.

- Tree Assessment Officer

The application has been assessed by Council's Tree Assessment Officer in relation to the proposed tree removal and the retention of the palm tree at No. 40 Barnhill Road, Terrigal. The proposal includes the removal of all existing trees from the site and the adjoining road reserve. The trees require removal due to impacts from the proposed development. The trees proposed for removal from within the site consist of a large Brush Box, ornamental trees up to 5m high and Palm Trees. The trees on the road reserve require removal for driveway crossover construction, and consists of a 4m high Fig Tree and a Phoenix Palm. The palm tree located at No. 40 Barnhill Road, Terrigal will not be impacted by the development. No objection was raised to the proposed tree removal and the retention of the palm tree at No. 40 Barnhill Road, Terrigal, subject to recommended conditions.

- Technical Officer Water Assessment

The application has been assessed by Council's Technical Officer Water Assessment in relation to water and sewer connections and contributions and no objection was raised subject to recommended conditions.

Ecologically Sustainable Principles:

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

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

Climate Change

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

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

Assessment:

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

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

State Environmental Planning Policies (SEPP)

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

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

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate.

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

State Environmental Planning Policy No 71 – Coastal Protection

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

SEPP 71 requires Council to consider the Aims and Objectives of SEPP 71 together with the matters for consideration listed in Clause 8 of SEPP 71 when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within the mapped coastal management areas.

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

State Environmental Planning Policy (Coastal Management) 2018

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

Gosford Local Environmental Plan 2014

Zoning & Permissibility

The subject site is zoned R1 General Residential under the provisions of GLEP 2014. Development for the purposes of an attached Dual occupancy is permissible within the R1 General Residential zone.

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

- *To provide for the housing needs of the community*
- *To provide for a variety of housing types and densities*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*
- *To ensure that development is compatible with the desired future character of the zone*

- *To promote best practice in the design of multi dwelling housing and other similar types of development*
- *To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development*

The proposal will assist in meeting the housing needs of the community within a medium density residential environment. The proposed development is three storeys in height and maintains and enhances the residential character and amenity of the surrounding area.

Development Standards

An assessment of the proposed development against the relevant planning controls stipulated in the GLEP 2014 is detailed below.

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.1B - Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings	550m ²	476.6m ²	No - see comments below	The proposal results in a 13.3% variation to the permissible minimum lot size for dual occupancies	Yes - see comments below
4.3 - Height of buildings	8.5m	8.5m	Yes	Nil	Yes
4.4 - Floor space ratio	0.5:1	0.59:1	No - see comments below	The proposal results in a 15.25% variation to the permissible floor space ratio	Yes - see comments below

As shown in the above table the proposal does not comply with the minimum lot size and floor space ratio development standards permitted under GLEP 2014.

Clause 4.1B Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings

The proposed development requires a minimum lot size of 550m². The subject site has a total area of 476.6m² (by Survey). The Applicant has sought to vary the Development Standard Clause 4.1B under Clause 4.6 of GLEP 2014 which is addressed below in this report.

Clause 4.4 Floor space ratio

The maximum floor space ratio (FSR) permitted in the R1 General Residential zone under the Floor Space Ratio Map is 0.7:1. However, Clause 4.4(2A) under GLEP 2014 reduces the maximum floor space ratio to 0.5:1 as the proposed development is a dual occupancy. The proposed FSR is 0.59:1 and does not comply with this requirement. The Applicant has sought to vary the Development Standard, Clause 4.4(2A) under Clause 4.6 of GLEP 2014 which is addressed below in this report.

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 submitted a written request seeking a variation to *Clause 4.1B Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings* which is reproduced below:

'The area of the subject site has been calculated at 476.7sqm and is therefore 73.4sqm (13.3%) below the minimum lot size of 550sqm required for an attached dual occupancy within an R1 General Residential zone. However, we submit that the proposed development is consistent with both existing and planned residential densities for the surrounding area and there are already a combination of multi-dwelling developments and residential flat buildings within Campbell Crescent. Additionally, the location of 44 Campbell Cres, Terrigal indicates that amalgamation is not possible in the future. Our proposal is for an attached dual occupancy with all required car parking located in an underground basement and will therefore provide a residential density consistent with the GLEP 2014 objectives.'

Comment:

The area of the subject site has been calculated at 476.7m² and is therefore 73.4m² (13.3%) below the minimum lot size of 550m² required for an attached dual occupancy within the R1 General Residential zone.

The variation is supported as it enables the orderly development of the site to provide a density that is consistent with the surrounding development and that is in accordance with the zone objectives.

Compliance with the minimum lot size is unreasonable in the circumstances when the R1 General Residential Zone enables a variety of residential densities to be built.

The Applicant submitted a written request seeking a variation to Clause 4.4(2A) Floor space ratio which is reproduced below:

'The proposed development requires a variation to clause 4.4 - Floor Space Ratio (FSR) of the GLEP 2014 because the subsequent clause 2A(a) states if the building is used for the purpose of a dual occupancy then the FSR is 0.5:1 instead of the 0.7:1 allowed in the R1 General Residential zone. However, we contend that the following clause 2A(b) should be applicable in this particular case. Clause 2A(b) states: if the building is on a site area of less than 1,000 square metres and is used for the purpose of a residential flat building or multi dwelling housing with all on-site car parking located in the basement is 0.6:1. The proposed development (by definition) is not multi-dwelling housing or a residential flat building, but is on a site less than 1,000 square metres and all on-site parking is located in a basement. The development also satisfies the majority of requirements outlined in the GDCP and wholly complies with the 8.5m maximum height limit. We would like to argue that an FSR of 0.6:1 should be applied in this instance and that the proposed development complies with the required density control, however, if this is not accepted then an FSR of 0.59:1 (18% variation) is not unreasonable and satisfactorily meets the objectives in the GLEP 2014.'

Comment:

The applicant's written request has adequately justified that compliance with the development standard is unreasonable and unnecessary in this instance. The development has been designed to be consistent with surrounding multi dwelling and residential flat building developments. The site is steeply sloping and therefore will require extensive excavation for the new building. All parking on the site is contained within the basement level leaving the external areas open for driveway access and landscaping. The proposal is not an over development of the site as setbacks are compliant with Chapter 3.2 of GDCP 2013 which allows adequate landscaping to be provided. The maximum number of dwellings on the site is reasonable providing 143m² of floor area for each unit and allows sufficient amenity for the occupants. The building itself will not cause any further impact to neighbouring properties with regard to view and privacy loss. The development also complies with the building height development standard under GLEP 2014.

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 dual occupancy development is within the public interest as it meets with the Objectives of the R1 General Residential zone and the Objectives of the development standard in that the development is consistent with planned residential densities surrounding the subject site. The design is considered to be compatible with the desired future character, and will provide a mix of housing types. Strict compliance with the development standard would not provide a better design outcome. It would enable a single dwelling on the site but this would be inconsistent with the existing higher density development of the zone. The reduction in minimum lot size does not cause the development to impact upon views, privacy and amenity for neighbouring properties. The development is of a lower scale than the surrounding residential flat buildings.

The scale and bulk of the development in relation to the site area is consistent with the local area and achieves the desired future character of Terrigal 6 'Medium Density Hillside' under Chapter 2.1 of GDCP 2013, by proposing a medium density development whilst taking into account the amenity of neighbours with regards to view sharing and privacy. The development will have a negligible impact on overshadowing to the adjoining properties and have minimal impact on privacy and view loss.

The development is similar to adjoining developments and will successfully maintain an appropriate visual relationship between any new development and the existing character of the area. The proposed design is stepped and well-articulated, and ensures generous space is left within the building envelope. Car parking is provided below ground level in the form of a basement which is not required to be included in the gross floor area calculation of the development by definition under GLEP 2014. All required car parking is proposed in a basement level which will be excavated into the site reducing the overall bulk and scale of the development. Furthermore, the development complies with Clause 3.2.3.2, Chapter 3.2 of GDCP 2013 setback requirements.

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

Planning Circular PS 18-003 issued 21 February 2018 states that a delegate of Council may not assume the concurrence of the Secretary when considering exceptions to development standards under 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 R1 General Residential Zone under GLEP 2014.

The requests for variations to Development Standards *Minimum Lot Size* 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.

5.5 Development within the coastal zone

The provisions of Clause 5.5 of GLEP 2014 require Council to consider matters in relation to 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 and are considered consistent with the stated aims and objectives.

7.1 Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of GLEP 2014 have been considered. The site contains Class 5 Acid Sulfate Soils (ASS). The proposed development is not within 500 metres of adjacent Class 1, 2, 3 or 4 ASS land that is below 5 metres Australian Height Datum and by where the watertable is likely to be lowered below 1 metre Australian Height Datum. In this instance, the proposed works are not considered to impact on Acid Sulfate Soils.

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

Gosford Development Control Plan 2013 (GDGP 2013)

An assessment of the proposed development against the relevant chapters under GDGP 2013 are provided in a Compliance Table under Attachment 3. The matters requiring further discussion are provided below.

Chapter 2.1 Character Terrigal 6: Medium Density Hillsides - Desired

The subject site is located within the *Terrigal 6 Medium Density Hillsides* character area. The proposed development has been assessed against the desired character criteria and satisfactorily meets the criteria for the following reasons:

- The proposed attached dual occupancy maintains medium density development in the residential hillsides of Terrigal.

- Landscaping proposed will provide a leafy appearance to Campbell Crescent. The use of light-weight materials such as horizontal cladding and metal roof sheeting will help provide additional texture.
- The bulk and scale of the structure has been reduced by stepping the proposed floor levels and providing significant articulation to the building form. The low pitched roof form further softens the tall façade and streetscape perspective due to the sloping site.
- A View Analysis was prepared and confirms that views are maintained and the design of the building permits view sharing.
- Parking is provided at basement level.
- The driveway, courtyards and balconies are adequately screened to protect privacy and amenity of neighbouring dwellings.

Chapter 2.2 Scenic Quality

The proposed development has been assessed against the relevant Objectives for Scenic Quality. The relevant Objectives are:

- *New development to have regard to character of area both built and natural; and*
- *Highlighting quality of particular areas.*

The visual and scenic impact of the proposed development is considered to be consistent with the above objectives of scenic quality. The proposed development does not unreasonably contribute to the loss of characteristics of the natural or built environment, nor does it unreasonably dominate the local area.

Clause 3.2.3.1.3 Building Envelope

The proposed development does not comply with the building envelope control under Clause 3.2.3.1.3 of GDCP 2013. The control requires a building envelope to be measured at 45 degrees from a height of 3.5m above natural ground level at the side and rear boundaries to a maximum height as specified in Clause 4.3 *Height of Buildings* under GLEP 2014.

The proposed building height complies with Clause 4.3 under GLEP 2014.

The proposed development encroaches into the building envelope and ranges between 0m and 0.8m. The variation is minor and is limited only to the eave overhang and upper external wall area (facing both side boundaries) as shown in figures 12 and 13. The roof form is generally flat with relatively wide eaves that avoid the use of parapet walls. The site has a very steep topography where variations to building envelopes are un-avoidable.

The proposed development has been designed to accommodate the steep topography of the site by stepping the development to minimise encroachments into the building envelope. The gently pitched roof and facade articulation minimises bulk and scale while maximising view sharing opportunities.

The design is consistent with other hill side developments in the area; complies with the GLEP 2014 building height development standard; does not impact solar access to adjoining properties and complies with the objectives of Height and Building Envelope Controls under Clause 3.2.3.1, Chapter 3.2 of GDCP 2013.

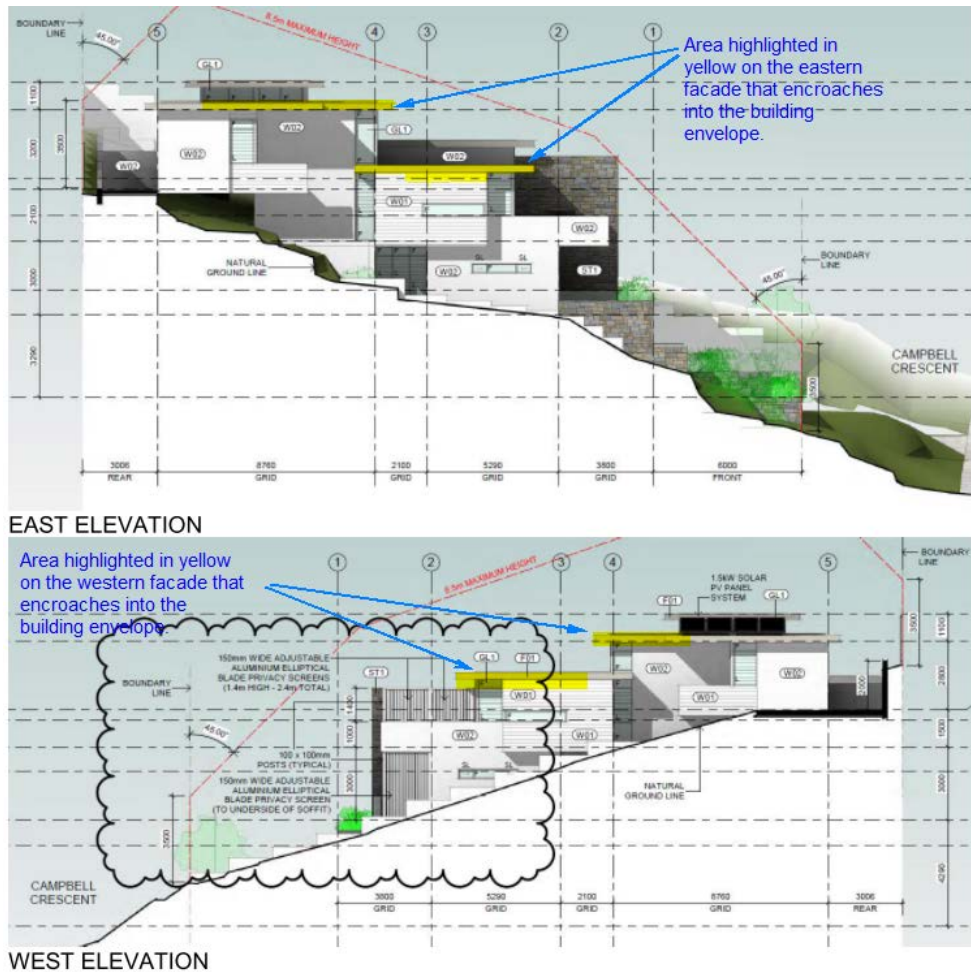


Figure 12 – Shows area of the façade that encroaches into the building envelope



Figure 13 – A Photomontage of the eastern elevation and the area of the façade that encroaches into the building envelope

Clause 3.2.3.1.4 Development Controls

The proposed excavation of approximately 4m for the proposed development habitable floor levels exceeds the 1m planning control and this is due to the steep topography of the site.

A significant amount of excavation and retaining is required to facilitate pedestrian and vehicle access similar to nearby recently approved developments. The additional cut will be retained within the external walls of the dwelling and basement car park level and thus will not impact upon neighboring sites. External retaining walls along the boundary are mostly within the maximum 1m cut requirement and comply except for the retaining wall along the south western boundary. This wall supports the courtyard area excavation and will be suitably drained as indicated on concept stormwater plans.

A geotechnical engineers report has been submitted with the application and supports the proposed development excavations providing recommendations to be complied with prior to and during construction including obtaining dilapidation surveys of neighbouring sites.

The proposed excavation is not uncommon in hillside developments where sites are steeply sloping. The proposed excavation is required to provide suitable access to the site for car parking and pedestrians. The excavation and retaining walls will be designed by a suitably qualified structural engineer and are supported by a Geotechnical Engineers Report. For these reasons, the proposed excavation is supported and consent conditions are recommended for compliance with the recommendations under the Geotechnical Engineers Report (refer to **Conditions 3.11, 3.12, 4.13 and 5.13**).

Clause 3.2.3.4.4 Privacy

The minimum 9m separation between adjacent dwellings cannot be achieved and measures that address reduced separation are required to be incorporated into the design. The minimum 9m separation is difficult to comply with in a built-up residential area and reduced separation is common in developments.

The proposed development has addressed reduced separation by having the primary orientation of both dwellings to the front and rear setbacks which includes the majority of glazing from living, dining and bedroom areas. Glazing has been minimised to the side boundaries as well as using solid balustrading in lieu of glass. Hi-light windows have been used where possible to minimise privacy impacts to neighbouring dwellings. The proposed floor levels are off-set and at different levels to the adjacent buildings to further reduce direct overlooking. Front balconies that were subject to a submission along the western elevation are screened with vertical louvered privacy screens. A large solid blade wall is proposed to separate the individual dwellings and provide both visual and acoustic privacy to private open spaces.

The proposed development having less than a 9m separation between adjacent dwellings has adequately addressed reduced separation and complies with the requirements of Clause 3.2.3.4.4 under GDCP 2013.

Chapter 6.6 Preservation of Trees or Vegetation

The proposal nominates removal of all existing trees from the site and the adjoining road reserve. The trees require removal due to impacts from the proposed works.

Trees within the site consist of a large Brush Box (previously lopped), ornamentals to 5m in height and palm trees. The trees on the road reserve require removal for the driveway crossover construction, consisting of a Fig (4m in height) and a Phoenix Palm. Both trees are not part of an avenue of street trees and were likely planted by a previous resident.

Council's Tree Assessment Officer supports the proposed tree removal and retention of the palm tree at No. 40 Barnhill Road, Terrigal (refer to **Condition 4.12**). Replacement street trees were not recommended.

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

The proposed development maintains medium density development in the residential hillsides of Terrigal. The surrounding development predominantly is residential flat buildings and multi-dwelling housing being of higher density and located on steep sites enjoying ocean views over Terrigal Beach in Campbell Crescent.

The proposed built form is three storeys being basement level for car parking and two levels of residential living. 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. The proposal is compatible with the existing streetscape and has been designed to minimise any adverse impacts on neighbouring land uses.

A thorough assessment of the proposed development's impact on the built environment has been undertaken in terms of GLEP 2014 and GDCP 2013 compliance and in terms of the submissions received. It is considered on balance that the potential impacts are considered reasonable.

b) Natural Environment

The proposal includes the removal of all existing trees from the site and the adjoining road reserve. Trees require removal due to impacts from the proposed development. Trees within the site consist of a large Brush Box, ornamental trees up to 5m high and Palm Trees. Trees on the road reserve require removal for driveway crossover construction, consisting of a Fig Tree 4m high and a Phoenix Palm. The palm tree located at No. 40 Barnhill Road, Terrigal will not be impacted by the development. The proposal is considered satisfactory in relation to impacts on the natural environment.

c) Economic Impacts

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

d) Social Impacts

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

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

The site is zoned R1 General Residential which permits dual occupancy (attached). A review of Council's records has identified that the site is located within an existing medium to high density residential area and is impacted by constraints such as bushfire and risk of landslip. The proposed development is supported by a Bushfire Assessment Report and Geotechnical Engineers Report that verifies the suitability of the site for the proposed development. The proposal provides a reasonable design response given the location and slope of the site. As such the site is considered suitable for this type of development.

The proposal maintains medium density development in the residential hillsides of Terrigal and blends-in with the existing development in the immediate locality.

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

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

The approval of the application is considered to be in the public interest. The proposed land use will provide for the housing needs of the community.

Other Matters for ConsiderationSection 7.11 Contributions

The subject site is located within Section 7.11 development contribution plan 47 Terrigal where dual occupancy (attached) developments are subject to s7.11 contributions. The applicable contribution amount was calculated and imposed as a standard condition of consent requiring the contribution to be paid prior to the issue of any Construction Certificate (refer to **Condition 2.2**).

Water and Sewer Contributions

The proposed development is subject to Water & Sewer Contributions.

Conclusion:

The Development Application has been assessed against the heads of consideration of s. 4.15 of the EP&A Act and all other relevant instruments and polices and on balance, the proposed development is considered reasonable and therefore it is recommended that Council grant development consent approval to DA53610/2018.

Attachments

1	Attachment 1 - DA53610-2018 - 44 Campbell Crescent, Terrigal - Draft Conditions of Approval	D13207104
2	Attachment 2 - DA53610-2018 - 44 Campbell Crescent, Terrigal - Development Plans	D13207117
3	GDCP Compliance Table	D13257959

Development Application: DA53610/2018
Proposal: Dual Occupancy Attached with Basement Carpark
Property Address: Lot: 27A DP: 369719, 44 Campbell Crescent, TERRIGAL

PROPOSED 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: Slater Architects

Drawing	Description	Sheets	Issue	Date
DA000	Cover Sheet	-	-	March 2018
DA001	Site Plan and Landscape Plan	-	3	16/03/2018
DA100	Floor Plans (Basement)	-	3	16/03/2018
DA101	Floor Plans (First Floor)	-	3	16/03/2018
DA102	Floor Plans (Second Floor)	-	3	16/03/2018
DA200	Elevations	-	3	16/03/2018
DA300	Building Section	-	3	16/03/2018
DA600	Window/Door Schedules	-	3	16/03/2018
DA800	Basix Certificate	-	3	16/03/2018
SA001	Site Analysis Plan	-	3	16/03/2018

Supporting Documentation:

Title	Prepared by	Date
BAL Risk Assessment Certificate	Peak Land Management	15 November 2017
BASIX Certificate Number 892357M	Thermal Performance	21 December 2017
Waste Management Plan	Slater Architects	17/10/2017
Preliminary Geotechnical Investigation and Stability Assessment Report Ref: 310657rpt	JK Geotechnics	06/12/2017
Perspectives Plans DA900 to DA902 Revision 3	Slater Architects	16/03/2018
Building Envelope Analysis Plan DA903 Revision 3	Slater Architects	16/03/2018
Shadow Diagrams Plan SH001 Revision	Slater Architects	16/03/2018
View Analysis Plan Revision 1	Slater Architects	05/03/2018
Arboricultural Impact Assessment	Advanced Treescape	09/03/2018
Concept Sediment and Erosion Control Plan and Details C1.1 Rev C	Northrop	02/03/2018
Concept Stormwater Management and Driveway Plan C2.1 Rev C	Northrop	02/03/2018
Driveway Long Sections Rev C	Northrop	02/03/2018

- 1.2 Carry out all building works in accordance with the Building Code of Australia.
- 1.3 Comply with all commitments listed in BASIX Certificate as required under clause 97A of the Environmental 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 Pay to Council a total contribution amount of **\$16,625.00**, that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 47A - Terrigal.

Open Space - Embellishment	A	(Key No 804)	\$272.00
Footpaths - Capital	A	(Key No 805)	\$708.00
Town Centre / Foreshore Improvements	A	(Key No 835)	\$9,352.00
Stormwater & Flood Mitigation	A	(Key No 836)	\$6,293.00
TOTAL AMOUNT			\$16,625.00

The total amount must be indexed each quarter in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.

Contact Council's Contributions Planner on Tel 4325 8222 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the section 7.11 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104 of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the office of Central Coast Council, 49 Mann Street Gosford or on Council's website:

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

- 2.3 No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
 - a. Site investigation for the preparation of the construction, and / or
 - b. Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c. Demolition

- 2.4 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.

- 2.5 Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the Water Management Act 2000. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 Water Management Act 2000' form can be found on Council's website www.gosford.nsw.gov.au. Early application is recommended.

- 2.6 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:

- a. footway formation with a minimum width of 2.0m graded at +2% from the top of kerb towards the property boundary, across the full frontage of the site in Campbell Crescent.
- b. 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location across the full frontage of the site in Campbell Crescent.
- c. vehicle crossing that has a width of 3.5m and constructed with 150mm thick concrete reinforced with SL72 steel fabric. The vehicle crossing arrangements shall be generally in accordance with the plans prepared by Northrop Central Coast, Job No NL172173, Drawing No's C2.1 and C3.1 Rev C dated 02.03.18, and ensure that the underside of the AS2890.1:2004 B99 vehicle will not scrape.
- d. all redundant dish crossings and / or damaged kerb and gutter must be removed and replaced with new kerb and gutter.
- e. all redundant vehicular crossings are to be removed and footway formation reinstated.
- f. the piping of stormwater from within the site to Council's drainage system located in Campbell Crescent.
- g. retaining walls. Retaining walls must be designed by a practising Civil / Structural engineer and must not conflict with services.
- h. 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.

- 2.7 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.

- 2.8 Submit design details of the following engineering works within private property:

- a. driveways / ramps and car parking areas must be designed according to the requirements of Australian Standard AS 2890: *Parking Facilities* for the geometric designs, and industry Standards for pavement designs. The internal driveway arrangements shall be generally in accordance with the plans prepared by Northrop Central Coast, Job No NL172173, Drawing No's C2.1 and C3.1 Rev C dated 02.03.18.
- b. nutrient/pollution control measures must be designed in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient / pollution control report including an operation and maintenance plan must accompany the design. Nutrient/pollution control measures shall be generally in accordance with the 'Concept stormwater management and driveway plan' prepared by Northrop Central Coast, Job No NL172173, Drawing No C2.1 Rev C dated 02.03.18.
- c. on-site stormwater retention measures must be designed in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design. The retention volume shall be 12,200 litres as indicated in the 'Concept stormwater management and driveway plan' prepared by Northrop Central Coast, Job No NL172173, Drawing No C2.1 Rev C dated 02.03.18.
- d. piping of all stormwater from impervious areas within the site to Council's drainage system located in Campbell Crescent

These design details and any associated reports must be included in the Construction Certificate.

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.
- 3.4 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.

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).

- 3.5 Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- a. 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
 - b. diverting uncontaminated run-off around cleared or disturbed areas, and

- c. preventing the tracking of sediment by vehicles onto roads, and
 - d. stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot
- 3.6 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.
- 3.7 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.

- 3.8 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.

- 3.9 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*

3.10 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*.

3.11 Submit a dilapidation report to Council, the Accredited Certifier and relevant adjoining property owners. The report is to be prepared by a suitably qualified person detailing the structural characteristics of all buildings located on properties immediately adjoining the site boundaries and any council asset in the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site and to the road, kerb, footpath, driveways, water supply and sewer infrastructure, street trees and street signs or any other Council asset in the vicinity of the development.

In the event that access to an adjoining property(s) for the purpose of undertaking the dilapidation report is denied, submit evidence in writing demonstrating that all steps were taken to obtain access to the adjoining property(s).

3.12 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.

4. DURING WORKS

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

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

- 7.00am and 5.00pm Monday to Saturday

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

- 4.3 During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
- a. All excavation or disturbance of the area must stop immediately in that area, and
 - b. The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.
- Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.
- 4.4 Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5 Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6 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 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*.
- 4.8 Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifying Authority for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 4.9 Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.10 Demolish all buildings 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 Carry out all works within the development phase in accordance with the approved development plans.

- 4.12 Undertake the removal of any tree located on Council managed land due to works approved by a Development Application at the full cost and responsibility of the developer / owner using a Pre-qualified Tree Contractor.

Contact Central Coast Council on 02 4325 8222 for the current list of relevant contractors.

- 4.13 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.

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).

- 5.3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 5.4 Complete the landscaping works.
- 5.5 Revegetate and stabilise all areas disturbed by construction activities associated with the development so as to prevent erosion and dust nuisance occurring.
- 5.6 Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.7 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.
- 5.8 Install a material or device to prevent the build-up of flammable material (such as leaf matter) within the roof gutters.

The material or device must have a flammability index of not greater than 5 when tested in accordance with Australian Standard AS 1530.2-1993: *Methods for fire tests on building materials, components and structures - Test for flammability of materials*.

- 5.9 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.
- 5.10 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.
- 5.11 Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.12 Amend the Deposited Plan (DP) to:
- include an Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan.
 - a. to create a Restriction as to use of land over all lots containing a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility

And,

- Include an instrument under the Conveyancing Act 1919 for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
- a. to ensure on any lot containing a nutrient / pollution facility that
 - (i) the facility will remain in place and fully operational
 - (ii) the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
 - (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost

- (iv) Council is indemnified against all claims of compensation caused by the facility

Submit to the Principal Certifying Authority copies of registered title documents showing the restrictive and positive covenants.

- 5.13 Provide certification from a geotechnical engineer to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s) listed as supporting documentation in this development consent

6. ONGOING

- 6.1 Maintain the site landscaping for the life of the development.
- 6.2 Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.3 Place the mobile garbage / recycling / green waste containers at a suitable location at the kerbside no earlier than the evening prior to the collection day and return to a screened area as soon as possible after service, no later than the evening on collection day. The residents, caretaker, owner, Owners Corporation are responsible for the placement and return of the mobile waste containers.
- 6.4 Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.

7. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

8. ADVISORY NOTES

- 8.1. Ensure the proposed building or works comply with the requirements of the Disability Discrimination Act.

NOTE: The Disability Discrimination Act (DDA) is a Federal anti-discrimination law.

The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. This development consent does not indicate nor confirm that the application complies with the requirements of the DDA.

- 8.2. The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- 8.3. Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- 8.4. Council must be notified immediately of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation
- 8.5. Consult with public authorities who 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.
- 8.6. 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.

8.7. 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.

- 8.8. Separate application is required should the applicant require a new or upsized water supply connection to Council's water supply system.
- 8.9. 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.gosford.nsw.gov.au

9. REVIEW OF DETERMINATION

- 9.1. Subject to provisions of Section 82A of the Act the applicant may make an application seeking a review of this determination, providing it is made in time for Council to determine the review within six (6) months of this determination.

10. RIGHT OF APPEAL

- 10.1. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.
- 10.2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

Project

PROPOSED DUAL OCCUPANCY (ATTACHED) WITH BASEMENT PARKING

LOT 27A, DP 369719
NO. 44 CAMPBELL CRESCENT, TERRIGAL NSW 2260

Client

CHARLES & MARGIE CASKEY

Status

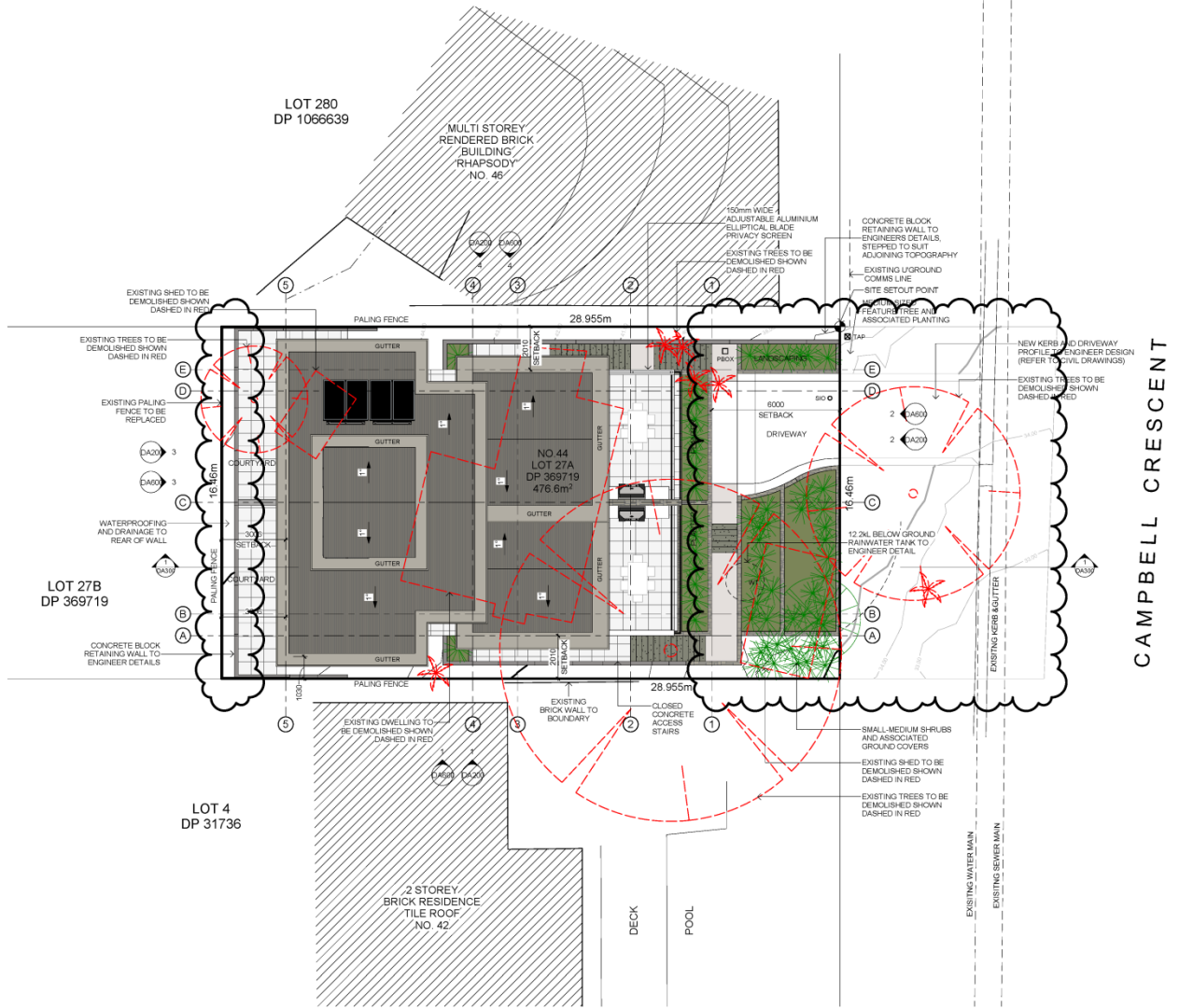
DEVELOPMENT APPLICATION ISSUE
MARCH 2018



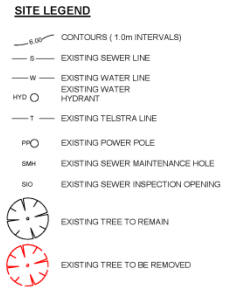
ARCHITECTURAL DRAWING SCHEDULE

COVER SHEET (THIS SHEET)	DA000	3
SITE PLAN & LANDSCAPE PLAN	DA001	3
FLOOR PLANS (BASEMENT)	DA100	3
FLOOR PLANS (FIRST FLOOR)	DA101	3
FLOOR PLANS (SECOND FLOOR)	DA102	3
ELEVATIONS	DA200	3
BUILDING SECTION	DA300	3
WINDOW/DOOR SCHEDULES	DA800	3
BASIX CERTIFICATE	DA900	3
PERSPECTIVES	DA901	3
PERSPECTIVES	DA902	3
BUILDING ENVELOPE ANALYSIS	DA903	3
SITE ANALYSIS PLAN	SA001	3
SHADOW DIAGRAMS	SH001	3
VIEW ANALYSIS (EXISTING VS PROPOSED)	VA001	2



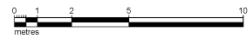


- GENERAL NOTES:**
- ALL LEVELS, CONTOURS AND R.L.S. ARE TO AUSTRALIAN HEIGHT DATUM (AHD) AND ARE IN METRES UNO.
 - DIMENSIONS ARE IN MILLIMETRES UNO.
 - FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALE.
 - ALL DIMENSIONS SHALL BE CHECKED AND VERIFIED BY THE BUILDER PRIOR TO COMMENCEMENT OF WORKS.
 - SITE INFORMATION SHOWN ON THIS DRAWING HAS BEEN SUPPLIED BY OTHERS; NO RESPONSIBILITY IS TAKEN FOR ITS AUTHENTICITY OR ACCURACY. THE BUILDER SHALL VERIFY THE LOCATION OF ALL SERVICES, VEGETATION AND DIMENSIONS PRIOR TO COMMENCEMENT. ANY DISCREPANCIES SHOULD BE REPORTED TO SLATER ARCHITECTS.
 - ALL WORK TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AND ALL RELEVANT AUSTRALIAN STANDARDS AND STATUTORY REQUIREMENTS.
 - ALL DRAWINGS AND DOCUMENTATION TO BE READ IN CONJUNCTION WITH SPECIALIST CONSULTANT REPORTS AND ENGINEERS DETAILS WHERE APPLICABLE.
 - FLOOR STRUCTURE TO WET AREAS TO BE SET DOWN 50mm TO ALLOW FOR TILE FINISH / FALL AND FINISH FLUSH WITH ADJOINING FLOOR FINISHES.
 - SMOKE DETECTORS TO BE INSTALLED IN ACCORDANCE WITH AS1925.1.
 - ALL EXTERNAL FITTINGS, WHERE STAINLESS STEEL, MUST BE 316 MARINE GRADE WITH PROTECTIVE ANTI-CORROSIVE COATING.
 - ALL STONE (CLADDING, FACING, BLOCKWORK) TO BE SEALED WITH MINIMUM THREE COATS OF 'DIPY TREAT - STAIN PROOF' IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS. PROVIDE 15 YEAR WARRANTY FROM MANUFACTURER.
- BASIX COMMITMENTS:**
- THE BUILDER AND/OR OWNER MUST ENSURE THAT ALL CONSTRUCTION IS DONE IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE CURRENT BASIX CERTIFICATE.



CONTROL	MEASURE	COMPLIES
SITE AREA	476.6m² (BY CALC.) 474.2m² (BY DP)	NO
ZONING	R1 - GENERAL RESIDENTIAL	YES
CONSTRAINTS	BUSHFIRE PRONE LAND (BUFFER)	YES
PROPOSED USE	ATTACHED DUAL OCCUPANCY	YES
PROPOSED FLOOR SPACE (GFA)	281.6m²	YES
FLOOR SPACE RATIO	0.5 : 1 (0.561 : 1 PROVIDED)	NO
PARKING	4 GARAGED SPACES PROVIDED	YES
SETBACKS	FRONT 6m / REAR 3m / SIDE 1m	YES
MAXIMUM HEIGHT	8.5m	YES

1 SITE PLAN
1: 100 @ A1



NOT FOR CONSTRUCTION

Notes

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Status

DEVELOPMENT APPLICATION ISSUE

Amendments

No.	Date	Description	By
1	18.03.2018	DA ISSUE - PRIVACY SCREENS ADDED	NW
2	05.03.2018	DA ISSUE - COUNCIL REQUEST FOR INFORMATION	NW
1	21.12.2017	ISSUE FOR DEVELOPMENT APPLICATION	NW

Client
CHARLES & MARGIE CASKEY

Project
PROPOSED DUAL OCCUPANCY (ATTACHED) WITH BASEMENT PARKING
LOT 27A, DP 369719
NO. 44 CAMPBELL CRESCENT, TERRIGAL NSW 2260

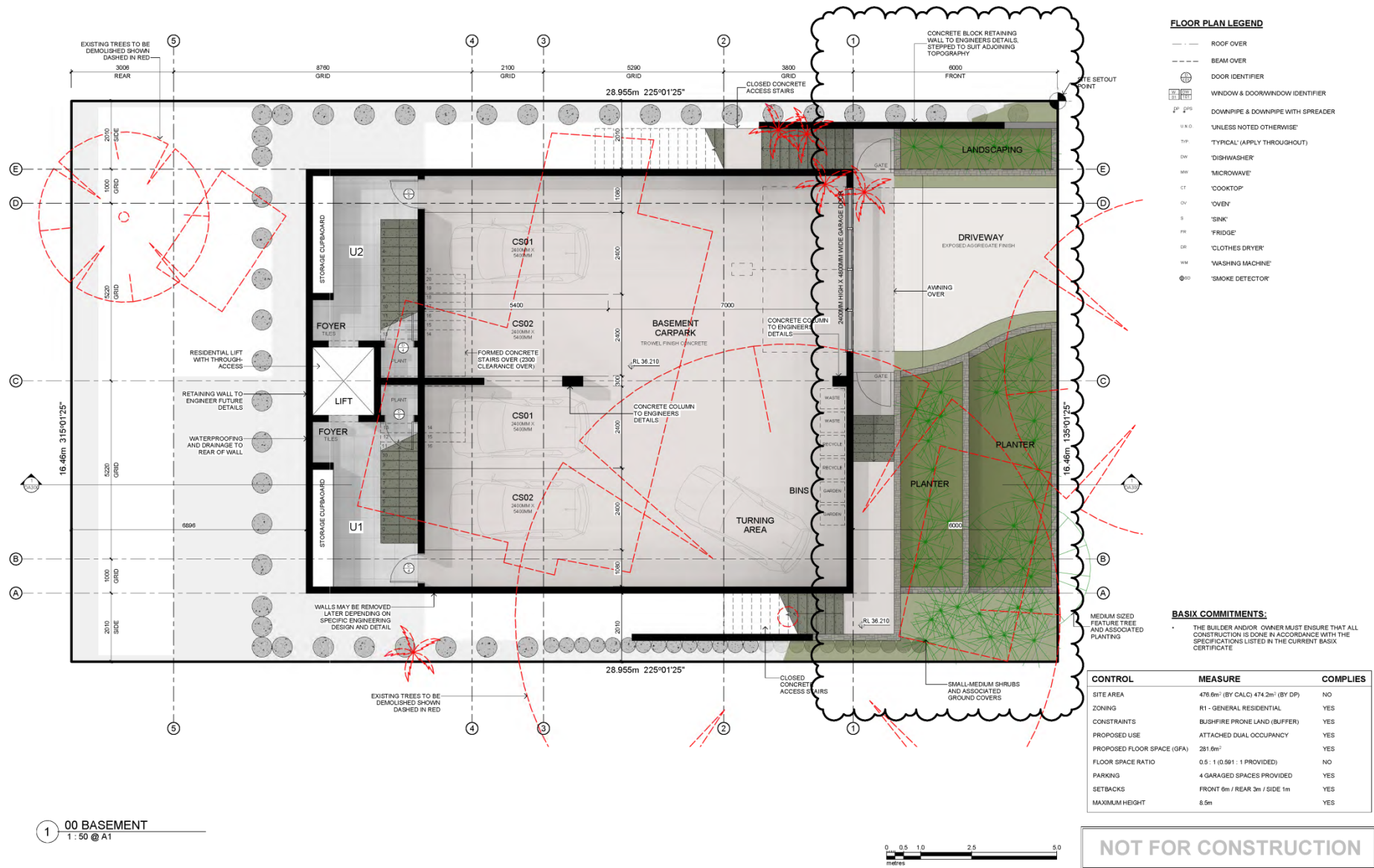
SLATER ARCHITECTS

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 email: info@slaterarchitects.com.au
 Website: www.slaterarchitects.com.au
 1300 694 114
 Practising Pty Ltd Trading as Slater Architects ABN 28011834392

Drawing Title
SITE PLAN & LANDSCAPE PLAN

A1 Scale	A3 Scale	Design	Drawn
As Indicated	HALF A1 SCALE	C.S.	NW

Project No. 14362 **Drawing No.** DA001 **Revision** 3



FLOOR PLAN LEGEND

- ROOF OVER
- BEAM OVER
- ⊕ DOOR IDENTIFIER
- ⊕ WINDOW & DOOR/WINDOW IDENTIFIER
- ⌒ DOWNPIPE & DOWNPIPE WITH SPREADER
- UNLESS NOTED OTHERWISE
- TYP TYPICAL (APPLY THROUGHOUT)
- DW DISHWASHER
- MW MICROWAVE
- CT COOKTOP
- OV OVEN
- S SINK
- FR FRIDGE
- DR CLOTHES DRYER
- WM WASHING MACHINE
- ⊙ SMOKE DETECTOR

BASIX COMMITMENTS:

THE BUILDER AND/OR OWNER MUST ENSURE THAT ALL CONSTRUCTION IS DONE IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE CURRENT BASIX CERTIFICATE

CONTROL	MEASURE	COMPLIES
SITE AREA	476.6m ² (BY CALC) 474.2m ² (BY DP)	NO
ZONING	R1 - GENERAL RESIDENTIAL	YES
CONSTRAINTS	BUSHFIRE PRONE LAND (BUFFER)	YES
PROPOSED USE	ATTACHED DUAL OCCUPANCY	YES
PROPOSED FLOOR SPACE (GFA)	281.6m ²	YES
FLOOR SPACE RATIO	0.5 : 1 (0.561 : 1 PROVIDED)	NO
PARKING	4 GARAGED SPACES PROVIDED	YES
SETBACKS	FRONT 6m / REAR 3m / SIDE 1m	YES
MAXIMUM HEIGHT	8.6m	YES

1 00 BASEMENT
1:50 @ A1



NOT FOR CONSTRUCTION

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Issue
DEVELOPMENT APPLICATION ISSUE

Amendments

No.	Date	Description	By	Check
1	18/03/2018	DA ISSUE - PRIMARY SCREENS ADDED	NW	
2	08/03/2018	SATISFACTION - COUNCIL REQUEST FOR INFORMATION	NW	
3	21/02/2017	ISSUE FOR DEVELOPMENT APPLICATION	NW	
100	0000			

Client
CHARLES & MARGIE CASKEY

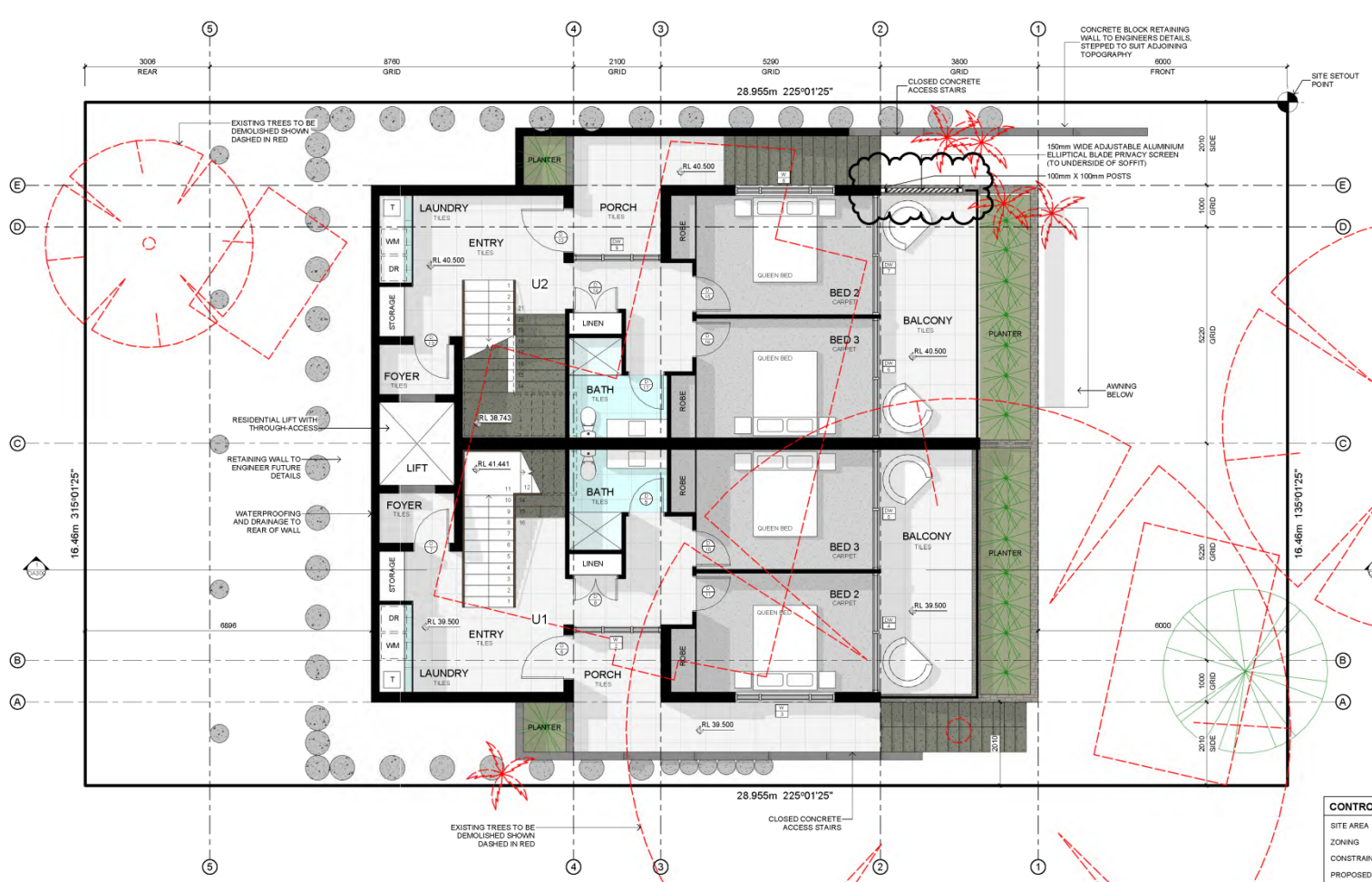
Project
PROPOSED DUAL OCCUPANCY (ATTACHED) WITH BASEMENT PARKING
LOT 27A, DP 369719
NO. 44 CAMPBELL CRESCENT, TERRIGAL NSW 2260

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Slater Architects Pty Ltd
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Pty Ltd Trading as Slater Architects ABN 31601188430

North

Drawing Title			
FLOOR PLANS (BASEMENT)			
All Scales	All Scales	Design	Drawn
As Indicated	As Indicated	C.S.	NW
Project No:	14362	Drawing No:	DA100
Revision:		Revision:	3



- FLOOR PLAN LEGEND**
- ROOF OVER
 - BEAM OVER
 - ⊕ DOOR IDENTIFIER
 - ⊕ WINDOW & DOOR/WINDOW IDENTIFIER
 - ⌒ DOWNPIPE & DOWNPIPE WITH SPREADER
 - ⋮ UNLESS NOTED OTHERWISE
 - TYP TYPICAL (APPLY THROUGHOUT)
 - DW 'DISHWASHER'
 - MM 'MICROWAVE'
 - CT 'COOKTOP'
 - OV 'OVEN'
 - S 'SINK'
 - F 'FRIDGE'
 - DR 'CLOTHES DRYER'
 - WM 'WASHING MACHINE'
 - ⊕ 'SMOKE DETECTOR'

- BASIX COMMITMENTS:**
- THE BUILDER AND/OR OWNER MUST ENSURE THAT ALL CONSTRUCTION IS DONE IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE CURRENT BASIX CERTIFICATE

CONTROL	MEASURE	COMPLIES
SITE AREA	476.6m ² (BY CALC) 474.2m ² (BY DP)	NO
ZONING	R1 - GENERAL RESIDENTIAL	YES
CONSTRAINTS	BUSHFIRE PRONE LAND (BUFFER)	YES
PROPOSED USE	ATTACHED DUAL OCCUPANCY	YES
PROPOSED FLOOR SPACE (GFA)	281.6m ²	YES
FLOOR SPACE RATIO	0.5 : 1 (0.591 : 1 PROVIDED)	NO
PARKING	4 GARAGED SPACES PROVIDED	YES
SETBACKS	FRONT 6m / REAR 3m / SIDE 1m	YES
MAXIMUM HEIGHT	8.5m	YES

1 01 FIRST FLOOR
1 : 50 @ A1



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DEVELOPMENT APPLICATION ISSUE

Amendments

No.	Date	Description	By	For
1	18/03/2018	DA ISSUE - PRIMARY SCREENS ADDED	NW	NW
2	08/03/2018	DA ISSUE - COUNCIL REQUEST FOR INFORMATION	NW	NW
3	21/02/2017	ISSUE FOR DEVELOPMENT APPLICATION	NW	NW

Client
CHARLES & MARGIE CASKEY

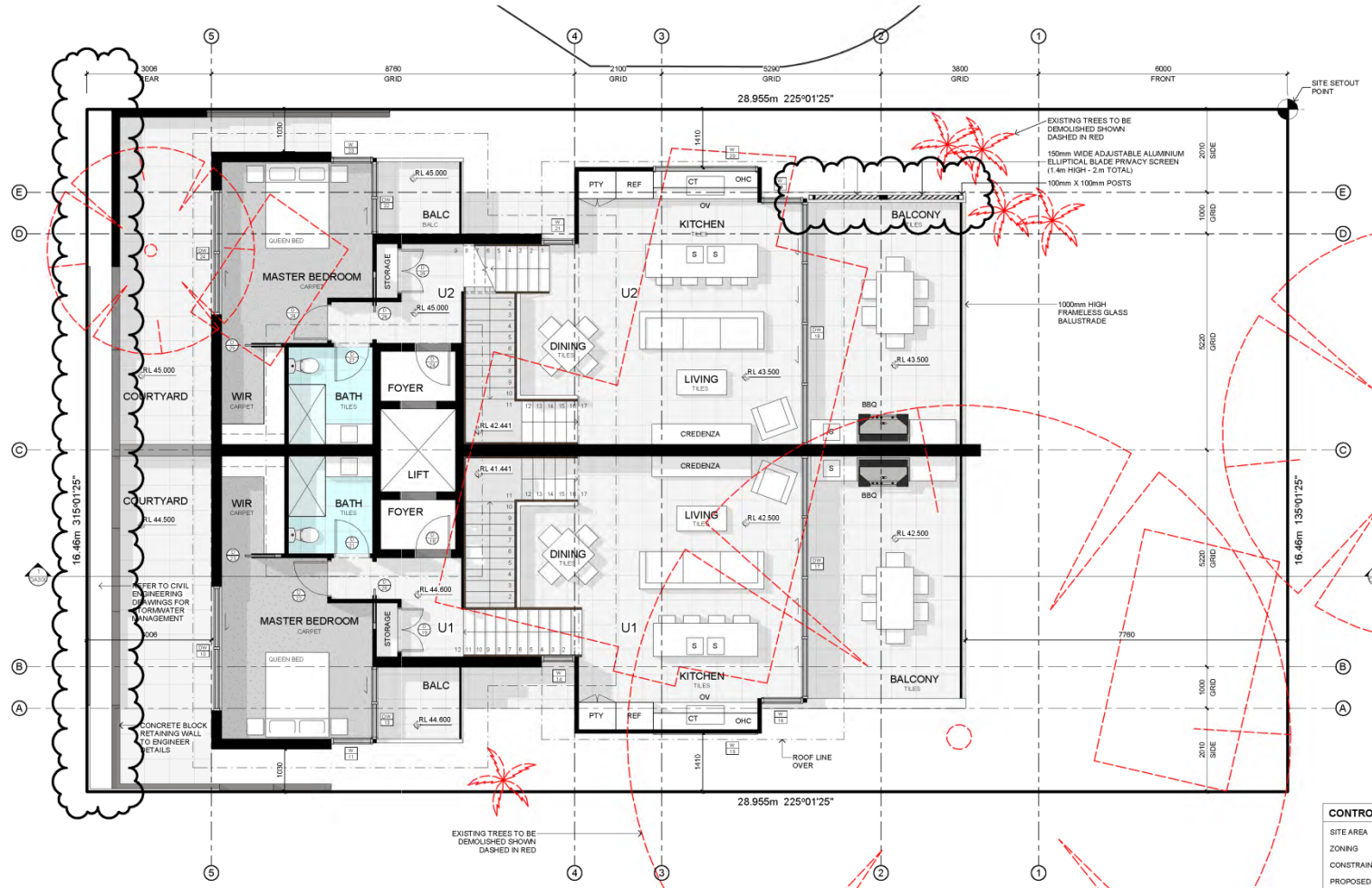
Project
PROPOSED DUAL OCCUPANCY (ATTACHED) WITH BASEMENT PARKING
LOT 27A, DP 369719
NO. 44 CAMPBELL CRESCENT, TERRIGAL NSW 2260

SLATER ARCHITECTS
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www.slaterarchitects.com.au
Gardens Road - Terrigal NSW 2260
Ph: 02 4360 4440
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Drawing Title
FLOOR PLANS (FIRST FLOOR)

All Scales	All Scales	Design	Drawn
As Indicated	As Indicated	C.S.	NW

Project No: 14362
Drawing No: DA101
Revision: 3



FLOOR PLAN LEGEND

- ROOF OVER
- BEAM OVER
- ⊕ DOOR IDENTIFIER
- ⊕ WINDOW & DOOR/WINDOW IDENTIFIER
- ⊕ DOWNPIPE & DOWNPIPE WITH SPREADER
- UNL 'UNLESS NOTED OTHERWISE'
- TYP 'TYPICAL' (APPLY THROUGHOUT)
- DW 'DISHWASHER'
- MW 'MICROWAVE'
- CT 'COOKTOP'
- OV 'OVEN'
- S 'SINK'
- FR 'FRIDGE'
- DR 'CLOTHES DRYER'
- WM 'WASHING MACHINE'
- ⊕SD 'SMOKE DETECTOR'

BASIX COMMITMENTS:

THE BUILDER AND/OR OWNER MUST ENSURE THAT ALL CONSTRUCTION IS DONE IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE CURRENT BASIX CERTIFICATE

CONTROL	MEASURE	COMPLIES
SITE AREA	476.6m ² (BY CALC) 474.2m ² (BY DP)	NO
ZONING	R1 - GENERAL RESIDENTIAL	YES
CONSTRAINTS	BUSHFIRE PRONE LAND (BUFFER)	YES
PROPOSED USE	ATTACHED DUAL OCCUPANCY	YES
PROPOSED FLOOR SPACE (GFA)	281.6m ²	YES
FLOOR SPACE RATIO	0.5 : 1 (0.501 : 1 PROVIDED)	NO
PARKINGS	4 GARAGED SPACES PROVIDED	YES
SETBACKS	FRONT 6m / REAR 3m / SIDE 1m	YES
MAXIMUM HEIGHT	8.5m	YES

1 02 SECOND FLOOR
1:50 @ A1

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Issue
DEVELOPMENT APPLICATION ISSUE

Amendments

No.	Date	Description	By
1	18/03/2018	DA ISSUE - PRIMARY SCREENS ADDED	NW
2	08/03/2018	DA ISSUE - COUNCIL REQUEST FOR INFORMATION	NW
3	21/02/2017	ISSUE FOR DEVELOPMENT APPLICATION	NW
4	2016		NS

Client
CHARLES & MARGIE CASKEY

Project
PROPOSED DUAL OCCUPANCY (ATTACHED) WITH BASEMENT PARKING
LOT 27A, DP 369719
NO. 44 CAMPBELL CRESCENT, TERRIGAL NSW 2260

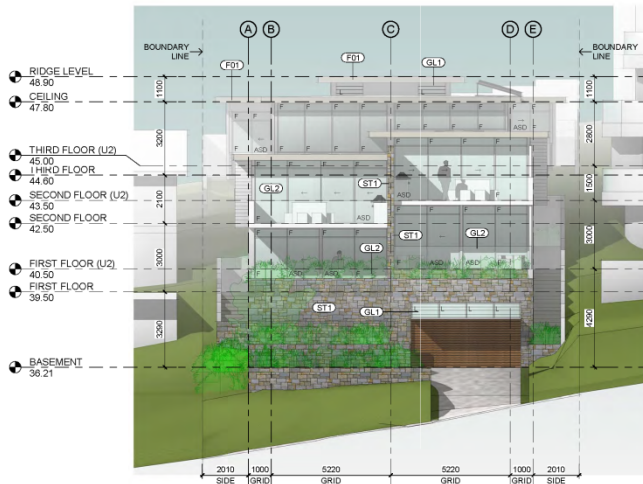
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 email info@slaterarchitects.com.au
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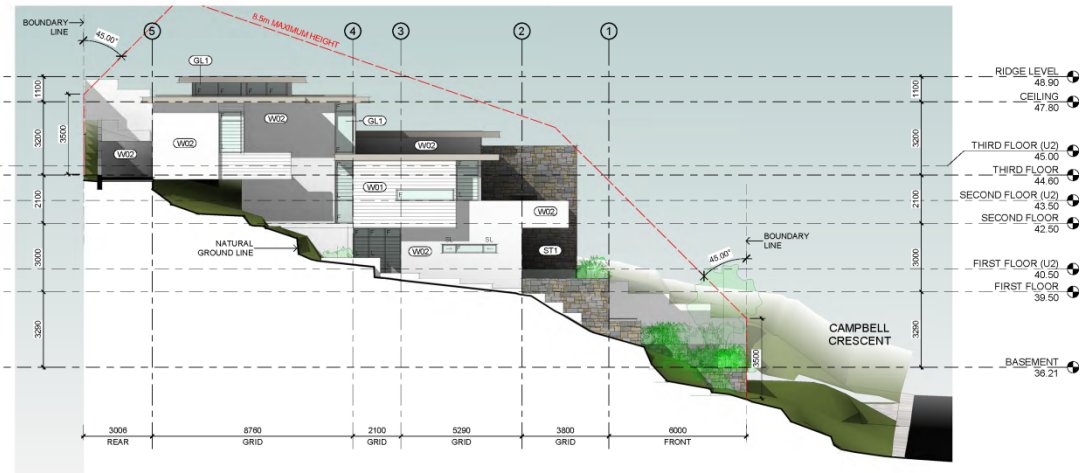
Drawing Title
FLOOR PLANS (SECOND FLOOR)

All Scale: All Scale Design: C/S Drawn: NW
 As Indicated: HALF AT SCALE

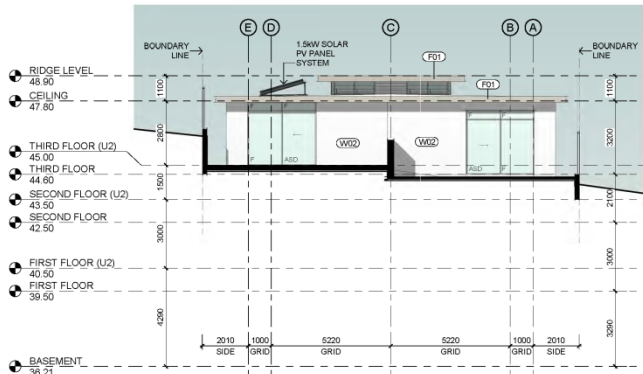
Project No: 14362 DA102
 Drawing No: 3



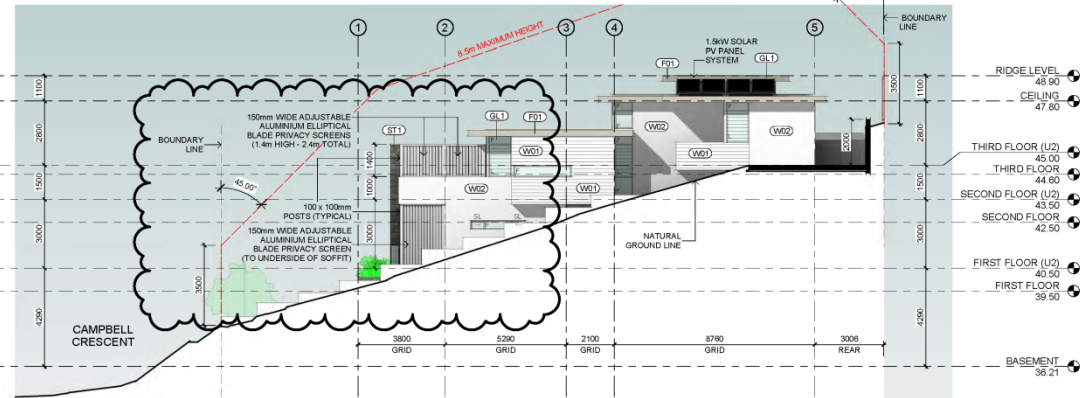
2 NORTH ELEVATION
1: 100 @ A1



1 EAST ELEVATION
1: 100 @ A1



3 SOUTH ELEVATION
1: 100 @ A1



4 WEST ELEVATION
1: 100 @ A1

MATERIAL FINISHES SCHEDULE	
CODE	DESCRIPTION
F01	COLORBOND FASCIA TO MATCH ROOF
GL1	ALUMINIUM FRAMED GLASS WINDOWS AND DOORS
GL2	FRAMELESS GLASS BALUSTRADE ON S/S SPIGOTS
R01	LOW PROFILE METAL ROOF DECKING, COLORBOND DOWNPIPES, FASCIAS AND FLASHINGS TO MATCH
ST1	STONE WALL FACING 'SANDSTONE' 30.50MM WITH CORNER PIECES
T01	GARAGE DOOR - SELECTED HARDWOOD TIMBER
W01	SCYON LINEA 180mm PROFILE WEATHERBOARD CLADDING INSTALLED TO MANUFACTURERS DETAILS. PAINT FINISH
W02	RENDERED MASONRY WALLS. PAINT FINISH



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DEVELOPMENT APPLICATION ISSUE

Amendment	Date	Description
1	18/01/2018	DA ISSUE - PRIVACY SCREENS ADDED
2	08/01/2018	DA ISSUE - COUNCIL REQUEST FOR INFORMATION
3	21/02/2017	ISSUE FOR DEVELOPMENT APPLICATION
4	2018	

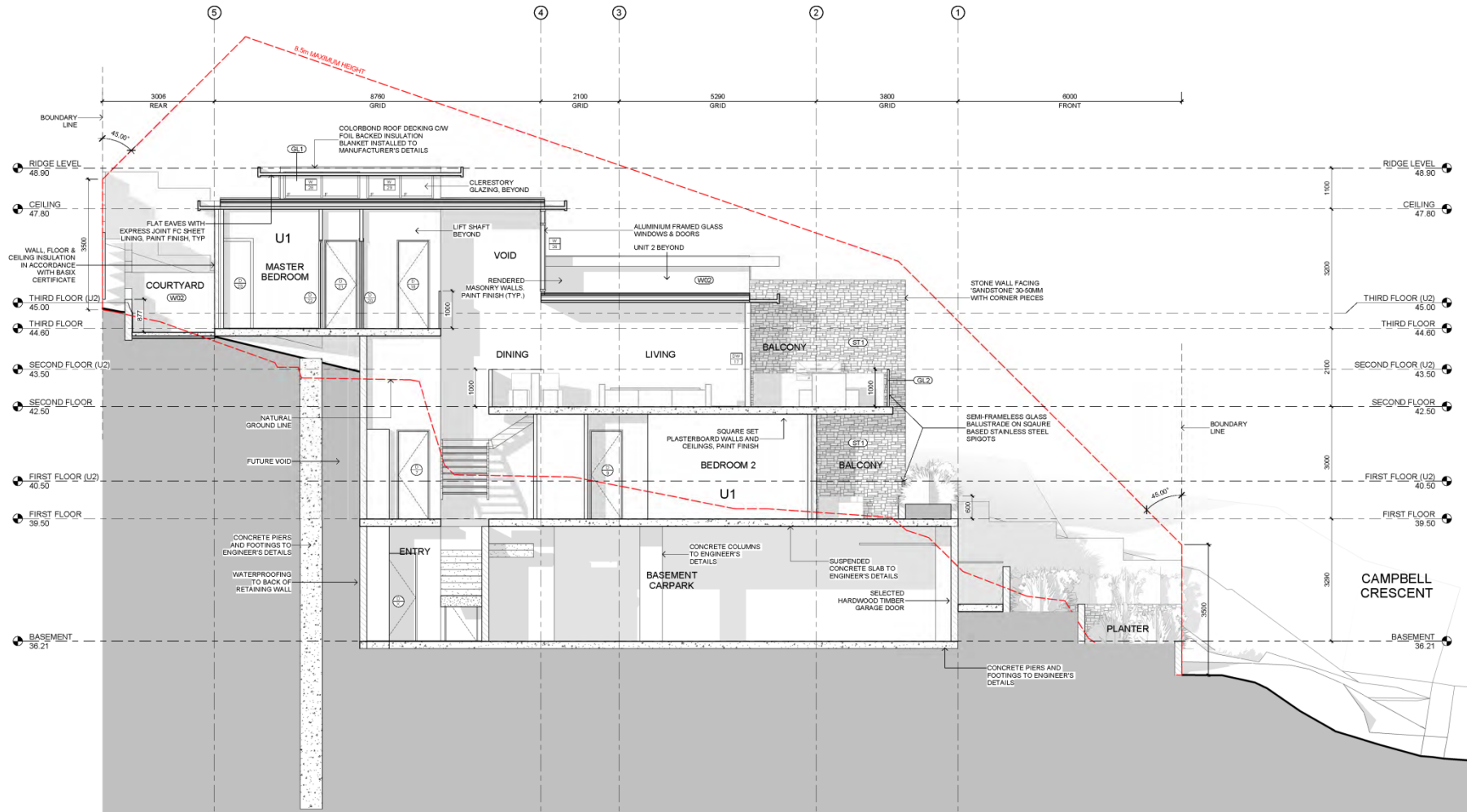
Client
CHARLES & MARGIE CASKEY

Project
PROPOSED DUAL OCCUPANCY (ATTACHED) WITH BASEMENT PARKING
LOT 27A, DP 369719
NO. 44 CAMPBELL CRESCENT, TERRIGAL NSW 2260

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Drawing Title		ELEVATIONS	
A1 Sheet	All Scale	Design	Drawn
1: 100	1/2" @ 1" SCALE	C.S	NW
Project No:	14362 DA200	Drawing No:	3



BASIX COMMITMENTS:

THE BUILDER AND/OR OWNER MUST ENSURE THAT ALL CONSTRUCTION IS DONE IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE CURRENT BASIX CERTIFICATE

1 SECTION 1-1
1:50 @ A1



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DEVELOPMENT APPLICATION ISSUE

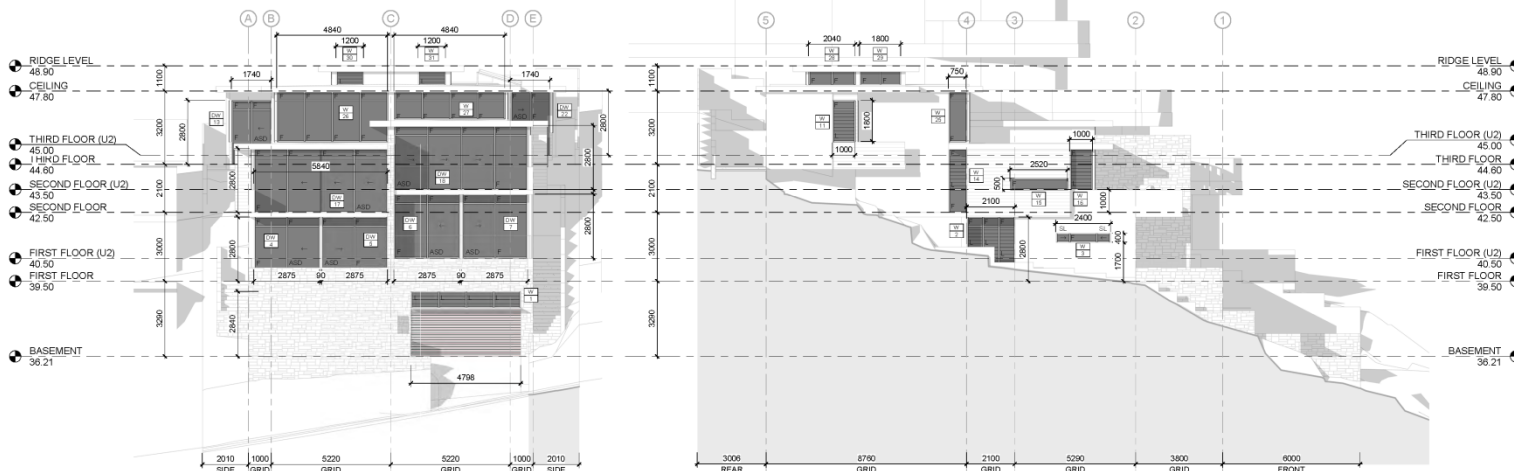
Issue	Amendment	Client
1	18.03.2018	DA ISSUE - PRIMARY SCREENS ADDED
2	08.03.2018	DA ISSUE - COUNCIL REQUEST FOR INFORMATION
3	21.02.2017	ISSUE FOR DEVELOPMENT APPLICATION

Project
PROPOSED DUAL OCCUPANCY (ATTACHED) WITH BASEMENT PARKING
LOT 27A, DP 369719
NO. 44 CAMPBELL CRESCENT, TERRIGAL NSW 2260

SLATER
ARCHITECTS

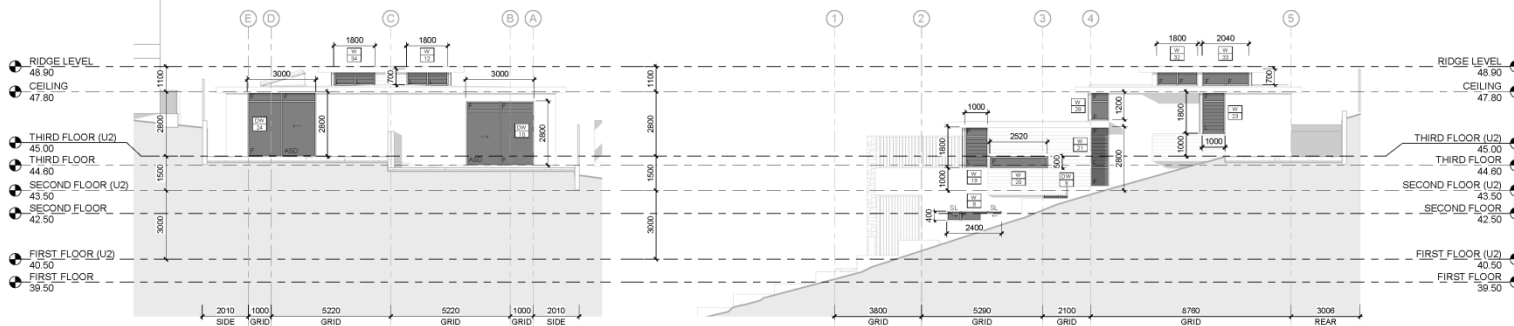
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ph: 02 4360 4400 fax: 02 4360 2800
www.slaterarchitects.com.au
Slater Architects Pty Ltd
Priced/000 Pty Ltd Trading as Slater Architects ABN 29611884202

Drawing Title			
BUILDING SECTION			
All Scales	All Scales	Design	Drawn
As Indicated	Half At Scale	C.S.	NW
Project No:	Drawing No:	Revision:	
14362	DA300	3	



2 WINDOW SCHEDULE - NORTH ELEVATION
1:100 @ A1

1 WINDOW SCHEDULE - EAST ELEVATION
1:100 @ A1



3 WINDOW SCHEDULE - SOUTH ELEVATION
1:100 @ A1

4 WINDOW SCHEDULE - WEST ELEVATION
1:100 @ A1

WINDOW LEGEND

- AL 'ALUMINIUM LOUVRES'
- ASW 'ANIEETA' SASHLESS WINDOW
- BD 'BI-FOLDING GLAZED DOORS'
- BW 'BI-FOLDING GLAZED WINDOWS'
- CA 'CASEMENT WINDOW'
- DH 'DOUBLE GLAZING'
- DG 'DOUBLE HUNG GLAZING'
- AW 'AWNING WINDOW'
- F 'FIXED GLAZING'
- FLS 'FIXED LOUVER SCREEN'
- GD 'GLAZED DOOR'
- L 'GLASS LOUVRES'
- OG 'OPAQUE GLASS'
- SD 'SLIDING DOOR (GLAZED)'
- SW 'SLIDING WINDOW'

DOOR LEGEND

- HC 'HOLLOW CORE DOOR'
- *S 'SPECIAL - REFER TO NOTES'
- SC 'SOLID CORE'
- SD 'SLIDING DOOR'

WINDOW & DOOR NOTES:

- ALL GLAZING TO BE IN ACCORDANCE WITH RELEVANT BASIX CERTIFICATE
- DOOR & WINDOW SIZES AND CODES MAY VARY DEPENDING UPON MANUFACTURER
- ALL WINDOWS & GLAZED DOORS ARE DRAWN AS VIEWED FROM THE OUTSIDE LOOKING IN
- ALL DOOR & WINDOW FINAL OPENING DIMENSIONS ARE TO BE CHECK MEASURED ON SITE & CONFIRMED PRIOR TO MANUFACTURE
- REPORT ANY INCONSISTENCIES TO ARCHITECT AS SOON AS POSSIBLE
- ANY VARIATION TO THIS DRAWING REQUIRES APPROVAL FROM SLATER ARCHITECTS
- ALL WORK INCLUDING GLAZING TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA - NCC) & RELEVANT AUSTRALIAN STANDARDS (AS)
- ALL EXTERNAL DOORS & WINDOWS ARE TO BE COMMERCIAL SECTION AND/OR ALUMINIUM FRAMES UNLESS NOTED OTHERWISE
- ALL WINDOWS ARE TO BE KEVED ALIKE
- ALL DOORS - EXCEPT THE MAIN ENTRANCE DOOR ARE TO BE KEVED ALIKE. REFER TO DOOR SCHEDULE FOR ANY DOORS WHICH MAY REQUIRE ELECTRONIC KEYPAD ENTRY & OPERATION
- FLYSCREENS TO BE FITTED TO EXTERNAL SIDE OF ALL OPERABLE WINDOWS UNLESS NOTED OTHERWISE. SCREEN MESH TYPE IN ACCORDANCE WITH RELEVANT BUSHFIRE REQUIREMENTS
- ALL WINDOWS NOMINATED AS OPAQUE ARE TO BE 'WHITE OPAQUE (W/O)'
- ALL WINDOW SIZES SHOWN DIVIDED INTO PANELS ARE TO BE EQUAL WIDTH (W/O U)
- ALL HARDWARE TO MATCH WINDOW AND GLAZED DOOR COLOUR



EXTERNAL WINDOW & DOOR SCHEDULE				
TAG #	WIDTH (mm)	HEIGHT (mm)	AREA (m ²)	COMMENTS
W 1	4165	700	5.38	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 2	2100	2800	5.88	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 3	2400	400	0.96	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
DW 4	2875	2800	8.05	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
DW 5	2875	2800	8.05	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
DW 6	2875	2800	8.05	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
DW 7	2875	2800	8.05	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 8	2400	400	0.96	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
DW 9	2100	2800	5.88	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
DW 10	3000	2800	8.40	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 11	1000	1800	1.80	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 12	1800	700	1.26	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
DW 13	1740	2800	4.87	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 14	800	2800	2.24	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 15	2520	500	1.26	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 16	1000	1800	1.80	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
DW 17	5840	2800	16.35	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
DW 18	5840	2800	16.35	ALUMINIUM FRAMED (REFER TO ELEVATIONS)

EXTERNAL WINDOW & DOOR SCHEDULE				
TAG #	WIDTH (mm)	HEIGHT (mm)	AREA (m ²)	COMMENTS
W 19	1000	1800	1.80	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 20	2520	500	1.26	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 21	800	2800	2.24	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
DW 22	1740	2800	4.87	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 23	1000	1800	1.80	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
DW 24	3000	2800	8.40	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 25	600	2200	1.32	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 26	5025	2200	11.06	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 27	5025	1200	6.03	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 28	600	1200	0.72	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 29	1800	700	1.26	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 30	1295	700	0.91	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 31	1295	700	0.91	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 32	1800	700	1.26	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 33	2135	700	1.49	ALUMINIUM FRAMED (REFER TO ELEVATIONS)
W 34	1800	700	1.26	ALUMINIUM FRAMED (REFER TO ELEVATIONS)

INTERNAL DOOR SCHEDULE				
TAG #	WIDTH (mm)	HEIGHT (mm)	COMMENTS	
D 3	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); DEADLOCK SET DOOR FURNITURE	
D 4	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); DEADLOCK SET DOOR FURNITURE	
D 5	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); DEADLOCK SET DOOR FURNITURE	
D 6	1020	2340	SELECTED ENTRY DOOR; DEADLOCK SET DOOR FURNITURE	
D 7	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PASSAGE SET DOOR FURNITURE	
D 8	820	2340	2 X 820 TIMBER INTERNAL DOOR (HINGED); PASSAGE SET DOOR FURNITURE	
D 9	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PRIVACY SET DOOR FURNITURE	
D 10	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PASSAGE SET DOOR FURNITURE	
D 11	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PASSAGE SET DOOR FURNITURE	
D 12	1020	2340	SELECTED ENTRY DOOR; DEADLOCK SET DOOR FURNITURE	
D 13	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PRIVACY SET DOOR FURNITURE	
D 14	520	2340	2 X 520 TIMBER INTERNAL DOOR (HINGED); PASSAGE SET DOOR FURNITURE	
D 15	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PASSAGE SET DOOR FURNITURE	
D 16	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PASSAGE SET DOOR FURNITURE	
D 17	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PRIVACY SET DOOR FURNITURE	
D 18	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PRIVACY SET DOOR FURNITURE	

INTERNAL DOOR SCHEDULE				
TAG #	WIDTH (mm)	HEIGHT (mm)	COMMENTS	
D 19	820	2340	2 X 820 TIMBER INTERNAL DOOR (HINGED); PASSAGE SET DOOR FURNITURE	
D 20	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PRIVACY SET DOOR FURNITURE	
D 21	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PRIVACY SET DOOR FURNITURE	
D 22	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PASSAGE SET DOOR FURNITURE	
D 23	720	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PASSAGE SET DOOR FURNITURE	
D 24	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PRIVACY SET DOOR FURNITURE	
D 25	520	2340	2 X 520 TIMBER INTERNAL DOOR (HINGED); PASSAGE SET DOOR FURNITURE	
D 26	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PRIVACY SET DOOR FURNITURE	
D 27	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PRIVACY SET DOOR FURNITURE	
D 28	820	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PASSAGE SET DOOR FURNITURE	
D 29	720	2340	S.C. TIMBER INTERNAL DOOR (HINGED); PASSAGE SET DOOR FURNITURE	
D 30	4888	2115	SECTIONAL GARAGE DOOR	

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DEVELOPMENT APPLICATION ISSUE

Amendment	Date	Description
1	18/01/2018	ISSUE - PRIVACY SCREENS ACCORD
2	08/01/2018	ISSUE - COUNCIL REQUEST FOR INFORMATION
3	21/02/2018	ISSUE FOR DEVELOPMENT APPLICATION

Client
 CHARLES & MARGIE CASKEY
Project
 PROPOSED DUAL OCCUPANCY (ATTACHED) WITH BASEMENT PARKING
 LOT 27A, DP 369719
 NO. 44 CAMPBELL CRESCENT, TERRIGAL NSW 2260

SLATER ARCHITECTS
 P.O. Box 692, Terrigal, NSW 2260
 Ph: (02) 4486 4444 Fax: (02) 4486 2800
 Email: info@slaterarchitects.com.au
 1111 Campbell Crescent, Terrigal NSW 2260
 P100000 Pty Ltd Trading as Slater Architects ABN 59011894262

Drawing Title			
WINDOW/DOOR SCHEDULES			
Scale	Author	Design	Drawn
1:100	ALL SCALE	C.S	NW
Project No.	Drawing No.	Revision	
14362	DA600	3	

BASIX Certificate

Building Sustainability Index (BASIX) Certificate for BASIX

Multidwelling

Certificate number: 4632078

Commencement date: 31/12/2018

Expiry date: 31/12/2020

Building name: 44 Campbell Crescent, Terrigal NSW 2260

Project address: 44 Campbell Crescent, Terrigal NSW 2260

Project owner: CHARLES & MARGIE CASKEY

Project manager: CHARLES & MARGIE CASKEY

Project architect: SLATER ARCHITECTS

Project engineer: SLATER ARCHITECTS

Project consultant: SLATER ARCHITECTS

Project drafter: SLATER ARCHITECTS

Project checker: SLATER ARCHITECTS

Project reviewer: SLATER ARCHITECTS

Project approver: SLATER ARCHITECTS

Project sign-off date: 31/12/2018

Project sign-off location: 44 Campbell Crescent, Terrigal NSW 2260

Certificate prepared by: SLATER ARCHITECTS

Description of project

Residential flat building - Building 1, 2 dwellings, 3 storeys above ground

The BASIX certificate is valid for the following development: Residential flat building - Building 1, 2 dwellings, 3 storeys above ground

Project address: 44 Campbell Crescent, Terrigal NSW 2260

Project owner: CHARLES & MARGIE CASKEY

Project manager: CHARLES & MARGIE CASKEY

Project architect: SLATER ARCHITECTS

Project engineer: SLATER ARCHITECTS

Project consultant: SLATER ARCHITECTS

Project drafter: SLATER ARCHITECTS

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Project checker: SLATER ARCHITECTS

Project reviewer: SLATER ARCHITECTS

Project approver: SLATER ARCHITECTS

Project sign-off date: 31/12/2018

Project sign-off location: 44 Campbell Crescent, Terrigal NSW 2260

Schedule of BASIX commitments

1. Commitments for Residential flat building - Building 1

(a) Dwelling

(b) Thermal comfort

(c) Thermal comfort system requirements

(d) Energy

(e) Water

(f) Thermal comfort

(g) Energy

(h) Water

(i) Thermal comfort

(j) Energy

(k) Water

(l) Thermal comfort

(m) Energy

(n) Water

(o) Thermal comfort

(p) Energy

(q) Water

(r) Thermal comfort

(s) Energy

(t) Water

(u) Thermal comfort

(v) Energy

(w) Water

(x) Thermal comfort

(y) Energy

(z) Water

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(u) Thermal comfort

(v) Energy

(w) Water

(x) Thermal comfort

(y) Energy

(z) Water

Schedule of BASIX commitments

2. Commitments for Residential flat building - Building 2

(a) Dwelling

(b) Thermal comfort

(c) Thermal comfort system requirements

(d) Energy

(e) Water

(f) Thermal comfort

(g) Energy

(h) Water

(i) Thermal comfort

(j) Energy

(k) Water

(l) Thermal comfort

(m) Energy

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(u) Thermal comfort

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(x) Thermal comfort

(y) Energy

(z) Water

Schedule of BASIX commitments

2. Commitments for Residential flat building - Building 2

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(f) Thermal comfort

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(y) Energy

(z) Water

Schedule of BASIX commitments

3. Commitments for common areas and central systems facilities for the development (non-building specific)

(a) Thermal comfort

(b) Energy

(c) Water

(d) Thermal comfort

(e) Energy

(f) Water

(g) Thermal comfort

(h) Energy

(i) Water

(j) Thermal comfort

(k) Energy

(l) Water

(m) Thermal comfort

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(s) Thermal comfort

(t) Energy

(u) Water

(v) Thermal comfort

(w) Energy

(x) Water

(y) Thermal comfort

(z) Energy

BASIX COMMITMENTS:

THE BUILDER AND/OR OWNER MUST ENSURE THAT ALL CONSTRUCTION IS DONE IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE CURRENT BASIX CERTIFICATE

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DEVELOPMENT APPLICATION ISSUE

Amendments

No.	Date	Description	Status
1	18/01/2018	ISSUE FOR INFORMATION	NW
2	08/03/2018	SUBMITTEE - COUNCIL REQUEST FOR INFORMATION	NW
3	21/02/2017	ISSUE FOR DEVELOPMENT APPLICATION	NW

Client: CHARLES & MARGIE CASKEY

Project: PROPOSED DUAL OCCUPANCY (ATTACHED) WITH BASEMENT PARKING

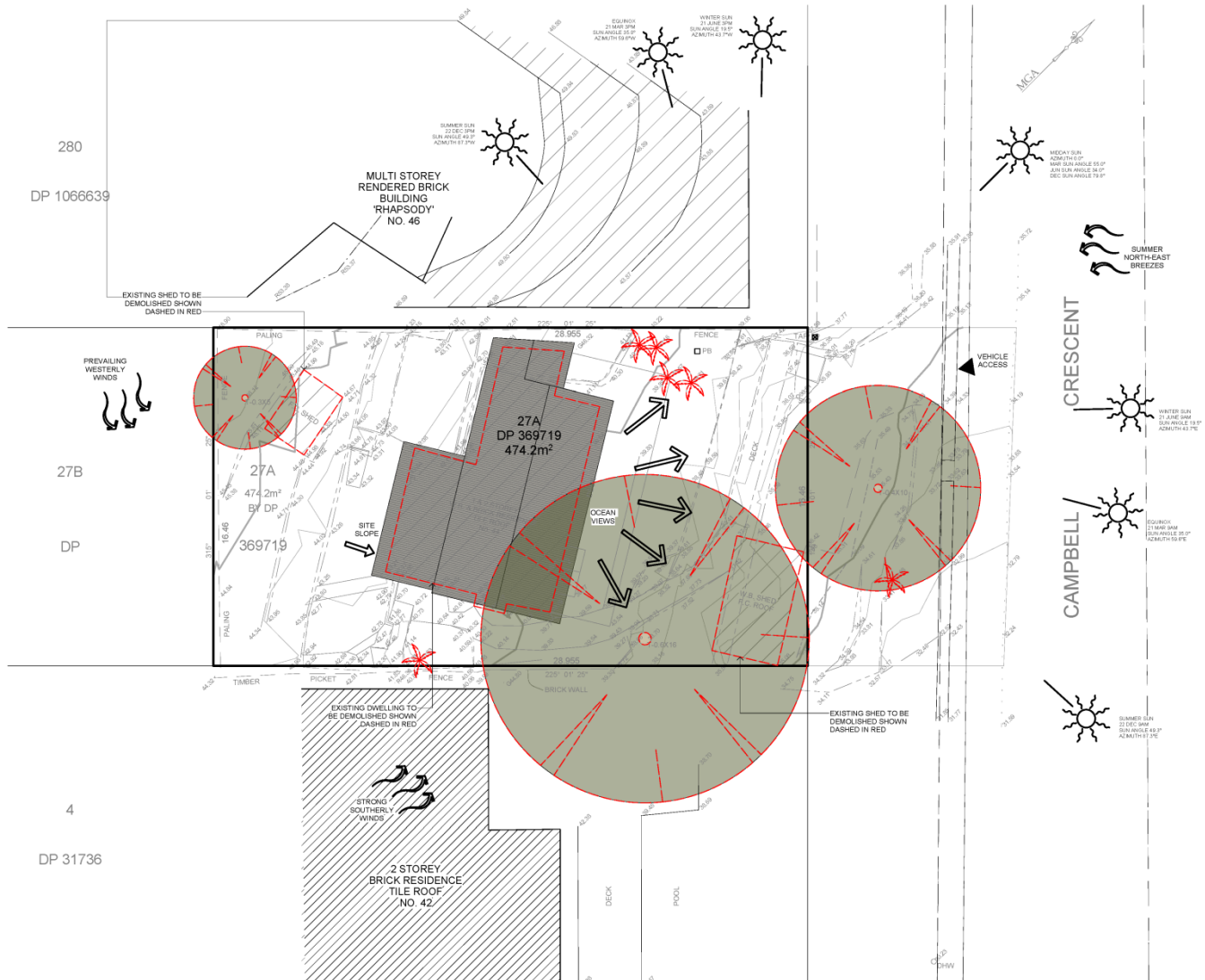
LOT 27A, DP 369719

NO. 44 CAMPBELL CRESCENT, TERRIGAL NSW 2260



North

Drawing Title		BASIX CERTIFICATE	
All Issues	All Scales	Design	Drawn
1:100	HAUF AT SCALE	C.S	NW
Sheet No:	Drawing No:	Revision	
14362	DA800	3	



01. STREETSCAPE VIEW OF 44 CAMPBELL CRESCENT, TERRIGAL (SUBJECT SITE CENTRE OF IMAGE).



02. STREETSCAPE VIEW OF 42 CAMPBELL CRESCENT, TERRIGAL (SUBJECT SITE RIGHT OF IMAGE).



03. STREETSCAPE VIEW OF 46 CAMPBELL CRESCENT, TERRIGAL (SUBJECT SITE LEFT OF IMAGE).



04. AERIAL OF SUBJECT SITE AT 44 CAMPBELL CRESCENT, TERRIGAL WITHIN THE LOCAL CONTEXT.

1 SITE ANALYSIS PLAN
1:100 @ A1



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Status
DEVELOPMENT APPLICATION ISSUE

Amendments

No.	Date	Description
3	16.03.2018	DA ISSUE - PRIVACY SCREENS ADDED
2	06.03.2018	DA ISSUE - COUNCIL REQUEST FOR INFORMATION
1	21.12.2017	ISSUE FOR DEVELOPMENT APPLICATION

Client
CHARLES & MARGIE CASKEY

Project
PROPOSED DUAL OCCUPANCY (ATTACHED) WITH BASEMENT PARKING
LOT 27A, DP 369719
NO. 44 CAMPBELL CRESCENT, TERRIGAL NSW 2260

SLATER ARCHITECTS

10/110 The Central Coast Highway, Terrigal, NSW 2260
ph: 02 4392 4400 fax: 02 4392 2800
www.slaterarchitects.com.au
Slater Architects Pty Ltd
ABN 54 001 184 282

North

Drawing Title
SITE ANALYSIS PLAN

A1 Scale	A3 Scale	Design	Drawn
1:100	HALF AT SCALE	C.S.	NW

Project No.
14362 SA001

Drawing No.
3

Standard	Requirement	Proposed	Compliance
GDCP Chapter 2.1 -Character	The proposed development is required to meet the desired character under Terrigal 6: Medium Density Hillsides	Yes – see comments within the report	Yes – see comments within the report
GDCP Chapter 2.2 – Scenic Quality	The proposed development is required to meet the Objectives for Scenic Quality	Yes – see comments within the report	Yes – see comments within the report
GDCP 3.2.3.1.2 - Maximum Height Controls	2 Number of storeys above ground maximum	2	Yes
	1m maximum Floor height of lowest occupied storey maximum	200mm	Yes
GDCP 3.2.3.1.3 - Building Envelope	45 degrees from a height of 3.5m above natural ground level at the side and rear boundaries, to a maximum height as specified in Gosford LEP 2014 Building envelope restrictions	Minor encroachment	No - see discussion within the report
GDCP 3.2.3.1.4 - Development Controls	1m Cut and fill restrictions	4m approximately	No - see discussion within the report
	3m Garage and basement cut and fill maximum	2.5m	Yes
	2.7m Ceiling height of living, dining and family rooms in 2 or 3 three storey buildings minimum	2.8m to 3.2m	Yes
	2.4m Ceiling height of other habitable rooms in 2 or 3 storey buildings minimum	2.8m to 3.2m	Yes
	Ceiling height of all habitable rooms in single storey buildings minimum	n/a	n/a

Standard	Requirement	Proposed	Compliance
	2.2m Ceiling height of bathrooms, laundries and storage areas for single, 2 or 3 storey buildings minimum	2.8m	Yes
GDCP 3.2.3.2.2 - Setback Controls	6m Front boundary setback minimum	6m	Yes
	Secondary street or laneway setback minimum	n/a	n/a
	1m Side boundary setbacks minimum	1m	Yes
	3m Rear boundary setback minimum	3m	Yes
	Foreshore boundary setback minimum	n/a	n/a
	Additional setback for 3 storey development minimum	n/a	n/a
	Setback between detached dual occupancy development minimum	n/a	n/a
GDCP 3.2.3.2.3 - Additional Setback Controls	To permit view sharing	Compliant setbacks	Yes
GDCP 3.2.3.2.4 - Allowable Encroachments	Permits roof eaves, awnings, pergolas, stairs, ramps, down-pipes and flues to encroach upon setbacks.	All setbacks comply	Yes
GDCP 3.2.3.3.2 - Technical Requirements	Dwellings greater than or equal to 125m ² require 2 car parking spaces = 4 car spaces	4 car spaces	Yes

Standard	Requirement	Proposed	Compliance
	Driveway gradient to comply with AS2890.1	Driveway gradient complies with AS2890.1	Yes
	Dimensions of driveways and parking spaces to comply with AS2890.1	Driveway and parking spaces will comply with AS2890.1	Yes
GDCP 3.2.3.3.3 - Development Controls	Provide on-site parking for every dwelling in dual occupancy development in garages, carports or basements	Parking spaces are located at basement level and covered	Yes
GDCP 3.2.3.3.6 - Basement Parking	Basement not to encroach upon deep soil setbacks. Flanked by Landscape verges	Deep soil setbacks are not impacted by basement and landscaping is proposed	Yes
GDCP 3.2.3.4.2 - Private Open Space	16m ² balconies Private open space provided minimum	>16m ²	Yes
GDCP 3.2.3.4.3 - Minimum Amount of Sunlight	3 hours	3 hours	Yes
GDCP 3.2.3.4.4 - Privacy	9m separation between adjacent dwellings minimum	<9m and reduced separation requirements are achieved	Yes – see comments within the report
GDCP 3.2.3.5 - Residential Address	Street can be seen from windows of occupied rooms. Garages do not dominate street or driveway elevation.	Compliance is achieved	Yes
GDCP 3.2.3.6.2 - Facade Articulation Controls	8m Unarticulated external wall length maximum	5.2m unarticulated wall length	Yes

Standard	Requirement	Proposed	Compliance
GDCP 3.2.3.6.3 - Roof Elements	Use a variety of gently-pitched roof elements to emphasise the shape or articulation of exterior walls	The roof is a mixture of flat and gently pitched with wide eaves that minimises bulk and scale of the development	Yes
GDCP 3.2.3.6.4 - Materials and Exterior Finishes	Apply a variety of materials and exterior finishes in order to accentuate a "light-weight" appearance for all facades	Proposed external finishes will consist of stone, masonry-rendered walls, cladding and timber	Yes
GDCP 3.2.3.6.5 - Visually Prominent Facades	Facades that are wide or tall should be screened by balconies or verandahs	The prominent façade facing Campbell Crescent is screened by balconies and planter boxes	Yes
GDCP 3.2.3.7 - Landscaped Areas	New developments should be landscaped to complement and enhance their surroundings	Satisfactory landscaped plan provided	Yes
GDCP 3.2.3.8.2 - Design and Location of Stormwater Systems	To comply with Water Cycle Management Chapter	Stormwater concept plans designed by a Civil Engineer has addressed Water Cycle Management	Yes
GDCP 3.2.3.8.3 - Storage of Garbage Bins	Bins should be stored within garages, behind screens in carports, or in private service courtyards	Bins are located within basement level with suitable access to Campbell Crescent for collection	Yes

Standard	Requirement	Proposed	Compliance
GDCP 3.2.3.8.4 - Location and Design of Service Meters	Meter boxes must not be attached to prominent facades and are to be integrated with the design of building and landscaped areas	Meter boxes will be located on the sides of each dwelling or can be located at basement level	Yes
GDCP 3.2.3.8.5 - Secure Private Storage Requirements	10m ³ Secure private storage minimum	>10m ³	Yes
GDCP Clause 3.2.3.9 Civil Works off the Development Site	Footway, kerb and gutter to be provided	Campbell Crescent is constructed with kerb and gutter on both sides of the road. The footway within the frontage of the site is not adequately formed behind the kerb line to provide for a footpath. Road works are not required for this development. Consent conditions are recommended (refer to Conditions 2.6, 5.9 and 5.10).	Yes
GDCP Chapter 6.3 Erosion Sedimentation Control	Erosion and sediment control	Appropriate siltation controls for the construction phase are conditions of consent (refer to Conditions 3.5 and 4.4).	Yes
GDCP Chapter 6.4 Geotechnical Requirements For Development Applications	Submission of a Geotechnical Engineers Report as the site is within a Medium Hazard Landslip Area.	The development is supported by a Geotechnical Engineers Report. Consent conditions are recommended (refer to Conditions 3.11, 3.12, 4.13 and 5.13).	Yes

Attachment 3**GDCP Compliance Table**

Standard	Requirement	Proposed	Compliance
GDCP Chapter 6.6 Preservation of Trees or Vegetation	Tree removal and retention	Tree removal proposed and supported	Yes – see comments within the report
GDCP Chapter 6.7 Water Cycle Management	Stormwater management of the site that requires retention.	Stormwater plan prepared by Northrop Engineers is considered satisfactory and meets the requirements under Chapter 6.7 of GDCP 2013. Stormwater management is subject to conditions of consent. Refer to Conditions 2.8, 4.8, 5.11 and 5.12.	Yes



Item No: 3.1
Title: Proposed Closure and Sale of Part of Finch Place, Bateau Bay
Department: Assets, Infrastructure and Business

9 July 2018 Ordinary Council Meeting

Trim Reference: F2006/00505 - D13228279

Author: Julie Tattersall, Property Officer Land Sales Acquisitions

Manager: Paul Forster, Section Manager

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

Report Purpose

Approval is sought to seek to close part of Finch Place, Bateau Bay, and if closed to sell the land in the closed road to the owner of the adjoining property.

Recommendation

- 1 That Council resolve to apply to the Minister for Roads and Maritime, pursuant to s. 34 of the Roads Act 1993, to close Finch Place, Bateau Bay and vest the land in Council as Operational Land.**
- 2 That Council resolve that, upon the land comprising the above road vesting in Council, the land be classified "operational" for the purposes of the Local Government Act 1993.**
- 3 That Council authorise the sale of the closed road land to the owner of the adjoining property for market value as assessed by a qualified valuer engaged by Council staff and subject to the road closure land being consolidated with the adjoining land.**

Context

The owner of Lot 307 DP 801789 at 7 Finch Place, Bateau Bay (the Owner) requested that the former Wyong Council sell the closed public walkway from Finch Place to Sir Joseph Banks Oval and consolidation with their property.

At the Ordinary Meeting of the former Wyong Council on 25 July 2007, that Council resolved to permanently close the footway and subject to approval from the then Minister for Lands, close the road and sell to the adjoining owners.

Following that resolution, Council staff of the former Wyong Council had made approaches to the adjoining owners to ascertain if there was any interest for purchase of the land if the road were to be closed. There was no interest for the road closure purchase and sale did not proceed at that time

3.1 Proposed Closure and Sale of Part of Finch Place, Bateau Bay (contd)

The current applicant for the road closure and purchase was not the owner of the adjoining property at the time of the earlier road closure proposal.

The Owner has advised that consolidation of the footway with his own property will provide additional off street parking and privacy.

Current Status

In 2007 the former Wyong Council physically closed the footway following a number of reports by local residents of incidents of vandalism and anti-social behaviour by individuals utilising it. The physical closure of the footway was implemented by the erection of a metal fence at the southern end. The footway is now surplus to Council requirements as public road.

Access to Sir Joseph Banks Oval is available via a shared pathway off Rotherham St, a short walk from Finch Place.

The former Wyong Council wrote to the two owners of the land adjoining the footway at the time the fence was erected. At that time there was no interest from either adjoining owner.

The road to be closed is approximately 3 metres wide, 30.885 metres long and contains a 150mm water main.

Proposal

It is proposed to close the subject road, reserving an easement in Council's favour for the 150mm water main. Closure of the road will be in accordance with Section 38 of the Roads Act 1993. Upon closure of the road the land therein will vest in Council as operational land and will be available for sale to the adjoining owner for consolidation with the adjoining land Lot 307 DP 801789. The sale price of the closed road to be sold will be market value as determined by an independent valuation procured by Council staff.

The Owner has agreed to enter into a Deed of Agreement which provides terms and conditions in relation to the road closure and purchase of land, including costs. If agreement on a sale price is not able to be reached or for any reason the Owner fails to pursue the closure of the road and purchase of the land, Council will not proceed with closure of the road and it will retain its public road status.

Consultation

The Unit Manager, Water Planning and Development requires an Easement 3m wide to be created over the 150mm water main located in the Footway.

The Unit Manager, Roads Assets Planning & Design and the Unit Manager, Open Space and Recreation have no objections to the closure of the road and sale of the land to the adjoining owner.

3.1 Proposed Closure and Sale of Part of Finch Place, Bateau Bay (contd)

Financial Impact

There is no cost to Council in relation to the closure of the footway or subsequent sale to the Owner. The road closure costs which include valuation, advertising, survey and registration will be paid by the Owner.

Council will also receive income from the sale of the road closure land to the adjoining owner at market value.

Plan – Location of Footway and Owner's Land.



Attachments

Nil.



Item No: 4.1
Title: Deferred Item - Free Shade Tree Program
Department: Assets, Infrastructure and Business

9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13255617

Author: Alan Cibilic, Section Manager

Manager: Luke Sulkowski, Unit Manager

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

Summary

Council, at its meetings held 14 May 2018 and 28 May 2018 resolved:

373/18 That Council defer consideration of this item to the Ordinary Meeting of Council to be held 28 May 2018.

418/18 That Council defer consideration of this item to the Ordinary Meeting of Council to be held 9 July 2018.

Recommendation

- 1 That Council note the deferred Free Shade Tree Program report which is Attachment 1 to this report.**
- 2 That Council note this report.**
- 3 That Council approves Option 2 set out in Attachment 1 to this report.**
- 4 That Council further consider Options 1 and 3 after Council has considered an Urban Forest Policy.**
- 5 That Council request the Chief Executive Officer implement Option 2 subject to appropriate provision in the adopted 2018/19 budget.**

Attachments

- 1** Deferred Item - Free Shade Tree Program D13209193



Item No: 1.1
Title: Free Shade Tree Program
Department: Assets, Infrastructure and Business

23 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13209193

Author: Alan Cibilic, Section Manager

Manager: Luke Sulkowski, Unit Manager

Executive: Mike Dowling, Director Assets Infrastructure and Business

Report Purpose

This report is in response to Council's resolution of 26 March 2018:

- 225/18 *That Council note the deferred Notice of Motion – Shade Trees report which is Attachment 1 to this report.*
- 226/18 *That Council note that trees enhance the appearance of our homes and public areas, and that our suburban streetscapes are an important part of our urban landscape.*
- 227/18 *That Council note trees reduce noise pollution by acting as sound barriers and reduce airborne pollution by trapping particles on their leaves, provide shade and shelter, reduce annual heating or cooling costs, keep our air supply fresh by absorbing carbon dioxide and producing oxygen, and provide food and shelter for wildlife.*
- 228/18 *That Council acknowledge the work of Grow Urban Shade Trees (GUST) in encouraging residents to bring shade and beauty to their neighbourhoods, and commend the members for taking the lead in educating the community about the benefits of shade trees and reducing the stigma associated with having trees in front yards and on nature strips.*
- 229/18 *That Council request the Acting Chief Executive Officer bring a report to Council no later than three ordinary meetings following the passing of this motion that outlines:*
- *the reasons why the legacy Gosford City Council free tree program was ended*
 - *how many trees were provided to residents in the five years before the program ended*
 - *what advertising was done for the program to residents*
 - *a list of preferred tree species suitable for planting in public areas, and what the proposed effect on the budget might be to reinstate the program across the Central Coast Council area (with consideration given to potentially non-economic benefits that increased tree cover might bring.)*

Summary

Trees provide demonstrable benefits to the community and the environment but present some risk.

The former Gosford City Council had a "free tree program", which provided relatively small overall benefit (in terms of surviving trees) compared to the total cost of the program. Adopting that program across the Central Coast local government area will require additional procedures to ensure tree planting is consistent with future capital projects and existing infrastructure. The risk to Council of allowing residents to plant street trees on roads sides without supervision cannot be addressed through this program and Council's Insurance and Risk Section does not recommend that the former Gosford City Council program be adopted.

In addition to the Free Tree Program (Option 1) two alternative options to increase the number of trees are also presented for consideration - plant give-away for private property (Option 2) and a full Council tree planting team (Option 3).

Recommendation

- 1 That Council note this report.**
- 2 That Council approves Option 2.**
- 3 That Council further consider Options 1 and 3 after Council has considered an Urban Forest Policy.**
- 4 That Council request the Acting Chief Executive Officer implement Option 2 commencing in the 2018/19 financial year, subject to appropriate provision in the adopted 2018/19 budget.**

Report

Responses to Council's resolution 229/18 are provided as follows:

- ***the reasons why the legacy Gosford City Council free tree program was ended***

The former Gosford City Council's street tree give-away had evolved over a number of years and was resourced through the Council's three Nursery staff (Gardener, Assistant and Apprentice) who also propagated seedlings, maintained the Nursery, purchased and delivered plants from other Nurseries for use throughout Council, advised staff on their plant requirements, and maintained the indoor plant and reserve collection for use in Council offices. No specific budget was ever provided for the free tree program with the cost of the program effectively absorbed into the Nursery's operational budget. In addition to this, no prescriptive guidelines in regards to the delivery of the program were in place to guide its ongoing implementation.

The Nursery Assistant was redeployed in 2014, and the Nursery Apprentice was redeployed in 2016 reducing the staff resources operating the Erina Nursery from three to one staff member. The Nursery horticulturalist then continued to operate the Nursery as well as maintain the tree give-away program.

To assist Nursery staff to propagate seeds (mainly collected by Landcare's Seed Collection volunteer group), a small Nursery volunteer program commenced in 2016 with the initial assistance of Landcare staff, in order to grow local plants to meet Council's requirements.

Based on records from 2012 to 2016, the free tree program demanded an allocation of staff resources averaging 637 hours per year (or 17 full time weeks) to process applications, liaise with residents, select and deliver plants, and advise on street tree planting issues. From 2012 to 2016 an average of 388 residents received usually 2 or 3 potted trees each year.

Council Nursery staff revisited sites where street trees had been delivered through this program and estimated that only 20% of the plants that were provided to residents successfully survived at the agreed locations. The cost per street tree was on average, \$219 per surviving tree.

Nursery records of the street tree give-away program are shown in Table 1.

Table 1: Tree giveaway data and costs relating to the former Gosford City Council free tree program

	2012 to 2016 Average per annum
Street trees issued per year	896
Survival rate (based on audits and extrapolated)	20%
Actual street trees surviving per year	179
Number residents accessing program per year	388
Estimated cost of program (current value)	\$39,209
Cost per tree survived	\$219

Note that this former Gosford City Council program (as summarised in Table 1) did not allow for liaison with Council Roads staff to obtain site-specific approvals which are now required, or include any investigation of utilities and capital project plans, and site-specific consideration of risks.

In addition to providing potted trees to residents referred to in Table 1, following amalgamation, Erina Nursery (staffed by one gardener) was tasked with providing plants for the whole of Central Coast Council's operations meaning that the resourcing capacity of the nursery was further stressed. The street tree giveaway ceased around April 2017 for the following reasons:

- Inability of the Nursery, post-amalgamation and with existing resources, to provide street trees to all residents in the enlarged Council area (a major cost component was the staff time to visit each site to determine and/ or deliver the most suitable plants)
- Cost effectiveness of the program (high cost of each surviving street tree)
- Need to re-direct Nursery staff to propagating priority plants for other Council operations throughout the Central Coast local government area
- Lack of a staff resource for site and project management including environmental approvals and site specific assessment by Council's Roads, Transport and Drainage Department
- Ensuring risks associated with utilities and infrastructure are properly managed, both during planting and over the projected life of the tree with regard to issues such as infrastructure impacts including footpath damage and trip hazards, access, maintenance, and planned and future upgrades
- Work Health and Safety risks and other liability associated with residents undertaking work on Council property under the direction, or with the formal approval, of Council without applying appropriate safe work procedures (both physically and administratively)
- Funding of the program and prioritisation of this free program against other donations offered to the community through Council (e.g. through the community grants program)

Council's Insurance and Risk Section recently advised that members of the public, unless directly supervised under a Council program, should not plant trees on public land.

- ***how many trees were provided to residents in the five years before the program ended***

Records maintained by Council's Erina Nursery identify the following for the years 2012 to 2016:

- 4,480 trees were provided to residents over the five years period prior to cessation
- An estimated total of 896 street trees survived during this period (20% survival rate) at an estimated cost of \$219 per surviving tree.

- ***what advertising was done for the program to residents***

The program became reasonably well known in the community over the many years of operation and was promoted largely through word-of-mouth. Information was readily available via Council's website and customer service centre. Little additional promotion was undertaken.

- ***a list of preferred tree species suitable for planting in public areas***

Council horticulturalists have developed a list of suitable species in Table 2.

Table 2 Preliminary Public tree list

Botanical name	Common name	Deciduous or Evergreen	Native or Exotic
SMALL TREES Height 6-8m x Spread 4-5m – generally suitable for small streets			
<i>Acer buergerianum</i>	Trident Maple	D	E
<i>Alectryon subcinereus</i>	Native Quince	E	N, Local
<i>Acmena smithii</i> (cultivars to 6m)	Lilly pilly dwarf	E	N, Local
<i>Arbutus unedo</i>	Irish Strawberry Tree	E	E
<i>Backhousia citriodora</i>	Lemon-scented Myrtle	E	N
<i>Banksia integrifolia</i>	Coastal Banksia	E	N, Local
<i>Buckinghamia celsissima</i>	Ivory Curl Tree	E	N
<i>Callistemon salignus</i>	Pink Tips Bottlebrush	E	N, Local
<i>Corymbia eximia</i> "Nana"	Small Yellow Bloodwood	E	N
<i>Corymbia ficifolia</i> (on <i>C.maculata</i> rootstock)	Red Flowering Gum	E	N
<i>Elaeocarpus eumundi</i>	Eumundi Quandong	E	N
<i>Eucalyptus curtisii</i>	Plunkett Mallee	E	N
<i>Franklinia axillaris</i>	Gordonia, Fried Egg Tree	E	E
<i>Hibiscus tiliaceus</i>	Cotton Tree	E	N
<i>Lagerstroemia indica</i>	Crepe Myrtle	D	E
<i>Leptospermum petersonii</i>	Lemon Tea Tree	E	N
<i>Magnolia</i> "Little Gem"	Little Gem Magnolia	E	E
<i>Melaleuca bracteata</i> "cultivars"	White Cloud Tree	E	N
<i>Melaleuca decora</i>	White Feather Honey Myrtle	E	N, Local
<i>Melaleuca linariifolia</i>	Narrow-leaved Paperback, Snow-in-summer	E	N, Local
<i>Metrosideros thomasi</i>	New Zealand Christmas Tree	E	E
<i>Pyrus calleryana</i> cultivars	Callery pear	D	E
<i>Syzygium paniculatum</i> (cultivars to 6m)	Magenta cherry	E	N
<i>Tibouchina</i> "Alstonville"	Lasiandra	E	E
<i>Tristanopsis laurina</i>	Water Gum	E	N, Local
<i>Xanthostemon chrysanthus</i>	Golden Penda	E	N
MEDIUM TREES Height 10-15m x Spread 8-9m – may be suitable for some small streets			
<i>Cupaniopsis anacardioides</i>	Tuckeroo	E	N, Local
<i>Elaeocarpus reticulatus</i>	Blueberry Ash	E	N, Local
<i>Glochidion ferdinandi</i>	Cheese Tree	E	N, Local
<i>Syzygium australe</i>	Creek Cherry	E	N, Local
<i>Syzygium luehmannii</i>	Small-leaved Lilly Pilly	E	N, Local
<i>Waterhousia floribunda</i> "Weeper"	Weeping Lilly Pilly	E	N

Prior to plant selection, each streetscape should be assessed to ensure the most suitable tree is selected for the environmental conditions, available space, and infrastructure of the planting site. The assessment should be conducted by a Council Horticulturalist with specialised experience and knowledge in street tree planting. Street trees should not be planted by the general public (without prior approval by Council). Planting of larger trees must be assessed on a case-by-case basis, as only some locations will allow large trees to grow to their true form and size.

- ***and what the proposed effect on the budget might be to reinstate the program across the Central Coast Council area (with consideration given to potentially non-economic benefits that increased tree cover might bring.)***

The effect on the budget of is shown in Option 1 and estimates implementation of such a program will cost \$303,355 per annum.

The environmental, social, and health benefits of trees are well known and well documented, if not accurately quantified, in Australia. The benefits of, and environmental services provided by, trees is specific to the species and location.

An increasing body of research is translating these benefits into economic terms which may include savings from:

- reduced building heating and cooling costs and reduction in the urban heat-island effect
- reduced stormwater infrastructure required as a result of water uptake by trees
- reduced bitumen maintenance and deterioration caused by the volatilisation of bitumen by heat and sunlight which shady street trees reduce
- increased air quality as tree leaves reduce air pollution especially from cars
- carbon sequestration
- improved physical health as green spaces encourage physical activity and social interaction
- improved mental health as trees and green spaces improve overall well-being
- reduced crime in areas with more trees

In addition, real estate prices are significantly increased in streets that have large and shady trees. Some studies have shown that streets with large and shady trees may realise an increase in up to 10% of the property value.

In 2017, Melbourne City Council valued its 60,000 public trees at over \$10,000 per tree. California research has identified that each public tree provides \$111 per year in measurable benefits and that every \$1.00 spent in planting and maintaining a street tree returns \$5.82 in benefits. However, street trees can have adverse impacts.

Council removes around 1,500 hazardous public trees each year, and additional trees are removed during or as a consequence of severe storms and for capital projects. Hazardous trees are mainly removed from streets, with some also removed from parks and bushland areas adjoining residential and commercial properties. Many more public trees are rendered safe by pruning rather than removal.

Existing public tree cover on the Central Coast could be maintained by planting around 1,500 replacement trees per year, noting that Council's Roads projects already require replacement of two trees for each tree removed.

Considerations associated with street trees in particular include: ongoing maintenance; line-of-sight; impact on public and private infrastructure including underground utilities, drains, footpaths, driveways, fences, and roads; and trip hazards in nature strips and road reserves where there are no formed footpaths. For this reason investigations are required to assess each site where a tree is proposed.

Some streets are not suited for planting trees, such as some narrow streets and cul-de-sacs. Council currently spends around \$2.5 Million per year maintaining the over one million public trees located on or adjoining public use areas.

Experience indicates that the greatest influence on the survival of a planted street tree is the willingness of residents to appreciate it rather than to view it as a liability.

Consultation

Information was obtained internally from relevant Council Units:

- Open Space and Recreation
- Natural and Environmental Assets
- Roads Assets, Planning and Design
- Governance and Business Services

Options

The costs and benefits of reinstating the free tree program across Council are provided below. To give context and comparison, two additional program options are also provided.

OPTION 1 – REINSTATE THE FREE STREET TREE PROGRAM ACROSS COUNCIL

Assumptions:

- *The program will require full resourcing if adopted as it is not currently offered*
- *Reinstating the program with standard promotional activity is likely to double the historical average annual applications by Gosford area residents*
- *Extending the program across the whole LGA will result in double the applications expected from the Gosford area*
- *An additional Nursery staff member is required to administer every 700 applications; over 1,400 per year are expected requiring two additional Nursery staff*
- *The previous 20% (estimated) survival rate continues (many plants appear not to be planted at the agreed location, some are vandalised or are not maintained)*
- *Additional staff costs of propagating extra Nursery stock, liaising with applicants, travelling to inspect sites across the whole LGA, and undertaking site-specific investigations within Council's Roads Business Development and Technical Services Unit are included.*

Table 3 Option 1 Summary

SUMMARY - OPTION 1 - REINSTATE TREE GIVE-AWAY TO ALL CCC	
Extra Staff required - 1.0 FTE Nursery for every 700 applications (i.e. 2.0 for 1,400) plus 1.0 Roads Investigations Officer	3
Additional vehicles, materials, promotion	Standard promotion, two vehicles
Total Annual Operational Cost	\$303,355
Capital cost of initial vehicle acquisition*	\$80,000
Estimated residents participating (average/ year, standard promotion)	1,552
Estimated street trees surviving per year (20% of 3,584 trees; residents with large frontage or corner blocks receive more than two trees)	717
Cost per tree surviving (not including initial capital cost)	\$423

* Year 1 only for capital cost of \$80,000 for two vehicles.

OPTION 2 – PROVIDE FREE TUBE STOCK TO RATEPAYERS FOR USE ON PRIVATE PROPERTY

Nearby examples of Councils providing free native plants each year to ratepayers for use on private property include Hornsby (4 plants) and Lake Macquarie (2 plants), with limited stock of groundcover, shrubs, and some trees available to those ratepayers who attend identified collection events.

Assumptions

- *Approximately 7,000 property owners will collect plants annually, or around 5% of properties (the number is uncertain as there is no local precedent)*
- *Plants are distributed at four locations each year (eg Lakes Festival, National Tree Day)*
- *Most plants are likely to be groundcover and shrubs, with an estimated 10% trees*
- *Assume 50% plant survival within Council area (broad estimate only; some plants may also be used elsewhere)*
- *Environmental services benefit of trees is reduced by \$20 per year compared with street trees mainly due to reduced shading of road surfaces*
- *There is a potential risk of negative impact to retail nursery sales as a result of this program (Lake Macquarie City Council has not received any related complaints but also offers another program, Backyard Habitat, which promotes local native plant nurseries to the community)*

Table 4 Option 2 Summary

SUMMARY - OPTION 2 - TUBESTOCK GIVE-AWAY TO PRIVATE PROPERTIES	
Extra Staff required – 1.0 at Nursery (an additional 0.2 equivalent FTE of existing staff on overtime is required to organise and deliver the give-away events)	1.0
Additional vehicles, materials, promotion	Some promotion and materials
Total Annual Operational Cost	\$134,040
Estimated property owners receiving 2 plants* each (about 10% of these plants are expected to be trees)	7,000
Estimated plants surviving at 1 per property (50% survival rate)	7,000
Cost per plant surviving	\$19.15
Estimated trees only surviving (trees make up 10% of all plants distributed; 50% survival rate)	700
Cost per surviving tree only	\$191.49 **

* Note: Plants as referred to in Table 4 include trees, shrubs and groundcovers.

** For comparative purposes with other options only, however, this also includes provision of nine surviving groundcovers or shrubs at no additional cost.

OPTION 3 – ESTABLISH STREET TREE-PLANTING TEAM WITHIN COUNCIL

Assumptions

- *Planting advanced trees in pots costs more, but these trees have a higher survival rate, are subject to less vandalism, and require more maintenance*
- *Assume 100% survival (with estimated 5% trees requiring replacement)*
- *Council's Roads Investigations Officer approves sufficient street sites for tree planting; some trees may also be planted in Parks and other Council properties*
- *Advanced trees will be purchased from commercial Nurseries, delivered to Council's Nursery and maintained until planted; this will be reviewed periodically*
- *The 3-person planting team includes a project officer to identify sites, liaise with residents, organise approvals, liaise with property asset owner such as Roads and other Council Units, coordinate materials and contractors (e.g. service location etc.), coordinate tree supply with Nursery staff.*

Table 5 Option 3 Summary

SUMMARY - OPTION 3 - STAFF TEAM PLANT ADVANCED PUBLIC TREES	
Extra Staff required - 3 person planting team in Open Space and Recreation Unit, 1 Nursery assistant, 1 Roads Investigations Officer	5
Additional vehicles, materials, promotion	truck, utility, passenger vehicle, contractor, materials, replacement trees
Total Annual Operational Cost *	\$761,560
Capital cost of initial vehicle acquisition (and fit-out, approximate)*	\$180,000
Estimated street trees surviving per year	1,890
Cost per tree (100% surviving, dead trees replaced, not including initial capital cost)	\$402.94

* Year 1 only for capital cost

OPTIONS ASSESSMENT

The following summary matrix provides a method for assessing these options, based on staff input.

Table 5 Ranking by Criteria. 1 (highest positive outcome), to 3 (lowest positive outcome)

Criteria	Option 1 – street tree give-away	Option 2 – plant give-away private property	Option 3 – Council tree planting team
Risk to Council	3	1	2
Total cost	2	1	3
Cost per surviving tree	3	1	2
Trees planted per year	3	2	1
Ongoing Council maintenance	2	1	2
Support from community	1	1	3
Environmental benefit	3	1*	2
Average Rank per Criteria	2.4	1.1	2.1

* Based on provision of lower canopy plants as well as trees

Financial Impact

The recommended Option 2 will require an ongoing operational budget of \$134,040 per year (and increase staff establishment by one fulltime equivalent position).

Social Impacts

The social and health benefits of trees are well document and may include improved mental and physical health including more active lifestyle and social participation. Impact on adjoining and nearby residents of planting a tree, and agreement in relation to species and location, may also be required.

Environmental Considerations

The environmental benefits provided by trees are dependent on the species and specific location. They include benefits related to fauna habitat, biodiversity, micro-climate, air quality, noise levels, shading and may include reduced resource use associated with road maintenance and drainage infrastructure. An environmental assessment of the impact of planting a tree may also be required.

Risk Management

Option 2 was developed in response to Council’s Insurance and Risk Section advice that members of the public, unless directly supervised by Council, should only plant trees on private property. In that way the person planting the tree and any subsequent property owner takes lifetime ownership and management of the trees.

There is a potential risk of complaints from local retail nurseries as a result of Council providing plants to residents.

Attachments

Nil.



Item No: 4.2
Title: Open Pile Burning Policy - Community Consultation Submissions Report
Department: Environment and Planning

9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-02 - D13232836

Author: Dr Anumitra Chand, Principal Strategic Planner

Manager: Matthew Prendergast, Unit Manager Strategic Planning

Executive: Scott Cox, Director Environment and Planning

Report Purpose

The purpose of this report is for Council to consider the outcomes of community consultation during the public exhibition of the Draft Open Pile Burning Policy.

The report outlines the outcomes of the public exhibition and community engagement information sessions.

The report recommends that Council adopt the Draft Open Pile Burning Policy.

Recommendation

- 1 That Council adopt the Draft Open Pile Burning Policy specifically amended as follows:**
 - a Identify that the Policy is a self-approval process.**
 - b Delete a 'class of persons'.**
 - c Include RU1 Primary Production and R5 Large Lot Residential.**
 - d Include RU5 Rural Village as a prescribed zone.**
 - e Reflect legislative changes to meet the NSW Government's reforms**
 - f Increase the size of vegetation diameter from 150mm to 300mm.**
 - g Increase the size of open burn piles from 2m to 4m.**
 - h Clarify notification requirements.**
 - i Prohibit non-vegetative waste, ecological burns or Aboriginal cultural burns.**
 - j Exempt burning for agricultural operations.**
 - k Exempt burning for recreational purposes.**
 - l Include Fire Permit requirements.**
 - m Include Council's compliance and enforcement provisions.**
 - n Contact details for authorised regulatory authorities other than Council.**

- 2 ***That the Chief Executive Officer note that if the draft Central Coast Open Pile Burning Policy is adopted by Council it will be necessary to seek the following from the Environmental Protection Authority before that Policy can be implemented:***
 - a. ***The listing of the Central Coast Council as an approval authority for the burning of vegetation under Part 2 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.***
 - b. ***Request the removal of the former Gosford City Council from Part 1 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.***
 - c. ***Request the removal of the former Wyong Shire Council from Part 2 and 3 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.***
- 3 ***That Council advise all those who made a public submission of the decision.***
- 4 ***That Council undertake a community education program for open pile burning in collaboration with NSW Rural Fire Service.***
- 5 ***That Council review the Central Coast Open Pile Burning Policy within two years..***

Background

At its meeting of 23 October 2017, the Council, resolved to support the exhibition of a draft Central Coast Open Pile Burning Policy. The resolution is as follows:

669/17 That Council adopt the draft Central Coast Open Pile Burning Policy for the purpose of public exhibition.

670/17 That Council exhibit the draft Central Coast Open Pile Burning Policy for a period of 28 days.

671/17 That Council consider a further report on the outcomes of community consultation.

672/17 That Council note that if the draft Central Coast Open Pile Burning Policy is adopted by Council it will be necessary to seek the following from the Environmental Protection Authority before that Policy can be implemented:

- a. ***The listing of the Central Coast Council as an approval authority for the burning of vegetation under Part 2 and 3 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.***

4.2 Open Pile Burning Policy - Community Consultation Submissions Report (contd)

- b. Request the removal of the former Gosford City Council from Part 1 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**
- c. Request the removal of the former Wyong Shire Council from Part 2 and 3 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**

673/17 That if adopted, the Central Coast Open Pile Burning Policy be reviewed within two years.

Community Consultation

In accordance with the resolution of Council, the Draft Open Pile Burning Policy (“draft Policy”) was adopted for the purpose of public exhibition for a period of 28 days, between 11 January 2018 and 8 February 2018. The exhibition period was extended for an additional 14 days due to an administrative error that omitted RU1 Primary Production and R5 Large Lot Residential zones. This exhibition period was between 19 April 2018 and 2 May 2018. A total of 233 submissions were received during the public exhibition period. The breakdown of the subdivisions is summarised in Table 1.

Submissions received	Total Submissions received after commencement of Public Exhibition (11/1/2018 – 8/2/2018)	233	
	Total Submissions received after commencement of Public Exhibition (19/4/2018 – 2/5/2018)	25	
	Persons/Organisations lodging more than one submission to the draft DCP	5	
	Total	258	
Respondent’s View	Clear Support	136/258	52.71%
	Support with policy variations	72/258	29.90%
	Clear Objection	20/258	7.75%
	Unclear	30/258	11.62%
Respondent’s Origin	Submissions Originating from Southern Area	183/258	70.93%
	Submissions Originating from Northern Area	48/258	15.50%
	Unknown	26/258	10.46%

Table 1: Community Submission Summary

A letter was sent to all landowners whose land meet the prescribed conditions for open pile burning as outlined within the draft Policy. Three drop in sessions were held over a two day period during the third week of the exhibition period. The information sessions attracted 145 interested community members from 36 Central Coast suburbs within the Local Government Area.

Information Session	No. of Attendees
Mangrove Mountain	49
The Entrance	26
The Erina Centre	70

Summary of the submissions

The majority of submissions received supported the obligation of the objective of the policy with 82% support. The majority of submissions were received from landowners in the former Gosford Local Government Area.

A detailed summary of the matters raised in the written submissions is provided in Attachment 3. The key themes raised in the submissions include:

- *Congratulations to Council for taking a common sense approach to land management that is consistent across the Central Coast Region.*

Noted, the key objective of the Policy was to provide consistency across the Central Coast Local Government Area (CCLGA).

- *Council's existing kerbside collection for vegetation and green bin collection is inadequate for property owners east of the M1 Motorway and there is no green waste service west of the M1.*

Green waste bins are provided east of the M1 Motorway however their capacity and frequency is not sufficient for the vegetation waste generated on these large land parcels. There is no green waste kerbside collection west of the M1 Pacific Motorway. Burning vegetation is supported by these property owners.

The draft Policy recognises the limitations of green waste management through a fortnightly green bin collection and kerbside collection for many rural property owners. It is recognised that increased kerbside collections may reduce people's reliance for alternate green waste management solutions. However, it is considered that this would need to be an additional provision and not replace open pile burning. The Policy allows for the appropriate disposal of excessive vegetation waste generated on these land parcels.

4.2 Open Pile Burning Policy - Community Consultation Submissions Report (contd)

- *Tip fees for green waste is prohibitive for large property owners to manage green waste.*

Noted, however reduced tip fees are a separate issue and are considered an additional provision to the management of vegetation waste. Open pile burning will reduce the need to use the tip.

- *Was the draft Policy has been developed in consultation with the NSW Rural Fire Service?*

Yes. The NSW Rural Fire Service (RFS) was consulted during the development and post-exhibition of the draft Policy. The NSW RFS attended the 3 community consultations and disclosed there full support to the draft Policy.

- *The draft Policy should be amended to apply to green vegetation on the premise.*

The draft Policy only applies to piles of dead and dry vegetation. The draft Policy does not apply to vegetation that was generated offsite or green vegetation

- *Does the draft Policy replace the requirements for hazard reduction burning?*

No, the Policy does not replace the NSW RFS requirements for hazard reduction burning. These requirements are regulated under the *Rural Fires Act 1997*. Hazard reduction includes controlled burning, mechanical clearing, slashing undergrowth or reducing fuel by hand.

- *The draft Policy should be amended to be inclusive of land zoned RU1 Primary Production.*

The draft Policy will apply to land zoned RU1 Primary Production.

- *The draft Policy should be amended to allow for increased number and size of piles for agricultural land owners undertaking pile burning of diseased or old fruit trees.*

The draft Policy has been amended to include an exemption for the burning of vegetation for the course of carrying out agricultural operations. Agricultural operations include the burning vegetation for the purposes of clearing, stubble, orchard prunings, diseased cropped, weeds or pest animals habitats and pasture regeneration. This exemption is granted under the *Protection of the Environmental Operations (Clean Air) Regulation 2010*.

- *The draft Policy should be amended to be inclusive of land zoned RU5 Rural Village.*

The draft Policy does not apply to land zoned RU5 Rural Village, however, through the exhibition period Council received submissions supporting the inclusion of RU5 Rural Village Land into the draft Policy. The NSW RFS agrees to include RU5 Village within the Draft policy.

There are sixty-one (61) lands zoned as RU5 Rural Village across the Central Coast. It is recommended that the draft Policy be amended to include these lands as they are located within the rural landscape. These properties would need to comply with the conditions of the policy and meet the minimum lot size of 4000m² to qualify.

- *The draft Policy should be amended to reflect the existing Wyong Policy which allows for 4mx2m pile sizes and larger log dimensions as well as increase the number of piles.*

It is acknowledged that restricting the pile size to 2.0 x 1.5 metres as proposed in the exhibited draft Policy would result in multiple fires being required, over a longer period of time, to burn the same amount of material. It is also recognised that restricting vegetation diameter to 150mm is also restrictive due to the size of limbs that are dropped by mature trees.

The NSW Rural Fire Service (RFS) has been consulted with on both issues and supports an amendment to the draft Policy to increase pile sizes, consistent with the current *Notice of Approval for Open Burning in Wyong Shire*. During discussions with the NSW RFS it was agreed that one pile is safer to manage than several small piles simultaneously, therefore the Policy has been amended to enable pile sizes of 4m x 2m.

- *The draft Policy should not be used to clear vegetation.*

The draft Policy does not provide approval to clear vegetation.

Chapter 6.6 of the *Gosford Development Control Plan 2014* and Chapter 3.6 of the *Wyong Development Control Plan 2013: Preservation of Trees or Vegetation* applies with respect to the removal of vegetation.

The NSW RFS online assessment tool provides assistance to assess whether the *10/50 Vegetation Clearing Code of Practice* will allow you to clear vegetation on your land.

The Local Land Services administers the removal of vegetation on rural zoned lands under the requirements of the *Local Land Services Amendment Act 2017*.

- *There should be a single blanket approval that's last for 5 years rather than having to make multiple applications.*

The draft Policy does not endorse a blanket approval process. The Policy facilitates a self-regulated approval process (per open pile burn) subject to compliance with the conditions. The draft Policy requires the Rural Fire District or the NSW RFS be provided 24 hours' notice of an open pile burn so up to date information on safe burning conditions can be conveyed.

4.2 Open Pile Burning Policy - Community Consultation Submissions Report (contd)

- *The draft Policy should be amended so that neighbours don't have to be notified.*

The draft Policy requires the adjacent property occupiers be given 24 hours' notification. Adjacent properties include land separated by a lane, road or waterway from the land on which the fire is to be lit. This is not a considered requirement it is a matter of courtesy.

- *The draft policy should allow small open burns in summer if the conditions are right or if there are no fire bans.*

A Fire Permit will be required in the summer months and within the Bushfire Danger Period (Usually between 1 October to 31 March, however may vary due to local conditions).

- *The draft Policy should consider the specific conditions for burning that include limiting the 20m surrounding buffer and wind speed up to 20kph.*

The NSW RFS was consulted and recommended the draft Policy maintain the 20m buffer from any dwelling structure, building or unmanaged vegetation as this distance provides a suitable defendable distance. The NSW RFS also upheld the recommendation to require wind speed to remain under 15kph as suitable open pile burning conditions.

- *The draft Policy will be too difficult to enforce and puts community at greater risk.*

The draft Policy enables open pile burning to allow landowners to manage the vegetation waste on their properties as outlined in Section D of the Policy, which has been endorse by the NSW RFS.

The draft Policy is designed for the majority of residents that are reasonable and responsible. Like most things a small minority do the wrong thing. Any breaches of the Policy will be investigated under the provisions of the *Protection of the Environment Operations Act 1997*, with reference to Council's *Compliance and Enforcement Policy*.

- *Will the draft Policy approval process result in fees to conduct the open pile burns.*

This is a self approval process therefore no Council fees would apply to landowners to undertake an open pile burn.

- *What is the process for bigger fires?*

None. The NSW RFS does not support bigger fires or have any legislation to authorise pile burning. Large fires are not safe and unlikely to be supervised.

Key amendments to the draft Policy

As a result of the public submissions (Attachment 3) and NSW RFS comments the following amendments to the draft Policy are recommended:

1. Provide clarity that the Policy is a self-approval process and that consent is not required from Council subject to compliance with the policy conditions.
2. Delete a 'class of persons'.
3. Include RU1 Primary Production and R5 Large Lot Residential zones as a prescribed zone as intended in the Council Report dated 23 October 2017.
4. Include RU5 Rural Village as a prescribed zone.
5. Incorporate changes to meet the NSW Government's legislative reforms, that:
 - repealed the *Threatened Species Conservation Act 1995*
 - amended the *Local Land Services Act 2013*
 - introduced the *Biodiversity Conservation Act 2016*
 - introduced the *State Environmental Planning Policy (Vegetation in Non-Rural Areas 2017)*
6. Increase the size of vegetation diameter from 150mm to 300mm consistent with the requirements of the *Notice of Approval for Open Burning in Wyong Shire*.
7. Increase the size of open burn piles from 2m to 4m consistent with the *Notice of Approval for Open Burning in Wyong Shire* requirements.
8. Clarify notification requirements for adjacent property occupiers, NSW Rural Fire Service and Fire and Rescue NSW.
9. Include a prohibition statement for the burning of non-vegetative waste, ecological burns or Aboriginal cultural burns.
10. Burning exemptions for agricultural operations.
11. Burning exemptions for recreational purposes.
12. Accurate Fire Permit requirements.
13. A statement regarding Council's compliance and enforcement provisions.
14. Contact details for the Central Coast NSW Rural Fire Service and the Fire and Rescue NSW.

Public Authority Consultation

NSW Rural Fire Service (RFS) was consulted in the development of the draft Policy prior to public exhibition. The NSW RFS attended Council's community consultation workshops and provided support in answering questions and sharing relevant information. A post exhibition meeting was held with the NSW RFS to discuss the outcomes of the public submissions and seek advice regarding amendments to the pile size, vegetation diameter and inclusion of land zoned RU1 Primary Production, RU5 Rural Village and R5 Large Lot Residential zones.

Internal Consultation

Relevant Council Business Units were consulted which resulted in a few amendments to the draft Policy:

4.2 Open Pile Burning Policy - Community Consultation Submissions Report (contd)

The Compliance Business Unit was consulted regarding the compliance component of the draft Policy which resulted in the following statement:

Council will investigate reported breaches of this policy, and undertake enforcement action under the provisions of the Protection of the Environment Operations Act 1997, with reference to Council's Compliance and Enforcement Policy.

Council's Waste Business Unit advice was sought regarding the possibility of increasing the number of green waste collections or free green waste disposal at the landfill sites. However, Council will continue to provide the three waste bin services alongside on-call kerbside waste collection. An additional green bin is also available at a cost of \$103/year.

Financial Impact

There will be no financial impact should Council adopt the staff recommendation to adopt the draft Policy. The community will benefit as there will be indicative cost savings for landowners not having to transport vegetative green waste and fees incurred at Council's landfill facilities.

Social Impacts

It is unlikely the adoption of the amended draft Policy will have any social impacts subject to landowners complying with the conditions of consent outlined in Section D of the Policy. It is a practical approach to enable rural landowners to burn dead vegetation in order to carry out routine maintenance of their land. Open pile burning has been permitted in the northern portion of the Local Government Area since 2013 and lapses in December 2018. Open pile burning is also permitted in most regional Council areas including Hornsby, Hawkesbury City, Blue Mountains City, Maitland City, Port Stephens and Lake Macquarie.

Environmental Considerations

It is not expected that changes to air quality will be significant subject to landowners complying with the conditions of consent outlined in Section D of the Policy. Open pile burning is not a significant contributor to climate change when compared with hazard reduction burns and wildfires.

In 2013, the Australian National University reported research on the following carbon emissions:

Source	Carbon emissions (tonnes)
Coal-fired power stations	200 million / year
2009 Black Saturday Fires	30 / forested hectare
130,000 forested hectares	4 million

Table 3: Carbon emission

Bushfires must burn an area of forest the size of New South Wales to generate CO₂ emissions equivalent to a decade of burning coal for electricity. The greenhouse gas emissions from open pile burns are relatively small when compared to NSW RFS hazard reduction burns or natural bushfire events.

Risk Management

It is unlikely that the adoption of amended draft Policy would cause additional risk for the Council as the risk is same as what currently applies to the former Wyong Local Government Area.

In the past four years, the NSW RFS has attended to approximately 12 calls for fire escapes. The NSW RFS have advised that these fires have been illegally lit, did not comply pile sizes and failure to notify the NSW RFS of the intent to burn. These fires represent 1% of the NSW RFS's logged calls. The NSW RFS received nuisance smoke complaints primarily from residential areas. Open pile burning is not permitted in residential areas.

Conclusion

This Policy will provide consistency across the Central Coast region for open pile burning requirements for large environmental and rural zoned land parcels.

It is recommended that Council adopt the Draft Open Pile Burning Policy as amended and received during community consultation.

Attachments

- | | | |
|----------|--|-----------|
| 1 | Draft Central Coast Open Pile Burning Policy | D13180013 |
| 2 | Amended Draft Open Pile Burning Policy | D13237485 |
| 3 | Submissions Summary | D13180016 |

Open Pile Burning Policy

Issue Date: **OCTOBER 2017**

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REVISION HISTORY

Version and Date	Created by	Adopted	Amendment notes
Version 1 20 September 2017	Environmental Strategies Section, Strategic Planning Unit, Environment & Planning Directorate	Ordinary Council Meeting 23 October 2017	

POLICY OBJECTIVE

Council is authorised to grant approval for the purposes of open pile burning of dry and dead vegetation to a 'class of persons' under Schedule 8, Parts 2 and Part 3, of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

This policy:

- Identifies the 'class of persons' granted approval to pile burn dry and dead vegetation in the open on prescribed parcels of land.
- Specifies conditions of consent to pile burn dead and dry vegetation material.

POLICY STATEMENT

- The burning of anything in the Central Coast local government area is prohibited except in accordance with an approval under Schedule 8 Part 2, or Part 3, of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- Council will provide approval for the open burning of dead and dry vegetative material on parcels of land that meet the prescribed criteria. Such approval is intended for properties not in urban areas that have a large number of mature trees, which are likely to generate larger than average quantities of vegetative debris.
- Council cannot provide approval for the burning of non-vegetative waste.
- Burning must minimise smoke impacts and ensure the fire is managed safely.
- Before granting the approval for open burning of dead and dry vegetative material, Council has taken into consideration the following issues:
 - the impact on regional air quality;
 - the impact on local air quality;
 - the feasibility of re-use, recycling, or other alternative means of disposal;
 - the views of the sector of the public likely to be affected by the proposed approval; and
 - the views of the Environment Protection Authority in relation to a proposed approval to any class of persons.

CONDITIONS OF CONSENT

Open pile burning may be carried out by a standing 'class of person' for the burning of dead and dry vegetative material in piles in the open subject to the following conditions:

1. Parcels of land must be:
 - Greater than 4,000m² in area; and

- Zoned E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, RE2 Private Recreation, RU2 Rural Landscape or RU6 Transition; or
 - 7(a) Conservation or 7(c2) Scenic Protection under *Interim Development Order 122*.
2. Only one pile of vegetation may be burnt at any one time.
 3. The maximum size of any such pile must not be larger than 2 metres in diameter and a maximum of 1.5 metres in height.
 4. Approval is only granted for the burning of dry and dead vegetation that was generated on the premises on which the vegetation grew.
 5. Vegetation must be of a diameter of 150mm or less.
 6. An open pile burn fire must be at least 20 metres from any dwelling structure, building, or unmanaged vegetation.
 7. All combustible material within 4.5 metres of the fire must be removed.
 8. Adequate water supplies must be immediately on hand to extinguish the fire if required.
 9. Adjacent property owners and the NSW Rural Fire Service must be given 24 hours notice (verbal or written) of an intention to burn.
 10. An open fire must be supervised by a responsible adult at all times.
 11. Burning should only take place when weather conditions are suitable with winds under 15km/h.
 12. Burning should not cause nuisance to neighbours or a smoke hazard to traffic. Where nuisance or smoke hazard occurs the fire is to be immediately extinguished.
 13. Activities must be undertaken in accordance with the NSW Rural Fire Service/Fire and Rescue NSW documents *Standards for Pile Burning* and *Before You Light That Fire*.

OTHER PROVISIONS

Approval to burn under this policy is only for the purpose of disposal of dead and dry vegetative material through pile burning in the open on large rural residential properties.

- Council does not approve the burning of non-vegetative waste or prohibited articles.
- A Fire Permit must be obtained from the NSW Rural Fire Service for open burning during the Bushfire Danger Period (usually 1 October to 31 March).
- A Fire Permit must be obtained from Fire and Rescue NSW or the NSW Rural Fire Service for any open burning that might threaten a building, at any time of year, for their respective fire districts.

- This approval does not remove the necessity, or exempt the person from the requirement, to obtain relevant permits or licences under other legislation including the *Rural Fires Act, 1997*, *Protection of the Environment Operations Act, 1997*, *Threatened Species Conservation Act, 1995*, or *Native Vegetation Act 2003*.
- No open burning can be undertaken on declared 'No Burn Days' (related to air pollution) or 'Total Fire Bans' (related to bush fire safety) that may be declared. This approval is suspended on such days.
- It is the responsibility of the approval holder to identify whether one of these days is occurring prior to lighting their fire. Further information can be found on the NSW Environment Protection Authority [website](#).
- An open burn fire must not be lit, or must be extinguished, if the closest air monitor exceeds an Air Quality Index (AQI) of 66 (fair – yellow) or worse for particulate matter PM10 or PM2.5. Further information can be found on the NSW Office of Environment & Heritage [website](#).

This policy does NOT provide:

- Approval to burn the land for bush fire hazard reduction;
- Approval to clear vegetation or clear land; or
- Approval to burn vegetation resulting from the clearing of land related to development consent under the *Environmental Planning and Assessment Act (1979)*.

Burning should minimise smoke impacts and air pollution associated with open burning in order to protect local and regional air quality, local amenity, and human health. Importantly, the open pile burn must be managed safely and in accordance with the NSW Rural Fire Service legislative requirements.

The Environment Protection Authority may provide approval for any burning of material other than dry vegetation under Part 3. This must be obtained prior to notifying Council or emergency services.

Land owners/managers may also have obligations or require a Fire Permit under the *Rural Fires Act 1997* and should make enquiries of NSW Fire and Rescue (where land is within a NSW Fire and Rescue District) or the NSW Rural Fire Service to ensure that they comply with their obligations under that Act.

Bushfire hazard reduction burns are assessed and approved by the NSW Rural Fire Service under the *Rural Fires Act 1997*.

Approval for ecological burns can be sought from the NSW Environment Protection Authority.

ASSOCIATED DOCUMENTS

The following associated documents and procedures should be read in conjunction with this Policy:

1. [RFS Pile Burning Standards](#)
2. [RFS Before You Light Your Fire](#)



AUTHORITY	NAME & TITLE
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History of Revisions:

Version	Date	TRIM Doc. #
1	20 September 2017	D12848304
2	17 May 2018	

Schedule of Amendments

Effective Date	Amendment	Reason
2018	N/A	Initial Adoption by Council for the purposes of public exhibition

A. POLICY SUMMARY

- A1 Council is authorised to grant approval for the purposes of open pile burning of dry and dead vegetation under Schedule 8, Parts 2 of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- A2 The Policy outlines a self-approval provided compliance with the conditions of consent outlined below [Section D] are met.
- A3 The Policy specifies conditions of consent to pile burn dead and dry vegetation material in environmental and rural zoned lands.
- A4 The Policy provides details of other legislative provisions relevant to burning vegetation.

B. POLICY BACKGROUND

- B1 The Central Coast Council and the NSW Rural Fire Service (RFS) receive numerous requests from rural landowners to burn dead vegetation in order to carry out routine maintenance of their land.
- B2 Open pile burning is regulated across NSW by the *Protection of the Environment Operations (Clean Air) Regulation 2010 (POEO (Clean Air) Regulation)* under the *Protection of the Environment Operations Act 1997 (POEO Act 1997)*. Under this regulation, local councils voluntarily choose the level of control over burning that is best suited to their Local Government Area (LGA).
- B3 For pile burning of vegetation to be permissible within a LGA, it must be listed under Parts 2 of *POEO (Clean Air) Regulation, 2010*. Most regional local councils permit open pile burning, for example Hornsby, Hawkesbury City, Blue Mountains City, Maitland City, Port Stephens and Lake Macquarie.
- B4 Open pile burning is also permitted within the former Wyong LGA. The former Wyong Shire Council Policy for Control of Open Burning and 'Notice of Approval to Burn Dead and Dry Vegetation (Pile Burning)' permits certain rural residential landowners/managers to carry out pile burning of dry and dead vegetation in the open on their property subject to a number of conditions.
- B5 The former Gosford City Council publicly exhibited a Draft Open Pile Burning Policy in September 2015, but it was never adopted.
- B6 On 12 May 2016, the former Gosford City and Wyong Shire Councils amalgamated forming the Central Coast Council.
- B7 On the 23 October 2017, the Council adopted the draft Open Pile Burning Policy for the purposes of public exhibition.

C. THE POLICY

- C1 The burning of anything in the Central Coast local government area is prohibited except in accordance with an approval under Schedule 8 Part 2, of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- C2 Council will provide deemed approval for the open burning of dead and dry vegetative material on parcels of land that meet the conditions of consent. Such approval is intended for properties not in urban areas that have a large number of mature trees, which are likely to generate larger than average quantities of vegetative debris.
- C3 Council cannot provide approval for the burning of non-vegetative waste.
- C4 Burning must minimise smoke impacts by avoiding green, damp and compacted piles.
- C5 Burning must be undertaken in a safe manner by complying with the consent conditions.
- C6 In the making of this Policy Council has taken into consideration the following issues, the:
- o impact on regional air quality;
 - o impact on local air quality;
 - o feasibility of re-use, recycling, or other alternative means of disposal;
 - o views of the sector of the public likely to be affected by the proposed approval;
 - o views of the Environment Protection Authority in relation to the self-approval process; and
 - o Views of the NSW Rural Fire Service in support of this Policy.

D. CONDITIONS OF CONSENT

Open pile burning may be carried out as a self-approval process whereby deemed approval is granted from Council for the burning of dead and dry vegetative material in piles in the open, subject to the following conditions:

- D1 Parcels of land must be:
- a. Greater than 4,000m² in area; and
 - b. Zoned E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, RE2 Private Recreation, R5 Large Lot Residential Zones, RU1 Primary Production, RU2 Rural Landscape, RU5 Rural Village or RU6 Transition under the Local Environment Plan; or
 - c. Zoned 7(a) Conservation or 7(c2) Scenic Protection under Gosford Interim development Order 122.
- D2 Only one pile of vegetation may be burnt at any one time.
- D3 Pile size may be up to 4 metres in diameter and a maximum height of 1.5 metres. Vegetation may be added as the pile burns down.
- D4 Deemed approval is only granted for the burning of dry and dead vegetation that was generated on the premises on which the vegetation grew.
- D5 Vegetation must be of a diameter of 300mm or less.

- D6 An open pile burn fire must be at least 20 metres from any dwelling structure, building, or unmanaged vegetation (native or non-native).
- D7 All combustible material within 4.5 metres of the fire must be removed.
- D8 Adequate water supplies and/or firefighting equipment must be immediately on hand to extinguish the fire if required.
- D9 Adjacent property occupiers (or, if there are no occupiers, the owners) must be given 24 hours notice, unless specified otherwise in a Fire Permit, either in writing or verbally. Adjacent properties include land separated by a lane, road or waterway from the land on which the fire is to be lit. Details to be provided include name of the person/s proposing to light the fire, location, purpose, period and time of the fire.
- D10 For land in a Rural Fire District, the NSW Rural Fire Service (Central Coast Fire Control Centre) must be provided 24 hours notice, unless specified otherwise in a Fire Permit, either in writing or verbally. Details to be provided include name of the person/s proposing to light the fire, location, purpose, period and time of the fire. For land in a Fire District, this notice must be provided to Fire & Rescue NSW. For further details seek advice from the NSW Rural Fire Service (Central Coast Fire Control Centre).
- D11 An open fire must be supervised by a responsible adult at all times.
- D12 Burning should only take place when weather conditions are suitable with winds under 15km/h.
- D13 Burning should not cause nuisance to neighbours or a smoke hazard to traffic. Where nuisance or smoke hazard occurs, the fire is to be immediately extinguished.

F. OTHER LEGISLATIVE PROVISIONS

Approval to burn under this policy is only for the purpose of disposal of dead and dry vegetative material through pile burning in the open on large Environment and Rural zoned land [Clause D1]. The provisions below set out additional requirements under NSW State Legislation.

- F1 The burning of non-vegetative waste is not permitted.
- F2 This policy does NOT provide approval to:
- a. burn the land for bush fire hazard reduction;
 - b. clear vegetation;
 - c. burn vegetation resulting from the clearing of land related to development consent under the *Environmental Planning and Assessment Act 1979*;
 - d. undertake an ecological burn; or
 - e. undertake an Aboriginal cultural burn.
- F3 The burning of dry and dead vegetation that was generated on the premises on which the vegetation grew may also include burning for the course of carrying out agricultural operations including:
- a. Vegetation for the purposes of lawful clearing (other than for construction);
 - b. Stubble, orchard pruning's, diseased crops, weeds or pest animal habitats on farms; or
 - c. The burning of pasture for regenerative purposes.

- F4 The burning of dry and dead vegetation that was generated on the premises on which the vegetation grew may also include burning to cook or barbecue in the open, or to light, maintain or use a fire for recreational purposes such as camping, picnicking, scouting or other similar outdoor activities, so long as only dry seasoned wood, liquid petroleum gas (LPG), natural gas or proprietary barbecue fuel (including a small quantity of fire starter) is used.
- F5 A Fire Permit must be obtained from the NSW Rural Fire Service for open burning during in a Rural Fire District the Bushfire Danger Period (usually 1 October to 31 March, however, may vary due to local conditions). A Fire Permit must be obtained from the Fire and Rescue NSW for open burning in a Fire District all year round. For further details seek advice from the NSW Rural Fire Service (Central Coast Fire District Office).
- F6 This deemed approval does not remove the obligation to comply with other legislation including the *Rural Fires Act 1997*, *Protection of the Environment Operations Act 1997*, *Biodiversity Conservation Act 2016* or the *Local Land Services Act 2013*.
- F7 No open burning can be undertaken on declared 'No Burn Days' (related to air pollution) or 'Total Fire Bans' (related to bush fire safety) on any such days.
- F8 It is the responsibility of the person lighting the fire to identify whether a 'No Burn Day' or a 'Total Fire Ban' is occurring prior to lighting their fire. Further information can be found on the NSW Environment Protection Authority [website](#) or the NSW Rural Fire Service [website](#).
- F9 An open burn fire must not be lit, or must be extinguished, if the closest air monitor exceeds an Air Quality Index (AQI) of 66 (fair – yellow) or worse for particulate matter PM10 or PM2.5. Further information can be found on the NSW Office of Environment & Heritage [website](#).
- F10 Burning should minimise smoke impacts and air pollution associated with open burning in order to protect local and regional air quality, local amenity, and human health.
- F11 Approval for bushfire hazard reduction burns can be sought from the NSW Rural Fire Service.
- F12 Approval for ecological burns or Aboriginal cultural heritage burns can be sought from the NSW Office of Environment and Heritage.
- F13 Council will investigate reported breaches of this policy, and undertake enforcement action under the provisions of the *Protection of the Environment Operations Act 1997*, with reference to Council's *Compliance and Enforcement Policy*.

G. POLICY IMPLEMENTATION

- G1 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the Chief Executive Officer.
- G2 This policy should be read in conjunction with the Central Coast Council Code of Conduct.
- G3 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.

H. CONTACT DETAILS

To notify the intention to undertake an open pile burn contact:

- H1 The NSW Rural Fire Service Central Coast District Office on 1300 661 401.
- H2 The Fire and Rescue NSW Central Coast Office on 4353 2351 or your local fire station.

Suburb	Submission	Topic	Outcome
Bensville	Our property backs onto the Bouddi National Park and it is a constant struggle to keep leaves and branches from building up to prevent a fire risk to our house the green bin provided is not practical therefore pile burning is the most logical solution As a retired Station Commander of 34 years with the NSW Fire Rescue I can speak with some authority	Green bin not practical	Supported
Doyalson North	As we live on rural acres at Doyalson North and periodically need to burn small piles of vegetation and have always had to apply for permission to do so from the Rural Fire Service this would be of interest to us.	Always had to apply to RFS for small pile burns	Supported
Somersby	Under "Conditions of Consent" section of your draft policy, it fails to mention areas greater than 4000m2 which are zoned RU1. Please amend the draft policy to be inclusive of RU1 zoned properties.	RU1	Supported
Fountaindale	Wish to do and open pile burn due to trees and branches down in last storm.	Storms	Supported
Wyong	<p>This is just to record my concern re one aspect of the Draft Open Pile Burning Policy as it may affect our property at 1114 Yarramalong Rd, Wyong Creek. The area is in excess of 4000 sq mtrs. Council informs me that this land is zoned RU1 Primary Production. For some years I have I have had one or two pile burns annually and have registered each burn with the appropriate authority at least 24 hours before each event and also at the time of lighting. The burns have been between April and September outside the Bushfire Danger Period. There have been no problems and I would be happy to pursue this procedure in future. In a brief explanation I obtained from Council's "Your Voice" site it said on page 1 of 2 that parcels of land over 4000 sq mtrs would be affected if it was one of a number of listed zones which included RU1 Primary Production.</p> <p>Thank you for the opportunity to comment on the Draft Central Coast Open Pile Burning Policy. It was especially appreciated that you took the initiative in contacting affected landowners by snail mail to ensure that they were made aware of the exhibition especially since we usually do not receive regional newspapers. I have used the former Wyong Council pile burning policy on three occasions in the past 6 years in response to major storm events that required that I dispose of extraordinary wind throw. The policy was very useful in ensuring notification of all potential affected parties and carrying out the burn safely and efficiently. The staff of the Rural Fire Brigade at Charmhaven have been extremely professional and helpful with ensuring ease of use of the system. There is no doubt that a policy allowing burning is essential as there is occasionally need to dispose of excessive woody material when you have larger lots with large trees. It is simply not practical to dispose of the amounts of wind throw we have seen in recent storms without controlled onsite burning. Prior to Wyong's policy there was still open pile burning, but with no standards, controls or notification. (landowners would simply burn at night). The draft Policy, for the most part, strikes the right balance. There are just two items that you might consider for amendments: 1. Limiting the burning to material of 150mm or less is not practical given the size of trees, and their limbs, on most rural lots. That standard should be raised to 300mm or less.</p> <p>2. You may want to check with your legal experts, but a paragraph limiting Council's, and the Rural Fire Brigade's, liability in the case of a burn going wrong, even if carried out in accordance with the policy would be advised. It could say something like.. "The landowner bears full responsibility and liability for any damage to vegetation, property, stock or people arising from the burning of a pile even if carried out in accordance with this policy." Thank you once again for the opportunity to comment on the draft Policy.</p>	RU1	Supported
Kulnura	Hi, Useful initiative and I support the general intent. I think council should provide some advice on how to manage larger pile burns. e.g. when a large tree(s) comes down due to wind/water etc. Similarly I have over 200 metres of nature strip which generates a fair number of piles each year from natural thinning. What is councils policy on managing this area? i.e. is it the residents responsibility? If a large tree comes down on the nature strip how does one dispose of it? (particularly if the trunk exceed 150mm in diameter)	Nature strip maintenance - managing larger piles due to wind & >150mm	Supported
Ourimbah	Can you confirm for me that my property is zoned RU1 and E3,thus allowing me to burn vegetation on my land? Also there is nothing in the letter you sent, or the FAQ's, about a possible annual fee which was mooted by the previous council and strongly objected to, as if you do introduce it,youll have to provide a vegetation bin using money from our exorbitant rates. If you don't provide extra refuse collections,no-one will prune their trees/bushes/weeds to burn,then we'll get more vermin and predators,snakes and foxes plus ugly nature strips and a general decrease in amenity and values and ultimately,rates.	Financial	NA

Jilliby	Why has RU1 (Primary Production) been excluded from the Draft open pile burning policy for Central Coast Council.	RU1	NA	
Glenning Valley	The adopted Wyong pile burning policy is in line with RFS and NSW guidelines and is a sensible policy to adopt. The RFS are under resourced and should only be required to certify rural vegetation burn offs within the designated bush fire season, and inspect and certify compliance at that time. I urge the Central Coast Council to streamline the amalgamation process where ever possible and this is a good instance of common sense.	Streamline - Amalgamation - RFS	Supported	
Ourimbah	Please find my submission for the draft open pile burning policy sent to me last week via post. Living here on 4410 square metres with numerous trees produces ample dead foliage and vegetative matter. All rules stipulated by the council will be strictly abided by me to reduce all the dead vegetation produced by my mature trees. If I am required to do anything else, please let me know.	No objection	Supported	
Tumbi Umbi	Agree and fully support the Draft Open Pile Burning Policy	No objection	Supported	
Glenning Valley	We have successfully had pile burns over several winters under Wyong Shire's policy. It works very well for us. We believe an important requirement is to notify the RFS in advance,	Wyong - RFS	Supported	
Jilliby	Ultimately landholders on semi rural parcels of land and larger should at their discretion be able to burn reasonable amounts of waste without the burden of bureaucracy from council. Directly I don't believe we should need to seek permission or permit providing we burn in responsible times. I also believe councils draft is to restrictive on the size of the fire, the size of the waste the fire can contain and the distances required around the fire to dwellings, neighbours and vegetation. Neighbour notification should also not be a requirement.	Too restrictive	Not Supported	
Ourimbah	i think the draft plan is excellant and should be carried on for total area	No objection	Supported	
Gwandalan	Yes I would like to be able to conduct pile burns on my property.	No objection	Supported	
Wamberal	I have read the Draft Open Pile Burning Policy. Congratulations! I believe it is a timely and relevant policy that will benefit many landowners of greater than 4,000 square meters in Wamberal and other suburbs. On behalf of Calvary Baptist Church, Inc, I am submitting this request to open burn piles of dead and dry vegetative materials on the church's property: Parcel: LOT 1 DP:732259(3 acres); Address: 13 Wilwendan Close Thank you for your prompt attention. P.S. I have read also the associated documents---RFS Pile Burning Standards, and RFS Before You Light Your Fire.	No objection	Supported	
Mount Elliot	I would like to send my submission in so I am able to do Open Pile burning on my property. LOT:9 DP:246748 65 Oliver Road, Mount Elliot 2250	No objection	Supported	
	Wanted an information session at Tuggerah library	Information session locations		
Wamberal	I was pleased to receive advice that there may be some resolution to pile burning approval. For many years permission could be given by the RFS, weather permitting. This worked very well until Gosford Council adopted the Clean Air Act and removed authority from the RFS without understanding the implications Council Health Department would create in refusing any request to pile burning. I look forward to attend the information session at Erina Fair.	History	Supported	

Tumbi Umbi	My grandmother moved to the central coast (The Ridgeway) in 1928. She her children and now her grandson wisely followed the wisdom of the Aborigines, that is to care for the land and have small burns. this was well before words like " back burn, hazzard reduction burn and pile burn) were even words. Please allow me to continue to have pile burns (and thanks for allowing me this) and thus keep my property and nature safe from a fire storm, two of which have passed thru my area. (1987? and 1991)	History / Aboriginies / fire storm	Supported	
Tumbi Umbi	Adjustments to dates. The first huge fire was December 1968, the second, October 1991. Both fires were huge, one burning my neighbors house down. The cock regent bower bird use to habitat here, but after the fire has never returned. With controlled pile burning and hazard reduction burns those birds would still be here..		Duplicate	
Glenning Valley	To burn of small piles of vegatation		?	
	Incorrect property owners		NA	
Macmasters Beach	I welcome and support the proposed Policy and would like to see the following amendments: 1. Maximum pile size increased to 4 metres diameter and 2 metres high. 2. Maximum diameter of logs increased to 300 mm, We own 25 acres and half of this area is not cleared. During the year, a tremendous amount of growth occurs as well as fallen timber from storm damage, creating dangerous fuel which increases the risk of summer hazardous fires. Winter is a safe time to mitigate this risk and the proposed small pile size and log size will make it difficult to achieve before summer. There is always significant regrowth from self-seeded young trees and placing a maximum diameter of 150 mm really only deals with the "saplings".	Increase pile size, vegetation size - Storm damage	Supported with variation	
Tumbi Umbi	Change of owner details		NA	
Palmdale	Lengthly submission	Size of landholding, logic of different rules for different size3 properties	Supported with variation	
Bar Point	I have read the open pile burning policy and believe my property meets the prescribed conditions for open pile burns. I understand and will comply with the conditions of consent as well as the other provisions in the policy. Thank you	No objections	Supported	
Gwandalan	Lot 6 DP263812 4 Bonny Boy Way Gwandalan Nsw 2259		?	
Yarramalong	I have read the proposed changes to the pile burning policy and have 3 considerations: • RU1 land zoning is not included in section 1. • We have 200 acres to manage. It is a mix of RU1 and E3. When a tree falls across a road or a fence I cannot guarantee it will be 300mm or less in diameter. Further reducing the diameter is counter productive and not feasible on larger parcels of land. Where possible, I try to use red gum or similar for heating but apple gum, wattle are not suitable and go to pile burn. For large properties or RU1 I strongly recommend retaining 300mm diameter. • Again with 200 acres I suggest a pile size of 2m is just generating unnecessary work. There are several buildings requiring fire breaks and kilometres of fencing to keep clear. We have invested approximately \$60,000 in fencing over the last 4 years and it needs to be maintained which includes clearing on either side. I request the pile size, for larger properties, remain at 4m. • Managing the property part time, I struggle to keep up with the regrowth under the current system. Putting further strain on the management of the property will further reduce available stock feed and farm viability.	RU1 - vegetation size - pile size - amendments suggested	Supported with variation	

Fountaindale	Hi, As the owner of an acreage in Fountaindale, I'm interested in this policy. For many acreage owners it would be entirely impractical to use the provided green bins to get rid of all the dead branches that fall from trees on our properties. Also the Council kerb side collection policy for this material is so limited as to be useless to us (sticks need to be bundled and tied and below a certain diameter). I am concerned that if Council introduces a policy which prevents pile burn offs, then I will not be able to keep my property clear of weeds and detritus without a great deal of expense for professional bulk removal, which I cannot afford. Thanks, Anthony Dunk 103 Old Chittaway Rd Fountaindale NSW 2258	Green bins - bulk kerb side	Supported
Kincumber	Thankyou for notifying us in regard to the Open Pile burning policy draft. We would like to register our approval of this draft as it makes good common sense to be able to keep our properties cleared on the ground level especially important to prevent bush fires as well as snake control in family areas. We are very aware of safe burning procedures with an in ground fire pit & clearing area around the fire and having a hose on hand and especially burning in winter in safe weather conditions. As I think most people are. We will attend the meeting at Enna Fair.	No objections	Supported
Bensville	We live in a 7c2 zone and are concerned that the proposed policy will be too difficult to enforce and be a risk to the community. Even under current guidelines, some residents have been conducting burn-offs to suit themselves. They have also let the piles of debris and logs burn overnight, which also reduces the quality of the air. We live in a high-risk area for bushfires and the main exit road of Empire Bay Drive consists of one lane in each direction. If one tree falls across any part of that road, there would be no way for people to exit the area, if there was a bushfire. Lives would be at risk. There are three primary schools on or close to Empire Bay Drive and a pre-school. The proposed Open Pile Burning Policy is not going to minimise the risks of bushfire. In fact, it will enhance the risk of a catastrophic bushfire event. We need more public-awareness of the risks regarding how embers from leaves travel, even during a light breeze and the risks of smoke inhalation.	Compliance - increase bushfire risk - public awareness	Not Supported
Holgate	Hello, Fantastic ideal	No objections	Supported
Matcham	As a Matcham resident in a bushfire hazard area, we endorse the draft policy with the following change. Please extend the land classification to land classified as DM, of which most of Matcham is, to ensure that Matcham residents with land greater than 4000sqm can reduce bushfire risk and protect their properties.	Deferred Matter lands	Supported
Matcham	As a Matcham resident in a bushfire hazard area, we endorse the draft policy with the following change. Please extend the land classification to land classified as DM, of which most of Matcham is, to ensure that Matcham residents with land greater than 4000sqm can reduce bushfire risk and protect their properties.	Deferred Matter lands	Supported
Wamberal	I would like to make a submission for open pile burning...my address is 442 Tumbi Road Wamberal 2260		?
Springfild	Thank you for the opportunity to lodge a submission on the draft Central Coast Open Pile burn Policy. The following comments are thus made:- Clearance Limitation The proposed limitations appear to be favourable to large cleared level allotments, and only consider the issue of boundaries, site area, proximity to buildings, fences and the slope where the burn pile is to be located. The former Gosford LGA contains a number of properties that are steep in nature, and buildings located in specified locations within a building envelope, where proximity to vegetation has already been considered as part of the development application process. These topographical and legislative compliance restrictions will lead to a number of properties not able to comply with the distance standards proposed in the proposed draft policy, thus defeating the aim to be able to burn off vegetation that becomes a significant risk over time. To overcome this one size fits all it is suggested that: "Where the topography of the land, the location of buildings and location of existing mature trees limits the location of the burn pile, then a fire pit should be allowed to be constructed (of none combustable material) to provide containment of the burn pile. A five or ten year approval from the RFS could be granted for this specified location and shown on the rate notice." An alternative is that if a property cannot comply, then green matter be able to be disposed of free of charge through an application and approval process. The green bin system is inadequate for these larger well vegetated properties. Notification "Notification" to adjoining landowners only necessary, they do not get the power of a veto. This should be clearly pointed out within the Policy Otherwise this Policy is a great step forward to allow landowners to maintain their properties without legislative threats of non compliance. Thank you.	Sloping land - time approvals - neighbours approvals	Supported with amendments

Killcare Height	I read that the approvals are intended "for properties not in urban areas that have a large number of mature trees, which are likely to generate larger than average quantities of vegetative debris". This description applies to our 2,400m2 (E4-zoned) property and to the other properties on the Killcare "Triangle" (bound by Wards Hill Road, The Scenic Hwy and Maitland Bay Drive), the majority of which are similar in size. It appears though that these properties will not come under the umbrella of the policy as they are less than the required 4,000m2 in area. Would Council consider lowering the policy restriction regarding property size so that we might also be included? ☐	Lower the minimum lot size	?
Killcare Height	I have just realized that 1 hectare is 10,000m2, not 1,000m2! So our properties are well over 4,000m2 and therefore do qualify for this proposed change. Please ignore my previous email. Somewhat red faced 😊		Supported
Wamberal	We support the Draft Central Coast Open Pile Burning Policy as on the Central Coast Council website as at 12 January 2018.	No objections	Supported
Springfield	The draft policy is supported. I would however suggest it is strengthened to reflect clearer that the policy can not be used to clear land. Environmental zoned land is fundamentally zoned to protect the environment and this policy should not provide be a way around the zoning to allow clearing. For the same reasons this policy should not be coupled with the 10/50 clearing for bushfire mitigation.	No unauthorised clearing - not coupled w 10/50	Supported
Erina	I think open pile burning is a great plan	No objections	Supported
Wamberal	I support Council's idea of Council's policy for open pile burns outside 1 October to 31 March each year. Due to weather conditions and time of year that is suitable to do an open pile burn that corresponds with the Rural Fire Services requirements. Everyone should be on an equal playing field between the former Gosford and Wyong Council areas. I think this is a great idea! Not everyone is experienced and therefore a 1m high x 2m wide pile burns allow people to control their fires. I support this idea! I am a long time member of RFS and have been trained in handling fires. It is a great idea to have open pile burn however you need to be trained and know what you are doing.	Even playing field - support pile sizes - need to be trained to know what you are doing	Supported
Picketts Valley	To the Chief Executive Officer, please accept this as my submission supporting the Open Pile burning policy.	No objections	Supported
Matcham	Please let us reduce the amount of dead timber that builds up by burning it each winter. I used to do this and lately have not and it does not rot it just increases in size I have used Skips Road side pick ups Arborist with they're mulchers and Tractors to slash and mulch and am losing to the amount of branches that die off and fall from all the Blackbutt trees in my paddock. All my neighbors make more pollution with house fire places than I do. so show some common sense and let us burn these piles of dead wood again	Dropping branches - house fire places > pollution	Supported
Matcham	I would like to support the open pile policy currently being drafted and would like lot 1 DP 262157 to be included within the bounds of this policy. The cost of taking cleared vegetation to the tip to maintain fire breaks is me a lot each year. This policy would help in maintaining and keeping my property secure	tipping cost of maintaining a fire break - property security	Supported
Matcham	I fully support this policy however request that the pile size allowance be increased, this pile size is very small to the point of being ineffective. A larger, properly constructed pile will burn much hotter and produce less smoke and there is no increased danger that I aware of in having a pile over twice the size of the recommended allowance. We have probably around 500 mature gum trees surrounding our 10 acres and they shed bark and drop lengthy limbs regularly. Burning these quickly and efficiently is the best way to get rid of them (always collected over summer and piled up for the winter). As it stands this policy would require me to make numerous small piles dotted around the place and burn them individually, this is not the way to minimise neighbour nuisance with smoke etc. A large pile, properly monitored and burned, very hot over 12-24 hours in winter when no chance of the fire spreading is the most effective way of dealing with this abundance of green waste.	Pile size increase - justification - numerous small piles problematic	Supported with amendments

Empire Bay	The draft policy seems to have been created on the mi-sassumption that because Wyong has allowed open pile burning then Gosford should too. Consideration should be given to NOT allowing open pile burning at all because: It is irresponsible, given current known global warming and greenhouse issues. The size of the allowed piles are about the size of a box trailer anyway so it can be easily taken to the tip for recycling. Recycling should be encouraged instead of promoting waste. Pile burning puts the community at greater risk and puts more strain on emergency services when these piles inevitably get out of control. It is well documented that smoke and ash travels for long distances endangering the health of others near and far. It would hugely: make more sense, be much cheaper, be lower risk, lower conflict and lower environmental impact if council removed tip fees for green waste that is recycled. Council should be encouraging recycling in ALL forms not just for items from inside the home (as it is at present). A good start would be; as alternative to free council pickups, residents could choose to freely take their own recyclables and rubbish to the tip. i.e. six free pickups by council truck or 12 free DIY trips to the tip. OK, so let's get a lot smarter and stop doing the same dumb things !	Alternatives	Not Supported	
Lisarow	We own 17 Beray Close LISAROW NSW 2250 104/117735 We have 2.689 hectares in an elevated position with a high percentage of tree coverage, over 150 eucalyptus adult trees alone, attracting wildlife, birds and wallabies. There is a tree preservation order applicable to E2 zoning. Our property is subject to wind gusts, high wind blusters and gales leaving our property with fuel as a fire hazard. We have for years cleared our property of this fuel, mostly by hand, accepted as "hazard reduction works" in a "fire hazard management plan", as applied to Gosford City Council. We had fire hazard reduction certificate environmental approval for works over 28 years. We gave away firewood. We donated to the NSW RFS, provided our piles for training of personnel when the certificate allowed a burnoff. We received accolades for our generosity from the NSW RFS. We were then informed by the NSW RFS that these certificates were no longer available and the best but ridiculous advice offered was to put the piles into a green Otto bin as directed by your authority! We wrote to you authority and invited your inspection of our property access and the piles for you to restate your position. This was ignored. Another suggestion was to transport the piles to waste disposal sites in trucks. A cruel money making exercise by your authority. We are retired and on a fixed income. We sent a submission last year for the amalgamated council to revisit this anomaly, knowing that the former Wyong council was sensible in allowing pile burning. We send this further submission to allow controlled pile burning once again for our responsible fire hazard reduction. The bush fires in 1994, 2006/2007, 2015, 2017 on the Central Coast are still clear in our memory. We have experienced live embers from these fires on our property. Please ratify controlled pile burning from your draft open pile burning policy.	history	Supported	
Holgate	Following your information we wish to Support the proposed restoration of the right of Rural Properties to burn excess combustible vegetation. 1. Particularly gum trees drop many branches too big to easily fit into the green bin. 2. The trees are getting larger, dropping more combustible debris while we get older to keep up with bin disposing. 3. Council & RBS have not been able to facilitate hazard reduction in our nearby bushland which has not had a burn for 40 years, so we have make sure our combustibles are disposed. 4 In spite of the embargo of NO burns many landowners burn. The rest of us wish to have legal fires when required. The PROPOSED 24 HOUR NOTICE well create extra paper-work. It is not practical as changes in wind, rain and temperature in the 24 hr waiting will make the notified fire inappropriate. We should be able to burn less than proposed maximum immediately when effective conditions are right. Multiple small fires are safer and more effective than big. It will be great when the gran kids come over to have an appropriate fire and cook spuds, toast marsh-mellows. BBO etc in the middle of our paddock like we did long ago without all the Thank you for your letter dated 9 January 2018, informing us that our property may meet the criteria for permission to burn open piles of dead timber from our land. We hereby apply for such permission, as it would give us the possibility to dispose easily of flammable material that does not fit into our bi-weekly green bin. We would carry out any such burning in complete accordance with Council's policy (which we have read), inform neighbours and Fire Brigade a minimum of 24 hours ahead of time, and restrict burning to the permitted time periods. Once again, thank you for drawing our attention to this possibility.	Reasons	Supported	
Holgate	My neighbour tells me they have received a Letter from council informing that burning off is under review. We have 7.7 ha why have we not been notified? (279 Wattle tree Road)	Wish to apply for permissibility	Supported	?

Kulnura	We regularly remove and burn old citrus trees in order to replant with young trees. Normally many hundreds at a time. The draft policy only allows piles of 2 metres by 1.5 metres. These dimensions are ridiculously low as one tree alone can be up to 4metres in diameter and 4 metres high. Implementation of this policy in relation to pile size will mean that it would take us many hundreds of hours to create and burn in these small pile sizes. This will be another burden on agriculture in our area.	Large pile sizes RU1	Supported with Amendments
Lisarow	Thank you for writing to us requesting input into the Central Coast Council's Draft Open Pile Burning Policy. We support the adoption of a self-regulated approval process for the Central Coast. We currently have a pile of dead vegetation on our 2.5 acre property and have long wanted to safely reduce it via an open pile burn. The cost associated with removing the pile via skip bins are substantial. The Rural Fire Service guidelines for safe open pile burns are a sensible addition to the policy and should help avoid dangerous pile burning. Our main concern regarding the Draft Policy is the potential for Council approval that comes with the payment of excessive fees. This would be a significant deterrent to those wanting to conduct open pile burns legally.	Risk of Council fees	Supported
Matcham	When you are on acres there is a real need to be able to clear vegetation in case of bush fires.I know we have our fortnightly green bin pick up which we use all the time, but the amount of green waste we have exceeds this. I strongly recommend we be able to bulk burn as a measure to minimize the amount of combustable vegetation to protect our properties in case of fire.	Clearing - Green waste bin	Supported
Wamberal	We'd like to be able to do open pile burns on our property.	No objections	Supported
Holgate	I have reviewed the Draft Open Pile Burning Policy and welcome the practicality adopted by the council with this change to enable residents of the former Gosford Local Government Area to whom this applies be allowed to self-regulate regarding burning on our properties.	Former Gosford - no objection	Supported
Matcham	I support the new open pile burning policy	No objection	Supported
Kincumber	If possible, I wish to apply for a permit to use a Open Pile Fire on my rural property 99 Humphreys RD, Kincumber South.		Supported
Lisarow	I support this draft of the open pile burning.	No objection	Supported
Matcham	Agree with the Councils "Open Pile Burning Policy."	No objection	Supported
Matcham	Thank you Central Coast Council , this policy is a much needed one, well done, it is just what we need in our rural area	No objection	Supported
Matcham	I am replying to the letter received from the council regarding that my property has meet the prescribed conditions for open pile burning. Lot 3 DP 561283 5 Collingwood Drive, Matcham I wish to apply for the permit to burn in the designated time period set by council	Wish to apply for permissibility	Supported
Matcham	Fully supportive. Great to see the differences between rural and suburban areas are finally being recognised. About time.	No objection	Supported
Erina	yes we would like to burn off tree waste on our acreage	No objection	Supported
Lisarow	We live on 5 acre bush block approximately 1.5 cleared & over 12 months we accumulate a lot of sticks & fallen branches, we have tried unsuccessfully over the years seeking a permit for pile burning as being in the Gosford council, where our neighbours in the Wyong Council on the north side of Cut Rock Rd can pile burn, if we could receive a permit it would be fantastic as we can maintain our property & protect our home as much as possible.	History - No objection	Supported
Erina	yes we would like to burn off tree waste on our acreage	No objection	Supported
Central Mangrove	Open pile burning is an absolute necessity for rural property owners. This is something we have done safely each winter for thirty years. We maintain the vegetation on our property not only for aesthetic reasons but as an essential part of fire risk reduction and with bushland on the border bushfire is one of our constant concerns. On a property of size it's simply impossible - and unnecessary to transport large volumes of vegetation to the waste disposal facility at Buttonderry. We trust council will adopt the Open Pile Burning Policy to ensure our families personal safety	Current logistics - no objection	Supported

Matcham	In relation to the open pile burning policy, I strongly agree that we should modify our current policy to adopt the previous Wyong policy. As a Matcham resident for over 30 years and Picketts Valley for 20 years prior I understand rural living. Fallen trees and branches over a rural property cannot be maintained in a similar way to a residential lot. Burning wood does not contribute to climate change as it is carbon neutral and in fact the same amount of carbon is released into the atmosphere if left to decompose. See link below for the paper on this topic.	Justification - No objection	Supported
Lisarow	I wish to be included in the Central Coast Open Pile Burning.	No objection	Supported
Somersby	I agree with the proposed Open Pile Burning Policy. I would like to see it passed.	No objection	Supported
	I have download the Draft Open Pile Burning Policy (dated October 2017) given that I assume that my Somersby property will be impacted. The proposed policy appears detailed and sensible, however I make the following observations regarding the Conditions of Consent section: Item 3 (maximum open pile size): I suggest that more appropriate dimensions would be 5 metres in diameter and 2.5 metres in height. Many rural properties heavily timbered collect significant quantities of material to burn. This typically would occur once a year in the winter months. Restricting the pile size to 2.0 x 1.5 metres would result in multiple fires being required, over a longer period of time, to burn the same amount of material. This is inefficient. I suggest that a 5.0 x 2.5 metre pile is safe given the implementation of safe distance requirements and correct supervision. Item 5 (maximum vegetation diameter): I suggest that a more appropriate vegetation diameter would be 500 mm or less. From time to time a larger tree will die and ultimately fall for a range of reasons, including, diseased, old age, lightning strikes or storms damage. This larger material is often used for domestic firewood purposes, however from time to time larger material needs to be disposed of in open pile burning. I commend these variations to the draft policy of your consideration.	Amendments suggestion - pile size - vegetation diameter	Supported with variations
Erina Heights	As an owner of 12,500m ² in a 7c2 zone that has large eucalypts, the inability to burn the dead sheddings has been an unfair and costly burden and surely a negative environmental impact through the burning of fossil fuels to power mulchers/chippers or have the material removed by contractors. The introduction of this policy is welcomed and definitely overdue.	Fossil fuel of mulchers/chippers	Supported
L5DP707733	I have received your letter regarding the above. I live on a large property that is heavily timbered. I support this proposal as it will enable me to reduce the dead wood levels on my property thus reducing the fire hazard.	reduce deadwood	Supported
Lisarow	We have lived on The Ridgeway for more than 30 years and been part of many bushfire emergencies including at least 3 occasions when properties nearby were lost to fire or damaged. The problem is that our trees shed large quantities of branches, twigs, leaves and bark and these do not decompose. They merely desiccate and once tinder dry become a powerful fuel load and when combined with strong, hot, northerly winds and embers, then these conditions truly are the perfect storm for the spread of destructive fire. It is simply impractical to deal with the volume of fuel generated from our trees by putting it in green wheelie bins. The sensible and prudent way to deal with the fuel load is to collect it in small piles which can be ignited under controlled conditions when it is safe to do so.	Fire risk - volume of fuel generate - controlled piles	Supported
Terrigal	Congratulations to Council on a common sense approach to this issue. I think the draft policy represents a practical solution to an ongoing problem for those of us on rural holdings whilst at the same time being mindful of the environment and the rights and needs of neighbours. The RFS guidelines on pile burning are excellent and ensure that where a pile burn is needed it can be done safely and responsibly. Look forward to the policy being adopted.	Practical solution - RFS Guidelines	Supported
Narara	This property has recently changed hands. It is no longer GA & PM Clark. I am the contact person for this property now. Lot: 209 DP: 263748 23 Research Rd, Narara 2250		?

Narara	I am the Site Manager on the property at Lot: 13 DP: 1126998 Address: 25 Research Rd, Narara 2250		?	
MacMasters Beach	I support the proposed pile burning policy. The current method of disposal in the green bin is most unsatisfactory given that large amounts of waste are often generated. The Policy will provide significant benefits for landowners and in my view also for the environment with reduced landfill.	Green waste - landfill	Supported	
Kulnura	Whilst the FAQs on the web site list zoning RU1 (Primary Production) as being one of those where pile burning is allowed, the policy's conditions of consent does not include RU1. It is often necessary to burn piles of diseased or old fruit trees on agricultural properties as part of the ongoing operation of the farm. The policy needs to include RU1.	RU1 - diseased fruit trees	Supported	
Terrigal	A open pile burning policy is a common sense approach to ensuring that we minimise the risk of a major fire hazard by the sensible approach of removal of dead vegetation from rural properties, to achieve this the limiting of the size of open piles to the dimensions stated in the draft policy seems quite sensible. The obvious limitations when the weather conditions are safe appear also to be sensible. This would bring the old Gosford & Wyong shires to a common approach & standardisation thus help remove disparities between neighbouring areas.	Fire risk - agree with pile sizes - consistency ion former LGAs	Supported	
21 Research Rd	Open Pile Burning Policy		?	
	Submission to Open Pile Burning- as I am a Rate Payer and live on my property that is 7a conservation, I require the need to burn off dead vegetation from my land every so often as I don't have verge area to pile this excess vegetation for Council Pickup	no verge for Council pick up	Supported	
Jilliby	What happens if the pile is bigger than the proposed size limit? The size limit is very very small.	Pile size small - compliance	?	
Kulnura	We would like to support this submission of Central Coast Open Pile Burning Policy. Croup of Kulnura's Finnish Church Hall.	No objection	Supported	
Green Point	This is a very welcome relief for land owners after trouble we had before with being unable to pile burn and yet expected to keep our properties bush fire season ready. My only question is with the 20m surrounding buffer required. This seems a little excessive for size of the pile burn allowed. Perhaps 10m would be sufficient?	Supported with variation - buffer reductions	Supported	
Cedar Brush Creek	The policy whilst aligned with RFS standards does not account for the scale of burning vegetation required by large rural properties. Instead with a 2m x1.5m x150mm restriction its taking the backyard approach. It is often incredibly difficult if not impossible to reduce the size and quantity to those measurements due to the size and quantity of the materials. I for one object to the reduced sizing criteria and recommend that landowners be provided with the authority to manage larger pile burns with responsibility under their own recognisance. I own over 40hectares which requires a large amount of work to manage in reducing unwanted waste vegetation. I would have a full time job if I had to follow this new policy. At least double the size which would be a far more reasonable and still manageable proposal. Thank you for your consideration.	Larger piles >40hectare lot size	Supported with variation	
Matcham	I would like to see the size of each pile increased to approx 3m diameter. I think we need a blanket approval process from one authority only for the burn period. So that each land owner gains approval and then is able to burn whenever conditions are suitable from April to October.	larger pile sizes - one approval body only	Supported with variation	
Wamberal	I wish to show my support for Gosford council to allow Open Pile burning in the formerly known Gosford shire. As my property does fall within that zone and we do have excessive amounts of sticks due to native plants dropping their branches. We rely on being able to dispose of this excessive vegetative waste through small open pile burning. We are in full support of Open pile burning for excess build up of vegetative waste.	No objection	Supported	
	I am glad to see this well considered plan that has the backing of the RFS. Thanks Central Coast Council	No objection	Supported	
Matcham	I am glad to see this well considered plan that has the backing of the RFS. Thanks Central Coast Council	No objection	Supported	
Matcham	I would like to vote yes for the Draft Open Pile Burning Policy to be implemented.	No objection	Supported	

		Wyong Policy - No fees	Supported	
Wallarrah	Our property parcel Lot 21 DP716652 at above address meets the prescribed conditions for open pile burns as outlined within the Draft Central Coast Open Pile Burning Policy and we seek permission to do this. □	No objection	Supported	
Mount White	Customer has 50 acres at Mount White zoned RU1 and that zone is not mentioned in te draft plan			
Matcham	I wish to support the Open Pile Burning Policy . Maintenance of my property of 2.5 acres generates many cubic metres of green waste that cannot possibly be discarded in the green waste bins provided by council. Recently I again had to spend approximately \$600 to remove 6 cubic metres of green waste. If land owners cannot afford to have the waste removed, piles of this waste will eventually create a fire hazard on their properties. I would appreciate the implementation of the drafted policy	Expensive to dispose	Supported	
Ourimbah	Thanks for the opportunity to read the draft policy and comment. The "class of persons" is a term used quite often, and although the draft says it identifies the class of persons, it does not appear to do so (unless it is covered by point 10 in the conditions, which requires a "responsible adult"). Can that be clarified please? It is not very clear in this document whether the Council will issue individual permits or approvals, or whether the policy is a broad approval to burn. My reading seems to suggest that for open pile burns, if the conditions are fulfilled and if the RFS or other state authority does not require a permit or approval, then Council will not either. Can this be clarified please? If the draft policy means that the control of pile burning is to be supervised by the RFS, then that is OK with me.	Define Class of persons - clarity around Council issued permits/broad approval - if burn is supervised by the RFS	Supported subject to variation	
Empire Bay	I would be very glad and relieved to see the Open Pile Burning Policy re-instated for this area. It has constantly been a problem dealing with all the fallen dead wood. I do put the small sticks which I can snap into the green bin but one collection a week would not be enough, let alone once a fortnight. The larger sticks are a problem for me. I have dragged some of them down to the road on occasions - a distance of 200 metres , as my access is across the front of the property next door. I am an Aged Pensioner and I have leukaemia, so it is hard for me. A local Rural Fire Service officer told me one time that I should put them through a chipper. However, some years ago I was told by an owner of such a service that they would not chip branches that had dried out for more than two weeks as they blunt the blades of their chippers. The branches which drop are mostly already dead and well and truly dried out. A properly conducted pile burn is the only solution I can see for this heavily timbered land with so many mature old blackbutts. There are also angophoras and bloodwoods which drop dead wood frequently but they are not as numerous. I welcome this solution.	Green waste bins not enough - chippers not suitable for deadwood -	Supported	
Erina Heights	I support the Central Coast Council Draft Open Pile Burning Policy and would like to apply for approval to carry out Open Pile Burning from time to time on our land at 414 The Entrance Road, Erina Heights. Our land is zoned 7(c2) and, accordingly should be entitled to approval if this Draft is made policy. We are quite prepared to comply all relevant rules set by NSW Fire & Rescue and NSW Rural Fire Service.	No objections	Supported	
Matcham	I am a supporter of the open pile burning policy, but in my view, Council could go further on this, particularly by "embracing technology" currently available. As a suggestion, is it possible to create an App, or make proposed burns viewable on Council's website via a " Open pile burning near me" style App. This type of mapping App is already available for bushfires ("Fires near me" hosted by NSW RFS) , and similar mapping also exists within Council it identify DA's etc. If such an App was available, it might allow; * log/make application for a proposed open pile burn; * concerned residents (and/or authorities) could view the App for open pile burns near them, * perhaps even contact the landowner undertaking the open pile burn. * the App could notify proponents via an alerts against burning in adverse weather conditions; * logged proposed burns remain visible for, say, 48hrs. * allow for easy monitoring and statistic collection Just some thoughts on how Council might do things better...	Technology	Supported with improvements	
Narara	Our property of 2.4 H is largely flood prone and not sub-divisible, although there is currently a DA to sub-divide the flood free land. The residue is largely Riparian Zone. It contains many large trees (and in the last major storms three large trees came down - the clean up continues) and palms. There is also the matter of removing exotic species such as privet and camphor laurel, creating large amounts of woody residue. It would appear that the draft policy excludes areas such as ours from the ability to carry out pile burning and I suggest that the list of permissible areas be expanded to include such large sites as ours.	Weed management - expand to include large sites	Supported	

Copacabana	Thanks for the opportunity to comment. I believe the draft policy is generally very good. My only comments are to do with the pile-size restrictions - 150mm thickness, 2m diameter x 1.5m high piles. I think these are too restrictive, and should be at least double those suggested.	Pile size - vegetation diameter	Supported with variations	
Matcham	I have received your letter & support the planned change to allow a self-regulated approval process to allow pile burns . Responsible landholders have long recognised that it is the only logical, common-sense solution to this problem for rural holdings. Having previously conducted pile burns we know that if the pile is kept dry prior to the burn & that the location & conditions are suitable then there is no risk. In my experience the pile burns quickly with little smoke at all & burns to ash in an hour. This ensures that the property is less susceptible to the hazard presented by bushfires. My wife & I will attend the information session & look forward to seeing the detail of the plan.	logic common sense	Supported	
	RSVP Mangrove Mountain		?	
	See submission	- pile sizes - smoke and health - hazard reduction burns - RU1 not on list - Wyong policy - written submissions	Supported	
Somersby	I will be able to gradually clear and burn off piles. I support this draft policy. I would like the maximum piles to be consistent with large trees and measure 20m x 5m and 3.5m high.	larger pile sizes	Supported subject to variation	
Somersby	We have huge pine trees that are coming down and we need to get rid of them. I would like burn piles the size of large trees (20m x 5m and 3.0m high). We need to be able to burn trees that are falling due to storms or old age.	larger pile sizes	Supported subject to variation	
Somersby	DELETED	larger pile sizes	Supported subject to variation	
Saratoga	Permission to allow open pile burning on my property at 40 Broadwater Drive. Lot: 4 DP: 746320.		?	
Mangrove Mountain	I would like RU1 included. I believe that the piles are too small.	RU1! - pile sizes	Supported subject to variation	
Mount White	We are concerned about the pile size because we both live on a stud cattle farm. We are concerned about having to get rid of large trees. It is a major problem every year. The fallen trees harbour weeds and never break down as they are hardwood and they themselves become fire hazards. The fallen trees also take up valuable land that could be used for farming.	Large tree - pile sizes	Supported subject to variation	
Somersby	Two sides of our property share boundary with crown land. Currently have issues with trees and weeds from Crown land along the boundary line. Including noxious weeds and the trees that have fallen are much larger than 150mm. I would suggest that 600mm be considered for the diameter as more reasonable to allow us to clear the debris from the crown lands when it lands on our property. This would also apply to other trees on our property whose limbs exceed 150mm when they shed or have to be trimmed away from power lines.	vegetation diameter	Supported subject to variation	
Kulnura	I would like to be able to get rid of tree stumps after trees have fallen over across our property. These stumps and associated root balls are bigger than 150mm and are too big to cut up. They are currently dotted around the property, particularly near the drive way creating a fire hazard. Due to their size we would be unable to burn them as they would be deemed too big according the proposed diameter of 150mm. W would ask that you reconsider the diameter size so that we can reasonably get rid of these stumps and root balls. This is about trees that have fallen over from natural causes and not pushed over purposely.	vegetation diameter	Supported subject to variation	
Spencer	- Allow the pile to be much bigger. - Increase the diameter of the logs.	pile size - vegetation diameter	Supported subject to variation	
Glenning Valley	3 pages of more than 30 rules to burn a pile of sticks? Where's the need to codify such a simple process? This is typical of the obsession with bureaucracy that's afflicted the country. Needless to say, people who've been burning fallen vegetation for years will just ignore it and apply common sense instead. As an example, if a branch or tree on your neighbour's property falls into your place, by law it's your problem to clean it up. Under this policy it's prohibited for you to burn it because it wasn't 'generated on the premises on which the vegetation grew'. You should just 'file' this policy and leave it to landowners to sort it out themselves - that's what they've been doing for years and where's the problem?	More rules	Not supported	

Central mangrove	Following attendance today of the information session at Mangrove Mountain and taking with Kendal Caynes, I would like to submit the following... My land is located at 191 George Downes Dr. Central Mangrove. The land is zoned RUS - Rural Village. According to the Zoning rules, RUS is zoned with minimum land size of 10'000 square meters or 1 hectares. My block is even bigger with a size of 16'000 square meters. Furthermore, I am bordering property zoned RU1 (west). According to the proposed Open Pile Burning Policy, I would not be allowed to open pile burning because my land zoning is not included in the condition of consent. Like everywhere in my neighbourhood I have trees growing on my property which require constant maintenance to reduce potential fire hazards. As a matter of fact, my next door neighbour also has a large property that is also zoned RUS. Please include RUS in your policy because the location of my property and my next door neighbour definitely meet the intention of the policy as Stated.... ..Such approval is intended for properties not in urban areas that have a large number of mature trees, which are likely to generate larger than average quantities of vegetative debris'. Considering the minimum land size of 10'000 square meters for zone RUS. Even though the zone RUS is called rural village, it is not conceivable that my area will change to become an urban area in the future. Thank you for your consideration.	RUS Village	Supported with variation
MacMasters Beach	Could you please let me know if this Policy may meet my property. Lot6 DP258997 The Scenic Road MacMasters Beach		?
Empire Bay	I am writing to seek permission to access the open pile burning policy. I have owned the above property for approx. 2 years and have cleared the property of leave and debris in this time it was quite neglected. I still have a few piles of wood I would like to curn that off is I qualify for it.		?
	I would like to suggest two changes for this policy. The 150 mm diameter and the 2 metre length of the burn off specifications should be removed. The height and width are OK. I would also like to endorse and compliment the RFS for the work they do in this area.	remove vegetation diameter and pile length	Supported with variations
Glenning Valley	Consideration for the pile size to be increased to 4m to 5m. Diameter of the timber should be a maximum of 400mm. Other aspect of the policy is fine.	Pile size - vegetation diameter	Supported with variations
Wamberal	I agree with the policy as it extends except for the 2m pile to increase to 4m.	Pile size	Supported with variations
Lisarow	We support the policy and have been waiting for it Definitely the Pile would need to be 4m diameter to burn pine needles, branches and palm leaves.	Pile size	Supported with variations
Tumbi Umbi	Please allow the continuation of what is already in place, that is 4 m pile burns and 300 diameter.	Retain Wyong pile size - vegetation diameter	Supported with variations
Wamberal	I fully agree with the policy and in favour of the pile size as for years we have not being able to do so as former Gosford Council denied us permission to burn our piles and keep our properties safe over the winter months.	Former Gosford	Supported
Tumbi Umbi	Policy to remain at 4m and diameters at 300mm.	Retain Wyong pile size - vegetation diameter	Supported with variations
Tumbi Umbi	I am very happy with what Council is doing with the Draft Policy however if they are going to refuse it for any reason council will have to give us free access to the tip to dispose our green waste all year round.	Free access to tip all year round	Supported
Glenning Valley	The pile size needs to be 4m or above. Diameter increase to 400mm.	Retain Wyong pile size - vegetation diameter	Supported with variations

Fountaindale	I feel that properties like ours is treated as normal properties with only 6 council cleanup. I think council needs to increase the number of cleanup services for rural areas as we generate a lot more organic matter in a year. We most certainly in favour of the policy. In addition the trees in our boundary that are managed by Council to protect the wiring are now endangering our property and making the trees unbalanced and susceptible to blow down on our property which can also possibly causing electrical fire. Appreciate if Council could better managed these trees more effectively to avoid endangering boundary properties. How do you deal with bush turkey's creating the piles than bigger than the pile indicated in the policy.	Council pick ups - brush turkey piles are larger	Supported	
Fountaindale	If the green bin was collected weekly rather than fortnightly for rural properties.	Collect green bins weekly	?	
Holgate	See submission		Not supported	
Fountaindale	Overall, I would like to retain the existing requirements for Wyong's Open Pile Burning. In our situation we need to have larger sizes that are currently allowed in Wyong (4m2 by 1.5m high) because it is easier to manage all the debris, particular with all the winds we have recently had. If Council is going to permit small piles this will mean we will have lots of small piles stockpiles on our property.	Wyong Policy - pile sizes	Supported with variation	
Ourimbah	HEIGHT of pile: About 3 metres, not 1.5m. VEGETATION diameter of 150mm is too small. Should be at least 300mm.	pile sizes - vegetation diameter	Supported with variation	
Somersby	wish to make submission for self regulated pile burning and seek approval - as per the Draft Policy to landowners of large rural and environmental properties across the Central Coast.	no objection	Supported	
Calga	We would firstly like to thank council for informing us in writing regarding the Open Pile Burning Policy. We are pleased that the Gosford council is looking to implement such a policy. Our concern under the conditions of consent would be. (5) Vegetation must be of a diameter of 150mm or less. We would think that this should be 1,000mm. There are times that gum trees just die. These are generally large trees and with an ageing population cutting them up is a large job. (9) Apart from notifying your adjacent property owners and the RFS. Our question would be do we also need to notify council when we are about to burn?	Vegetation diameter - Do we need to notify Council	Supported with variation	
Matcham	We support the need for a policy with responsible land holders. We have long required the ability to manage our properties. Increase the pile size to at least 4m with a height of up to 2m. A larger pile burnt once is more efficient, less environmental impact and human impact on neighbours, rather than multiple smaller burns. Also suggest a consideration be given to increase the diameter to something less than 300mm of vegetation.	Pile size - pile height - vegetation diameter	Supported with variation	
Wyoming	Thank you for the communication and the presentation and I perceive an effective policy for the Central Coast except that pile needs to be larger and diameter needs to be enlarged at least to the former Wyong policy.	Wyong Policy pile sized	Supported with variation	
Lisarow	In support of a self regulating pile burning policy. Increase to have bigger diameter piles for burning, also increase diameter of vegetation from 150mm to 300mm. Curb side vegetation pick up allowing larger lengths of dead waste.	Larger pile - large vegetation zones	Supported with variation	
Erina Heights	I support the policy but request for consideration for a larger size pile approximately to 300mm.	Larger pile size - larger vegetation diameter	Supported with variation	
Kincumber	I am in favour of pile burning, and consider the pile size is appropriate.	No objection	Supported	

North Avoca	In my case the Draft Open Pile Burning Policy is not appropriate for my property (Lot 12 DP 570005). The surrounding area is residential and I have 24 neighbours and no suitable level area to burn upon. I pay for 3 green waste bin services due to the excessive leaf and branch litter as the property is rainforest continually shedding leaves and branches. I would like to request additional assistance in the disposal of my green waste (e.g. a voucher system for the reduction of tip fees) as I have to employ somebody to do the collect the green waste into a trailer and dispose it to the tip. This is a quicker exercise as I do not need to bundle the material for kerbside collection. I am a widow and live on my own who needs to employ a couple of men to assist with the management of my property (a maintenance person and a bush regenerator).	Property not suitable due to topography, heavily vegetation and surrounded by residential zoned land.	Not supported
Springfield	My husband and I attended the 'drop in' information session at The Hive (Erina) tonight and found it informative and interesting. Thankyou for the mail out informing us of the event. We live on a property in Springfield of approximately 11000m2, with a large bushland portion and fill up our two green bins each fortnight in an attempt to reduce fire fuel. We have been happy to pay for an extra green bin for this purpose. While we appreciate that there is a place for pile burning (especially on larger properties), we believe an effective measure to be considered (possibly supplementing the pile burning policy) would be additional green-waste-only council clean ups - for example doubling the current number for people on large properties. This would allow for a reduction of fire fuel without increasing smoke pollution or increasing the load on our fire fighting resources. Additionally an extra green bin for properties may also make a small but consistent impact over time. Perhaps the number of additional green waste clean ups/year and number of green bins offered to people could reflect the size of their property? We thank you for the opportunity to share our opinion and trust that by consulting the community an outcome will be achieved that will suit the majority and assist in creating a safer environment for us all.	Alternative green waste pick up - bins - etc	Not supported
Tumbi Umbi	With reference to the draft pile burn policy: For large landholders the new draft policy represents a major restriction on our ability to manage our properties due to the reduction in the pile size from 4 to 2 metres in diameter and reduction branch size from 300mm to 150mm when compared with Wyong Shires current allowances. The RFS (at a recent community meeting) has not reported any problems with the previous Wyong policy so there seems no logical reason for reducing these sizes. My property is 6 hectares with large areas of privet and lantana. It will be impossible to manage this problem with such small piles. The new heights are ridiculously small and more suited large suburban blocks. The draft proposal fails to indicate why sizes have been reduced. If Gosford is concerned, why not allow the larger pile burns on larger acreages e.g. more than 10,000 m2.	larger piles - large vegetaion diametre	Supported with variations
Holgate	Living on 5 acres, the ongoing need to dispose of vegetation is a huge problem. As the green bin and 6 bulk pick ups are obviously hugely inadequate and as there are tip charges - that is not an option for an ongoing problem. We fully support the open pile burn policy.	No objection	Supported
Somersby	After attending Mangrove meeting, I would like to see RU1 zoning added . Size of logs allow to be burnt increased to .800 this would help to remove all of a falling tree, instead of just the small top branches	RU1 - vegetation diametre siz increased	Supported with variation
Peats Ridge	I am a citrus and avocado farmer. I would like to have rural land included in the Policy to allow open pile burning. I have to burn on my land and the stacks will be more than a 2m diameter. I would like the piles to be 15m long by 3m wide and 2.5 - 3m high. I would like to be able to burn citrus trees and lantana on my land.	Citrus and avocado trees Larger pile sizes	Supported with variation
Lisarow	I own 60 acres on The Ridgeway Road Lisarow. Larger piles to be handled in the winter months for summer protection 6m B4 4m 300mm thick.	Larger piles	Supported with variation
Somersby	Attend Mangrove meeting to find that I'm zoned RU1 which is not listed in your plan. I would like this changed. Your plan Would only allow us to burn the small top branches. I would like to see this changed so we can get rid of the whole tree □	RU1 included	Supported with variation

Mangrove Muntain	The chief executive officer Central coast council I would like to raise my concern with councils draft open pile burn policy. Whilst this may suit smaller land holders of say the Erina/Holgate type areas of rural residential zoning and small land holdings. Those in the ru1 areas of larger holdings will be handicapped by this policy and will be quite unmanageable. It would be leaving large amounts of ground fuel which could be a disaster in a bushfire for both property and life. I would suggest council add to the draft policy that land holdings in the ru1 zoning above the 15 acre size be exempt from these restrictions and be able to burn off much larger piles with no size limit of individual pieces eg: a tree stump can be over 1m across. A pile size limit of say 15m x 15m and of multiple piles burning at the same time, no burn days and total fire ban days must still be adhered to. Through consultation with the rfs council should be able to come up with a required cleared area around each pile my suggestion is say double the area of the pile. Water supply should be available for control of the pile and notification of neighbours and the rfs fire control before lighting the pile. The Rfs may also be able to assist landholders with pile burns or small hazard reductions under these guidelines for situations requiring above the 15mx15m pile limitation. I believe these are a sensible set of guidelines I have proposed and will enable land holders to manage their individual properties and not just apply an open exemption for burning.	RU1 - Larger pile sizes	Supported with variation
Wamberal	We are zoned 7(c2) and support the new open pile policy for the Central Coast. Disposal of green waste is an ongoing challenge for us. We have a green bin service which we use every fortnight but it is not enough for our needs. We also use the local tip but this can be expensive. In addition to the current draft we would like to suggest the council allow a number of vouchers for residents to use the tip for green waste for free. Perhaps the tip could even provide a mulching service where residents could purchase the mulch. We could see some difficulty in notifying all our neighbors as we do not have contact numbers for all our neighbors and I imagine neighbor means all in close proximity rather than just sharing a boundary. Perhaps this needs to be clarified. We look forward to hearing the outcome and hope is affirmative.	Green waste bin - tip fees - Free tip vouchers - neighbour notification	Supported
Wamberal	I wish to be able to have an open pile burning when permitted as I have 2.5 acres. I wish to keep this clean and shrub, stick etc; free also for fire control. Pile burning would make this the way to maintain my large house paddock and areas around my home. I have full understanding of what to burn and not to burn. I have owned land in Brush road for about 62 years and have maintained this with pile burning in the past. I will attend the information scluded at The Hive, Erina to gain more information.	No objection	Supported
Springfield / Erina	I wish to apply for permission to burn off on lot 38, 37,36 & 35 Karwin Ave Springfield. As per you policy.	Wanting to apply	Supported
MacMasters Beach	I live on a heavily wooded property It is for my safety and the safety of my daughter that we need to constantly remove the dry gum branches which continually fall on or near our home The two of us are not in the position of 'being well off enough to dispose of undergrowth by using other financial means" as suggested by one of participants at last nights information session. - You cannot assume that everyone on acreages is well off By keeping our property cleared by burning smaller dead dry branches that fall is actually assisting RFS in maintaining community safety I requested a fire back burn of RFS as we back onto a national park and was told that this only happens every 10 years - this was prior to the storms and this dry season - this blanket 10 year review should also be guided by weather and disasters etc - not blanket 10 year review - this is placing us and our neighbours in danger People who own properties are usually well educated re bush fire danger and are respectful of measures to prevent fires for their own safety We have a long drive to main road which makes transporting our fortnightly green bin problematic - This bin is also full each fortnight Free green pickups would be helpful I support 100% ability to pile burn	Back burning - Free pick up	Supported
Bensville	We would fully support a pile burning policy in our district as we live in a high risk bushfire prone area with our property backing directly onto the Bouddi National Park. It is essential that we keep our property free of any debris that falls from the surrounding trees not only from a fire perspective but to deter vermin such as rats and snakes. It is totally impossible to rid our property of unwanted garden waste with only 1 green bin collection per fortnight.	No objection	Supported
Ourimbah	I think consideration needs to be given (with relation to pile sizes) to property owners who have much larger parcels of land and also after a weather event (eg 8th January mini cyclone that brought down many trees)	No objection	Supported

Lisarow	Thank you for the opportunity to attend the information session on the Draft Open Pile Burning Policy. Despite some objections I left the session feeling you handled the questions from the floor very competently and, that thankfully, there is definite enthusiasm from council and the RFS to amend the policy. I would like to submit that •The policy be implemented and consideration be given to: •Allow larger piles to be burnt, •Allow larger size logs to be burnt, •Allow larger kerbside garden vegetation pickup without the requirement for vegetation to be tied in bundles. •4 to 6 annual free drops of vegetation at council tip (these last 2 suggestions would cater for those concerned about pile burning and would minimize their concern of smoke pollution and risk of fire.)	Pile sizes - vegetation diameter - no tie of vegetation kerbside - 4-6 free drops of vegetation at the Council tip	Supported with variation	
Ourimbah	I've read the draft policy and see it as a good and practical policy that gives landowners with large (non-residential) parcels of land clear rules for managing vegetation and green rubbish. I believe this policy provides a good balance of environmental protection with practical land management.	No objection	Supported	
Lisarow	I totally agree with the Open Pile Burning Policy as proposed.	No objection	Supported	
Kincumber	It is very important to be able to open pile burn safely on acreages as it keeps the fire fuel down and helps all of our coast to keep us safer from bush fires. Thankyou.	No objection	Supported	
Kincumber	I agree with the open pile burn it is so important to burn off safely to reduce a fire hazard. Thankyou for all your work in this area.	No objection	Supported	
Matcham	We are applying for approval for the open pile burning policy for 260 matcham rd, matcham.	Wanting to apply	Supported	
Dooralong	The Councils cover letter attached to the copy of the draft Central Coast Open Pile Burning Policy, stated that the intention of the draft policy is to provide a "consistent approach to manage open pile burning", however while the current policy provided by Wyong Shire Council, allows open pile burning in areas Zoned RU1, and Zone RU1 has been omitted from the Draft Policy. The cover page titled "Public Exhibition: Draft Open Pile Burning Policy" on the Councils "yourvoiceourcoast" website notes that the change affects a list of zones including RU1. While the Draft policy is similar to the current Wyong Shire policy Zone RU1 has been omitted from the conditions of consent. It is essential to the efficient management of larger properties such as those zoned RU1 that they be allowed to continue to burn open piles of vegetation as those in the Wyong Shire area are currently able to. If properties Zoned RU1 are unable to continue to reduce fire hazards by burning open piles of vegetation, the overall fire danger in the area will most certainly increase. Please ADD Zone RU1 to the parcels of land exceeding 4000m ² listed in the conditions of consent of the DRAFT Open Pile Burning Policy, □	RU1 inclusion	Supported with variation	
Wamberal	I agree to the proposed pile burning plan, with the following amendments to consider. . be able to burn more than one small pile at a time (1 meter diameter x half a meter high) within a close proximity to the other. . be able to give more than 3 days of intent to burn if weather conditions are good (looking at approx 7 days).	More than one pile at a time - be able to give notice at least 3-7 days in advance	Supported with variation	
Wamberal	I would like to see the following changes to the draft proposal. Notification to Rule fire service and neighbours to be valid for 7 days, to allow for burning on the most appropriate day. More than 1 small pile to be burnt at once, if they are within 20m of each other and no bigger than 1m wide by 0.5m high Size of vegetation increase to a maximum of 200mm diameter	More than one pile at a time - be able to give notice at least 7 days in advance - vegetation to a maximum 200mm	Supported with variation	
Wamberal	I basically agree with the draft proposal but would like to see 1. notification to RFS to last 7 days 2. more than 1 pile to be burnt at once, so long as they are smaller and close together. So I can rake up smaller piles of leaves and small sticks and burn these at the same time	More than one pile at a time - be able to give notice at least 7 days in advance - vegetation to a maximum 200mm	Supported with variation	
Wamberal	I agree with the draft policy but would like to see the following amendments more than 1 smaller pile to be burnt at once Notification to RFS and neighbours to be valid for a period of 7 days	Notification of 7 days	Supported with variation	

Wamberal	Will be good if it goes ahead. Years ago my husband used to ring a Sydney number and local fire brigade to obtain a permit to burn off. I hope my property is included as I am on the border of the former Gosford and Wyong Shires, Tanderra Road being the boundary Road. Several trees on and around my property, a real fire hazard.	No objection	Supported
Wamberal	I believe property owners should be allowed to burn vegetation in open piles whenever necessary to reduce the danger of bushfires. If everybody burnt all the fuel on the ground the risk of uncontrolled fires would be significantly reduced.	No objection	Supported
Wamberal	I would like to indicate my support for the open pile burning policy. Having lived on 7 acres for the past 40 years we have constantly struggled with the management of tree fallout and pruning offcuts. The Open Pile Burning Policy will enable us to effectively manage this waste.	No objection	Supported
Kincumber	We attended the information session held in the Erina Centre on February 1st and submit our support for the Open pile burning policy. Our property at 812 The Scenic Road Kincumber is 3 plus acres zoned 7(c2) with town water and cleared land allowing safe burning. The real issue is even though we utilise all council services being bulk green collection , green bin and make many trips with trailer loads to the tip we never seem to be able to get on top of the huge amount of fallen green waste on our land. We have piles of dry material all over our acreage collected when caring for our land. Being mature age residents we are finding cutting up, and disposing of the material even more difficult as we try to keep out property as bush fire safe as we can. We are surrounded two sides by bush lands creating an even larger amount of waste. We thank council for asking for our opinion on this important matter	Green bin - tip deliveries - never seem to get on top of it	Supported
	I did attend the briefing & wanted to add to my submission already completed online. I though the information night was fair & very well handled. I just wanted to add a few thoughts which should be considered. 1. In the summertime providing there are no fire band on that day & conditions are right. Will it be possible to have a small open burn. 2. The size of the pile should be a guide but a wider not taller pile should be accepted, 3. Can residence apply for green only tip exemption instead of burning in the summertime or even off season 4. An online notification is a must not just a phone number I am in full support of the draft & would like to see it implemented ASAP.	summertime pile - pile size - greentip exemption - online notification	Supported
Holgate	We are interested in being able to have small pile burn off on our property in holgate its impossible to put all the branches etc into the green bin provided,so we have to stockpile it,until we are able to remove it,which i feel is worse than having a small burn off.	Green waste - landfill	Supported
Wamberal	I agree with the proposal.	No objection	Supported
Wamberal	I agree with the proposal	No objection	Supported
Holgate	I would like to register my interest in being able to burn piles of wood etc.on my property.Thanking you in advance.	Wanting to apply	Supported
Peats Ridge	See submission	Exclude RU1	Supported
terrigal	It is indeed imperative that all land holders manage their properties, using open pile burning, so as to PREVENT a bushfire of an unmanageable size. We fully support the policy to continue with maintaining an Open Pile Burning Policy. It is through small and regular fires, that we control our truly huge volume of leaf litter and wood debris. Without this burning of the matter, the build up would put our property, and all other properties near us, in a dangerous situation. It would be best practice for all properties to burn frequently, keeping their piles manageable. Landholders, on acreage of 8 acres or more, are truly familiar with fire safety and the need for high quality management of their litter to prevent a fire hazard building up. Are there any objections to these small fires due to smoke? If so, the Council could educate the residents on how the small fires are keeping the local area safe from a possible shocking large scale bush fire. Due to the long period without rain, it seems there is more matter than ever, on the ground. It only takes a cigarette butt to burn a leaf pile, by the side of the road – and then the flames to feed into the acres of any property. If land holders have been managing their properties correctly, the fire will be contained and put out quickly. I wish to recommend the burning pile size be approximately 4 metres in diameter, and a height of 2 metres.	Increase pile size - Effective management	Supported

	Gail wanted to draw our attention that at bottom of Page 2 in 'Conditions of Consent' section RU1 is NOT listed under Parcels of Land, however in your voice section http://www.yourvoiceourcoast.com/draftopenpileburnpolicy RU1 IS listed amongst the bullet points under main pile photo. Can we please clarify this. Also customer wished to request "that you please check the Schedule 8 and associated parts" in the 'Policy Statement' section, as she believes it is incorrect???	RU1	Supported with variation	
Lisarow	I submit that the Open pile burning policy be accepted as is. As a resident and RFS member I concur that larger landholders have the responsibility and capacity to meet these requirements and this is an effective way to manage fuel load buildups.	No objection	Supported	
Erina Heights	Thank you for your submission sorry this seems to be incorrect . what I wished to have for consideration is item 5 to have the same size diameter for vegetation as Wyong namely 300mm diameter.	Larger diamatre	Supported	
Green Point	I wish to burn a pile on my property	No objection	Supported	
Green Point	While we have an amalgamated council for one very large region. I do not see the need to have one policy on pile burns. Gosford council area could retain their policy and Wyong area theirs. Different areas have different needs and requirements. Burning piles is a concern to the environment and while it may be argued the two areas need to have the same policy allowing burning in the Gosford area would be a step backwards.	Different policies is OK	Not supported	
Mount Elliot	I oppose the proposed pile size restriction of 1.5m diameter x 2m and the proposed vegetation sizing of 150mm or less as both being too small. These limits are unreasonable considering my land produces large amounts of vegetative waste that can not be broken down by nature quickly, consequently I have large piles of vegetative waste on property which pose significant fire risk to my home during the summer period. Considering the volume and size of much of this waste it would be costly to remove by way of transport to tip or by chipping/mulching. The best option would be to use control burns during the colder months to dispose of this waste. The Rural Fire Service should provide personal and equipment to landholders for such burns, considering they are a taxpayer funded service. For those landholders who are experienced at burns and live on properties that are not on town water, the council should provide annual water vouchers to landowners during the winter months to use for control burns, these water vouchers would be covered by existing land rates. The council could also organise trailer mounted water tanks with fire fighting pumps and hoses service to be utilised by landowners for pile burn and control burn applications. Again, these resources would be paid for by land rates revenue. Identifying Community/neighbourhood areas most likely to need such a service would be a step in the right direction and then organise for the local Rural Fire Service unit (RFS) to house and maintain these trailer fire fighting units with assistance from local community volunteers. The RFS could also provide the basic training for operating these units safely and effectively - good old fashion community participation that would engage the community with the RFS that certainly would lead to numerous benefits relating to the reduction of fire threat. Council really needs to step up and think outside the square when it comes to reducing the hazard of bushfire. By encouraging the local community and its community services to come together via such initiatives like the one I have proposed above, would certainly reduce the risk of bushfire and provide those community residents who live within the bush, the tools to understand and respond effectively to bushfire when it occurs. Local Government must take a grassroots approach to bushfire prevention and response, rather than being pushed by the State Government to adopt a disconnected universal policy that is at best restrictive and works to the exclusion of the local community, an approach that is dangerous to life and property! The Open Pile Burning Policy (October 2017) is definitely another example of this way of thinking.	Larger pile sizes - larger diamtre - costly tip fees - RFS to provide personal and equipment - Water vouchers - trailor mounted water tanks - RFS training	Not supported	
Erina	Agree with the proposed "Open Pile Burning Policy" in principle however could the maximum size of the pile be increased to 4 metres in diameter.	Increase pile size	Supported	
Mount Elliot	I refer to the Draft Open Pile Burning Policy dated October 2017 and agree that it is practical to do what it suggests. I agree with the Policy. The Policy is clear and it has been done the best way it can be. Otherwise people would burn at inappropriate times. It is taking a bit more power away from people and giving more control to Council. I would like to be able to burn and not have to contact anyone however I understand that you have to have these rules. The dimensions of the pile size are suitable for my property.	Would not want to notify	Supported	
Empire Bay	Fully support the introduction of open pile burning within the former Gosford Council area on rural properties. Residents to be informed of a central phone number or website to call or book a burn off. The opportunity to burn off will greatly reduce ground fuel and provide greater protection to buildings and lives in the event of fires.	Provide contact details for notification	Supported	

Holgate	<p>We wish to make the following submissions about the draft Open Pile Burning Policy:</p> <ol style="list-style-type: none"> We strongly support the making of an Open Pile Burning Policy. Clause 4 of the draft Policy is unreasonable and unrealistic, and it should be removed. <p>The storms of April 2015 felled or damaged 10 substantial trees which were growing on our land, but the tree which has caused us the main problem was a very large Sydney Blue Gum (along with several other wattles) which had been growing on the adjoining Katandra Reserve. The Sydney Blue Gum fell onto and across our land destroying two fences in the process. A sizeable tree also fell from our neighbour's land across a dividing fence onto our land during the storms. There is no logical reason why the Open Burning Policy should not apply to the burning of such vegetation once it has become dry simply because it was not originally growing on our land. If Council does not agree to the removal of clause 4, clause 4 should at least be amended by adding at the end: "or on adjoining premises". If the Council will not permit the burning of dry and dead vegetation that has been generated on Council owned land and fallen onto a rate-payer's land, then the Council should simultaneously adopt a separate policy by which it agrees to promptly remove, at its cost and expense, any vegetation that falls from Council owned land onto land owned by a ratepayer. We urge the Council to adopt our submissions and approve the requested changes to the Draft Policy before it is made.</p>	Remove vegetaion grown on the land	Supported with variation	
Lot: N DP. 337138	<p>Further to the information session i attended @ Erina Fair on 1/2/18 we make the following submission:- Log sizes of 300mm.dia. allowed to be burnt.</p>	Increase vegetaion diametre	Supported with variation	
Somersby	See detailed submission	RU1 - pile size - agricultural activities - small piles and continuous burning (air quality and supervision)	Supported with variation	
	See detailed submission	Many issues	Not supported	
MacMasters Beach	<p>We attended the open pile burning session at Erina Fair and are very interested in being able to burn our excess sticks and branches that fall from our trees, in fact would make life much easier for us as well as removing bush fire danger.</p>	No objection	Supported	
Wamberal	<p>I support the draft Open Pile Burning policy proposed by Council. Such a policy will not only assist landowners in terms of maintaining their properties but will significantly reduce the risk of bushfires due to the reduction of combustible material. I suggest that Council allow eligible landowners to access a waste management facility at least twice at no charge during the 'no burn' period.</p>	free access to tip for green waste (2/year)	Supported	
Mangrove Mountain	<p>I am writing to comment on the new wood pile burning proposal. The area we are in (Mangrove Mountain Plateau) has a minimum size lot of about 50 acres and many farms are larger. They contain areas of wooded paddocks and other wooded agricultural areas. If these are not allowed to be managed in a safe and responsible manner by disposing of dead and fallen trees and vegetation it will simply lead to a build up of combustible material in piles that will get burnt in the inevitable bushfires that are endemic to the region. This will increase the likelihood of fires and exacerbate their effects (and this may lead to more destructive fires as seen recently in America other countries.) It makes no sense to require the build up of this material from an ecological or climatic viewpoint as it will inevitably get burnt in the long run. In the meantime the unburned piles will simply be an impediment to agricultural pursuits, a danger to livestock and a refuge for vermin such as rabbits. I think a more balanced approach would be to encourage proper land management by facilitating the disposal of larger vegetative matter by not limiting the size of the piles to prohibitive dimensions.</p>	RU1 - larger pile sized	Supported with variation	

Matcham	<p>This ridiculously archaic proposal goes against all current green thinking.</p> <p>As Matcham Valley residents -</p> <ul style="list-style-type: none"> • We strenuously oppose this draft policy • We do not want our green environment polluted • We do not want smoke throughout our clean fresh valley • We do not want our health impacted by smoke hanging in the valley • We do not want to suffer difficult breathing and smoke throughout our properties and homes • We do not want increased risk of bushfire from unmanaged burning • We do not want the RFS to waste its time dealing with uncontrolled fires • We do not need this policy to dispose of green waste • We cannot believe that the Council could be responsible for this regressive and dangerous proposal. We are a small semi rural community in the Matcham, Holgate and Erina Valley, most of us are on tank water with low pressure pumps and we currently don't have enough water to live on let alone manage an out of control home fire and add to that a power outage we have no pump to operate the water, this could cause a considerable fire danger. We have young children, dogs and chickens to consider and one road out! The responsibility you have as a local Council is to protect the residents not change rules to endanger lives, this policy must NOT be adopted 		Not supported
Terrigal	<p>It is respected that all land holders manage their properties, using open pile burning, so as to prevent a bushfire of an unmanageable size. We support the policy to continue the maintaining an open pile burning policy. It is through small and regular fires that we control our truly huge volume of leaf litter and wood debris. Without this burning of the matter, the build up would put our property, and all other properties near us, in dangerous situations. It would be best practice for all properties to burn frequently, keeping their piles manageable. Landholder, on acreage of 8 acres or more, are truly familiar with fire safety. and the need for high quality management of their litter to prevent a fire hazard building up. Are there any objectives to these small fires due to smoke? If so, could council educate the residents of how the small fires are keeping the local area safe from a shocking large scale fire. Due to long period without rain, it seems there is more matter than ever, on the ground. It only takes a cigarette to burn a leaf pile by the side of the road- and then the flames to feed into the acres of any property. If land holders have been managing their properties correctly, the fire will be contained & put out quickly. I wish to recommend the burning pile size to be approximately 4 meters in diameter and height of 2 meters.</p>	Larger pile sizes	Supported
Wamberal	I agree with the submission.	No objection	Supported
Long Jetty	I agree with the submission	No objection	Supported
	<p>We refer to the policy and request that RU1 zone land not be included, especially for land holdings over 8 ha (20acres). That is we experience dieback and storm damage and whilst we can at the moment utilise fallen timber in both open and closed fire places we find that there is always a surfeit of material which needs to be disposed of.</p> <p>The matter is not urgent as we were only commenting on the Draft Central Coast Open Pile Burning Policy submission before 7/2/18 We would not consider any burning this time of the year.</p>	RU1 - Storm material	Supported
Mount White	<p>We refer to the policy and request that RU1 zone land not be included, especially for land holdings over 8 ha (20acres). That is we experience dieback and storm damage and whilst we can at the moment utilise fallen timber in bboth open and closed fire places we find that there is always a surfeit of material which needs to be disposed of. Roots and other parts of the trees are too large and not suitable to burn in a fireplace - and need open space to burn them.</p>		?
Mangrove Mountain	<p>We refer to the policy and request that RU1 zone land not be included, especially for land holdings over 8 ha (20acres). That is we experience dieback and storm damage and whilst we can at the moment utilise fallen timber in bboth open and closed fire places we find that there is always a surfeit of material which needs to be disposed of. Some timbers like radiata pine are not suitable for burning inside the home.</p>		?

MacMasters Beach	<p>Thank you for your letter dated 9th January. I welcome the policy which will bring some clarification to the existing rules.</p> <p>Due to the significant amount of fallen limbs and leaf litter during the year it is important that we have an opportunity to remove this hazardous material during the winter months. It is important that our neighbours also have this opportunity to reduce the risk of devastating bushfires in our area.</p> <p>In order to maximise the Policy benefit, I suggest the maximum pile size be increased to 4 meters diameter and branches size be increased to a maximum of 400 millimetre diameter.</p>	Increase pile size - increase vegetaion diametre	Supported with variation	
Picketts Valley	I support the proposal to allow residents to burn open piles on their land. I support standardising the policy around a 4 metre diameter pile and maximum 300 mm diameter for branches and materials burned	Increase pile size - increase vegetaion diametre	Supported with variation	
Holgate	Please have the same burn policy as wyong in Gosford	Increase pile size - increase vegetaion diametre - Wyong	Supported with variation	
Empire Bay	consider pile burning as essential and thank you for the notification	No objection	Supported	
Doyalson	open pile burning		?	
Mangrove Mountain	<p>We would like to begin by saying that this is an excellent policy and will be very beneficial to the faming community of the central coast. Our land is zoned RU1- Primary Production. We would like to submit, that this category of zoning is included in this policy. We would also like to make the following submission in reference to the conditions of consent of the proposed policy: 1.Condition of consent number 2, states that only one pile of vegetation may be burnt at any one time. We would like to submit that either the pile size (condition of consent number 3) or the number of piles allowed at one time is increased. We submit that either 4 piles at the current measurement, at a time or one pile size of 5 meters tall and 30 meters wide, be implemented as an exemption for RU1 Zone farmers.</p> <p>2.Condition of consent number 5, states that vegetation must be of a diameter of 150mm or less, we submit that this be increased to 1 meter diameter as an exemption for RU1 zone farmers. 3.Condition of consent 11. We submit that wind speeds of 18km/h be considered safe, in line with the current Wyong council policy. 4.Condition of consent 12. We submit that this be reworded, allowing smoke hazard to traffic to remain as is, however nuisance to neighbors is not a quantifiable measurement and will depend on the actual neighbors' definition of "nuisance". This leaves too much room for whinging or disputing neighbors to lodge complaints or people new to rural living to put a stop to any essential burns based off their own definition of the word.</p>	<p>RU1 - More than one pile - larger piles - larger vegetation diametre- increase wind speeds - nuisance is subjective</p>	Supported with variation	
Glenning Valley	<p>After reviewing the Draft Central Coast Open Pile Burning Policy document, I am simply registering my support for the policy. The details included in the draft all seem reasonable and practical. Thank you for this initiative and for making us aware of the draft policy.</p> <p>As a landowner in the Wyong Council area i would like to ask Why have you excluded RU1 from the policy and why half the pile size, thus increasing the number of fires being lit? Look forward to your response</p> <p>See submission</p>	<p>No objection</p> <p>RU1</p> <p>RU1 - more than one vegeation pile at a time - pile size - vgetation diametre - 20m setback restrictive - 4.5m combustible materials clarity - approval to burn vegetation from development</p>	<p>Supported</p> <p>?</p> <p>Supported with variation</p>	
Mangrove Mountain	My needs on the OPEN PILE BURNING POLICY are that on my 14 Acre property i require an open pile burn periodically to maintain a safe level of fire hazard reduction, especially around my timber house.	No objection	Supported	

Peats Ridge	The policy seems to be quiet workable except for 4 points in the conditions of consent. Point 2 Only being able to burn one pile at a time, especially on larger properties (<20ha), would have the effect of lengthening the period of inconvenience and risk. As after a storm, which is generally when pile burning is required, there is many more than one pie to burn. Generally property owners have the equipment to handle burning more than one pile. I would suggest 4 or 5 would be a more appropriate number. Point 3 This is a major issue as the size of the pile is much too small. Again after a storm you may be required to clean up entire trees some being up to 70m tall. It is unworkable to try to build piles 2m x 1.5m. A more reasonable size would be 10m diameter x 5m high. Again most property holders have the equipment to manage a pile of this size. Managed properly a pile of this size will burn hot, produce less smoke and be finished in 2 days. Point 5 Vegetation less than 150mm in diameter is also much too small. The question needs to be asked when a large tree needs to be cleaned up what is the land holder meant to do with the remaining 80% of any large tree ? An upper limit of 500mm should be in place. In a well constructed and managed pile logs of this size should be gone in 2 days. Point 11 In a cleared area and outside the fire danger period the risk of having the fire spread is very minimal.	more than one pile - storm maintenance - pile size - Vegetation diametre - Increase wind speed -	Supported with variation
Wamberal	I attended the information meeting regarding the draft Open Pile Burning Policy at The Entrance . I am a resident in 19 Hayden Road, Wamberal. It was a very informative and professionally run meeting in conjunction wit the RFS. I made the following comments and was encouraged to submit them in writing. 1. That there be a drop off area, or areas, closer than Kincumber and Woy Woy for those in the Wamberal rural properties for free loads of green waste to be deposited and thereafter collected by the green recycle trucks. 2. That residents in the relevant areas be provided with a series of free vouchers to take their green waste to the existing tips as this clean up greatly exceeds the footpath pick up capacity. Both the above suggestions are with a green perspective in that we would prefer to see the green waste recycled than to make dirty air from fires. Particularly as we are on rain water tanks only and the ash deposits fall onto our roof and then into our drinking water.I hope these suggestions will be considered .	Green waste free tip - green collection points -	Not supported
	In the non burning months, landowners could be given a voucher type system where they could take their green waste to the tip, at no cost.	Green waste free tip	Supported with variation
	See submission	attention to detail - RU1 - pile size	Supported with variation
Lisarow	Many thanks for the availability of the draft policy. After discussing the policy details with Mr Frank Overton, Inspector, Operations Officer at RFS regional HQ at Kariiong, it became clear that the RFS regards the pile sizes nominated in the policy as impractical. We wish to confirm that with water resources on hand in case of emergency, our experience suggests that it would be more workable and easier for the RFS if the pile size was increased, especially on larger lots. No doubt the RFS will make recommendations. Many thanks and kind regards	Large pile sizes	Supported with variation
Empire Bay	We fully support Council's plan to adopt an Open Pile Burn Policy for the Gosford Area. It makes sense to come in line with Wyong on this issue. Land owners need to be able to keep their properties maintained and the only sensible way to do this is to bring back the ability for us to regularly burn off. As you would be aware being in a rural property the amount of dead branches etc. that needs cleaning up can quickly stockpile and the possibility of being able to burn off responsibly again like we used to do is something that all rural properties can look forward to. I have also attached a copy of my letter I sent to Council back in June 2017 with regard to being able to burn off. Attention: General Manager Dear Sir, I live at Empire Bay on a rural property and up until approximately 3-4 years ago we were always allowed to burn-off to reduce the fire hazard on our land. Unfortunately this has all stopped because Gosford has their "clean air policy"? Since we are now amalgamated with Wyong Council, and Wyong and Lake Macquarie councils adopt the same burning policy I am at a loss as to why Gosford cannot come under this same policy! We are supposedly 1 Council now? Because we are a rural property we just want to be able to maintain our property and reduce our threat to any potential fire hazards. We cannot even be issued with a permit to burn off, how ridiculous is this! Their should not be 1 rule for 1 side of the highway and another rule for the other side, we all come under the 1 Council now so bring us poor rural property owners into alliance with Wyong, let us burn-off like we have done for so many years prior, we are not a threat to the environment. I have lived her for over the past 60 years and I am certainly not going to do anything to put this area at risk or jeopardise my property or the environment. I just want to have the ability to keep the fuel on my property down to a bare minimum as I have done for so many years in the past, I don't want to have the threat of a fire coming through my property because Council won't let us maintain our land. You need to be able to help and support your rural communities and let us be in alignment with our adjoining councils.	No objection	Supported

Mangrove Mountain	We would like to begin by saying that this is an excellent policy and will be very beneficial to the farming community of the central coast. Our land is zoned RU1- Primary Production. We would like to submit, that this category of zoning is included in this policy. We would also like to make the following submission in reference to the conditions of consent of the proposed policy: 1.Condition of consent number 2, states that only one pile of vegetation may be burnt at any one time. We would like to submit that either the pile size (condition of consent number 3) or the number of piles allowed at one time is increased. We submit that either 4 piles at the current measurement, at a time or one pile size of 5 meters tall and 30 meters wide, be implemented as an exemption for RU1 Zone farmers. 2.Condition of consent number 5, states that vegetation must be of a diameter of 150mm or less, we submit that this be increased to 1 meter diameter as an exemption for RU1 zone farmers. 3.Condition of consent 11. We submit that wind speeds of 18km/h be considered safe, in line with the current Wyong council policy. 4.Condition of consent 12. We submit that this be reworded, allowing smoke hazard to traffic to remain as is, however nuisance to neighbors is not a quantifiable measurement and will depend on the actual neighbors' definition of "nuisance". This leaves too much room for whinging or disputing neighbors to lodge complaints or people new to rural living to put a stop to any essential burns based off their own definition of the word.	RU1 - More than one pile - larger piles - larger vegetation diameter- increase wind speeds - nuisance is subjective	Supported with variation	
Mount White	See submission	one pile at a time - pile size - vegetation diameter - notification - supervision - agricultural activities - Rural land holders consultation - exempt primary	Supported with variations	
MacMasters Beach	I welcome the opportunity to express my concerns re the Open Pile Burning Policy . I attended a very informative session at Erina last Thursday and it became apparent to me that there are certain areas where this policy would be very helpful to land owners and other areas where I don't believe it should apply . Thank you to Kendal Caynes for your knowledge on the subject and your professional manner in which you conducted the meeting . There were many voices from the areas such as Mangrove Mountain, Somersby and Kulnura and I do believe these areas have a real need for this policy to maintain their large properties . I live on the coast , at MacMasters Beach on almost 7 acres and we do not burn off . We use our green bin , every 2 weeks and use our 6 free pickups for green waste and make many trips to our local Waste Management Facility at Kincumber. It is worrying that this policy applies to any property greater than 4,000m square , surely this is not applicable to such small properties as 1 acre. We are surrounded by 2 1/2 acre properties and I cannot even imagine what it would be like if several neighbours were to burn a pile on the same day . It was stated on the night that it would be good to have Wyong and Gosford together with this policy . Has anyone considered the topography of these two areas and how different they are . The Gosford area particularly close to the coast is very undulating and with many valleys , the Wyong area is much flatter and more suited to open pile burning . The amount of smoke collecting in the valleys could cause considerable discomfort to ratepayers and I'm certain would be an environmental issue and greatly increase the risk of out of control fires. Residents of our area along the coast who are on properties less than 4,000m squares have not been notified of this pending policy , surely they should have a say in this , considering if policy is passed , it may put their property at risk and cause inconvenience with smoke and health issues. The other thing that is surprising that there is NO limit on the number of open pile burns a resident may undertake in a year . This means that someone could burn off We agree with RFS regarding this proposal. We have need of regular disposal of vegetation from our property. We do use the green bin on a regular basis, but our requirements are not met by this service alone. We are happy to meet the regulations put forward by the RFS and Council. Yours in anticipation	several burns: same day - topography - no limit of piles /yr - adequate supervision - battleaxe entrapment - increase minimum property size	Unsupported	
Holgate	See submission	No objection	Supported	
	See submission	Health - Remove E2 lands - monitoring - reporting to Council annually	Not Supported	
Bensville	Acreeges especially after storm damage require much larger pile dimensions. Consent item no. 3: if it is restricted to a mere 2 m diameter and 1.5 m in height, it would require multiple burn-offs and multiple advice to neighbours and multiple permissions from authorities. totally unworkable in the real world. Increase diameter to at least 3 meters and height at least 2.5 meters. Consent item no.5: If the limit in size of limb is a mere 150mm it means any tree greater in height than say 5 to 10 meters cannot be disposed of by fire, How does the landholder get rid of trees that are fallen and over this height- virtually unworkable in the real world again. Many trees in this local are 20 to 50 meters in height and therefore over 300 mm in diameter. Increase the diameter to at least 300 mm. I would consider seriously banning any burning during the bush fire danger period, irrespective of any approval process by RFS- it is not worth the risk.	Larger pile sizes - lavegetation diameter - ban during bushfire danger period irrespective of bushfire danger period	Support with variation	
Picketts Valley	I would suggest wording read " up to 4 metres in diameter at base " and similarly with the fuel log size " up to 300 mm in diameter " That way residents could have smaller fires generally but if we experience a heavier than normal storm, the leeway exists to have a larger fire without breaking the regulations	increase pile size - vegetaion diameter	Supported with variation	

Central Mangrove	On the website property zoned RU1 is stated that it is affected but it is not listed in the PDF draft policy, will the same apply to property zoned RU1?	RU1	?	
MacMasters Beach	See submission	Topography - free green waste tip fees - smoke in the valleys - health impacts - RU1 - 4000m2 too small	Unsupported	
Empire Bay	This is to advise that I have studied the abovementioned draft policy and I am in full support of the policy. The opportunity for certain landholders (such as myself) to readily reduce leaf/branch litter on my is a matter that has now been addressed by Council. I would hope that the policy be ratified/implemented as soon as possible to allow pile burning to commence at the conclusion of the current fire season.	No objection	Supported	
Lisarow	I submit that the proposed changes to Open Pile Burning Policy be adopted. Also that consideration be given to increasing allowing pile sizes to be larger, allowance at the tip for free green waste disposal for residents in rural /semi rural areas. Thank you for consideration to make changes and helping us maintain our properties.	Increase pile sizes - gree waste disposal free at tip -	Supported	
	See submission			
	i suggest we are allowed a 4 m diameter pile with 300mm diameter material.	Increase pile size - increase vegetation diametre	Supported with variation	
	As a volunteer rural fire service member for over 20 years I would like to make comments regarding the re introduction of burning green waste in our area. Allowing rural small holdings to begin to burn again, against state pollution regulations, is un necessary and creates pollution and other fires of which the RFS is the first and only responder. Wyong shire may have had a successful plan in place for several years but Wyong is very different in population density to Gosford City and the landscape and vegetation is also very different. Pile burning in Gosford typically occurs in valleys as the surrounding hills are generally COSS or National Park land. Fires that are ignited in valleys will often create a plume of smoke that can become trapped and create major pollution for residents and visitors. Kinccumber and MacMasters Beach are prone to this and we often wake up in the morning with smoke filled surrounds from illegal burning. The proposed lot size is just ridiculously small at 4,000 m2. Everyone has access to a green bin and an increase in green bin pick ups can be organised at little cost. Green waste disposed of at the tip is also a low cost exercise and should be able to be facilitated by land owners with larger than average blocks. A 4,000m2 block can and will have multiple owners including owners such as National Parks and Council owned land and unless the pile burn is managed expertly the danger of multiple accidental fires escaping into natural areas will occur, as I have experienced many times. To encourage residents to burn off when burning off has been banned for many years is crazy and a complete backward step in the management of environmentally sensitive land. To have no acknowledgement of the different landscapes, riparian zones, and other forests is unforgivable when this data is now easily accessed and common knowledge. A property owner in MacMasters Beach under and over cleared a rainforest area including Livistonas and other native rainforest trees, in the belief they were reducing a fire hazard! The land in Gosford City east of the freeway is totally environmentally zoned and there is no recognition in the draft policy of what the zones means and their definition. A minimum of 10,000 hectares is even too small and should be managed with out fire. The Rural Fire Service should be facilitating hazard reductions on private property when needed, not creating a free for all pile burn policy. As per the RFS policy now, if a fire is reported to 000 the RFS must respond.. most fires are reported by disgruntled neighbours.. (not everyone has friendly neighbours) and passer bys, who are driving through the area, so the RFS is going to be severely impacted by the increase in call outs to fires. It has always been the RFS job to educate the community in the 'no burn policy' and now they are supposedly supporting a pile burn policy! It takes years of experience to know when it is 'safe' and appropriate to burn a pile of waste, and assuming there will be no education of land holders of this environmentally sensitive land we can expect green waste being burnt, small piles with no restriction on how many or when or for how long, just keep stoking the fire 24/7...Crazy. A one size policy fits all over very different landscapes is just ridiculous, to have no		Not supported	
Yattalunga	Firstly I would like to thank Council for re-introducing this matter and would submit the following points in favour of small pile burning in the Gosford sector:- 1. All of the conditions of consent are workable 2. The small pile burning timeframe could be limited to March - September to avoid people burning at dangerous times of the year 3. We feel that rather than working against the local fire authorities, we are doing the community a favour in minimising the build up of debris on properties thus limiting the spread of bushfires when they do happen. As we did not get a chance to look at the proposed areas that would be allowed to small pile burn, can you please forward the plan highlighting what areas are affected. At 102 Elvys Avenue, Yattalunga we have a property of approximately 7 acres with neighbouring properties vacant on both sides. We hope that we will be included in the proposal as we have an excessive amount of vegetation on our property due to the dryness of the last few months. Please advise us of the final outcome of this proposal.	Limit burning season -	Supported	

Somersby

I have just got back from a trip and was delighted that this plicy area is being looked at. My property is on a hill as you can see. I inherited 3 large piles when I purchased the property. The are very large 10mx10mx2m and 15mx15mx1m and 10mx10mx1m. I believe they will require the assistance of the RFS to burn off. I do not know for sure whether they were hazard reduction material or not. Almost certainly, part of this is. Some may not be. Can these be assessed please. I am happy to pay for resources required to deal with them safely.

No objection - needs RFS to assist Supported with piles





Item No: 4.3
Title: Kerb and Gutter and Footpath Contributions
Department: Assets, Infrastructure and Business

9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13260533

Author: Jeanette Williams, Unit Manager Roads Business Development & Technical Services

Manager: Jay Spare, Unit Manager Roads Assets Planning & Design

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

Report Purpose

The purpose of this report is for Council to consider the removal of the kerb and gutter and footpath contribution charges levied on property owners where Council constructs kerb and gutter and footpath infrastructure adjacent to private property.

Background

Council's Acting Senior Manager Roads, Transport and Drainage provided a briefing on kerb, gutter and footpath contributions to Councillors at the Councillor Briefing held on Tuesday, 12 June 2018.

At this Briefing, Councillors noted the impacts of the collection of contributions from adjacent property owners where Council is providing kerb and gutter and footpath infrastructure. The following report is provided to allow Councillors to make a determination on this matter.

Recommendation

- 1 That Council resolve that it will not require contribution, pursuant to s. 217 of the Roads Act 1993, for the provision of kerb, guttering and footpaths***
- 2 That Council rescind the former Gosford City Council policy titled "Contributions for kerb & guttering and paving".***

Report

Section 217 of the *Roads Act 1993*, Council has a power to recover contributions up to half the cost of constructing footpath paving and kerb and guttering undertaken adjacent to private property.

4.3 Kerb and Gutter and Footpath Contributions (contd)

Section 217 of the *Roads Act 1993* states (in part):

217 Roads authority may recover cost of paving, kerbing and guttering footways

- (1) *The owner of land adjoining a public road is liable to contribute to the cost incurred by a roads authority in constructing or paving any kerb, gutter or footway along the side of the public road adjacent to the land.*
- (2) *The amount of the contribution is to be such amount (not more than half of the cost) as the roads authority may determine.*

Historically, both former Councils charged adjacent property owners a contribution towards the cost of providing new footpath, kerb and gutter infrastructure. No contribution was levied on property owners where the works are part of a grant funded project, a special rate variation project or a section 94 (developer contribution) project.

The contribution requirement is published within Council's annual fees and charges. The draft 2018/19 contributions, as contained in Council's fees and charges, are shown below.

Item	Description	Rate
23.10021	Footpath paving – Ratepayers contribution under Section 217(2) of the Roads Act 1993. Per lineal metre based on 1.5m width – can be proportional adjusted as required	A maximum of half the construction cost in accordance with s.17(2) of the Roads Act 1993
23.10022	Kerb and guttering – Ratepayers contribution under Section 217(2) of the Roads Act 1993.	A maximum of half the construction cost in accordance with s.217(2) of the Roads Act 1993

The average contribution rate equating to 'half the cost of construction' is \$60 per metre for footpath and \$76.50 per metre for kerb and guttering. On average a ratepayer may expect to pay in the order of \$1,500 for works adjacent to their property frontage if kerb and gutter as well as footpath is constructed.

Former Gosford City Council had a Policy titled "Contributions for kerb & guttering and paving" which set out the guidelines for recovery of kerb guttering and foot paving contributions. The former Wyong Shire Council had no formal policy and operated directly under section 217 of the *Roads Act 1993* - Roads authority may recover cost of paving, kerbing and guttering footways.

Financial Impact

The annual contribution income generated from kerb, gutter and footpath contributions is shown below:

4.3 Kerb and Gutter and Footpath Contributions (contd)

Financial Year	Kerb and Gutter Contributions	Footpath Contributions	Total
2015/16	\$159,149	\$65,149	\$224,298
2016/17	\$273,349	\$184,662	\$458,011
2017/18 (YTD)	\$145,020	\$60,729	\$205,749
Average	\$192,506	\$103,513	\$296,019

The average combined contribution of \$296,019 represents 0.4% of the 2017/18 Roads and Drainage Capital Works Program. The contributions are not budgeted against specific infrastructure projects and will not generally reduce the length of kerb, gutter or footpath being constructed.

Administration of the contribution process is resource intensive and requires action by a number of business units including Asset Planning, Project Management, Construction, Finance and Technical Services. The resource impact is escalated further when they are disputed or become the subject of a customer request.

There are also a number of requests under the hardship policy that require assessment.

It is estimated that the administration of the charging of the contributions is approximately \$60,000 to \$90,000 per annum.

Conclusion

Council primarily constructs kerb, gutter and footpath works as part of a road upgrade project and it is not generally undertaken in isolation. Kerb and gutter is installed to assist in stormwater control and provide an edge constraint for the road pavement. Footpath is planned as a network asset and is constructed to provide pedestrian access and linkages for the wider community.

The removal of the kerb, gutter and footpath contributions would result in a minor reduction of income i.e. on average of \$296,019, but will not generally reduce the length of footpath, kerb and gutter constructed by Council. The small reduction in income is partially offset taking into consideration the heavy administrative costs.

The contributions may be perceived as a burden on property owners who have not financially planned to contribute nor requested the infrastructure and may create financial hardship. The contribution can also create inequity as the contribution is dependent upon the funding source.

4.3 Kerb and Gutter and Footpath Contributions (contd)

Property owners appreciate the footpath, kerb and gutter infrastructure works once completed, however are disappointment when asked to contribute financially. The contribution process may be seen to negatively impact Council's reputation.

Attachments

Nil.



Item No: 4.4
Title: Amendments to the Councillor Expenses and Facilities Policy
Department: Governance

9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13255117

Author: Kathy Bragg, Acting Section Manager, Governance

Manager: James Taylor, Acting Unit Manager, Governance

Executive: Shane Sullivan, Acting Executive Manager Governance

Report Purpose

To adopt the proposed amendments to Council's *Councillor Expenses and Facilities Policy* that is Attachment 1 to this report.

Recommendation

That Council adopt the amended Councillor Expenses and Facilities Policy set out in Attachment 1 to this report.

Context

It has become evident that there are some minor changes that Council may wish to make in the *Councillor Expenses and Facilities Policy* (the Policy) to ensure that Councillors are placed in the best position to undertake their civic duties.

It is recommended that Council amend the current Policy as set out in Attachment 1 to this Report. All of the proposed amendments included in the Policy are marked in **bold** and *italic* with deletions marked with ~~strikeout~~. The same method for highlighting those amendments is used in the remainder of this report.

The key proposed amendments to the current Policy deal with enabling the Chief Executive Officer (CEO) discretion to approve some expenses, the inclusion of covering the cost of Councillors' Partners to conference dinners and covering the costs of Australian Securities and Investment Commission (ASIC) or relevant searches.

Provision for Partners

In recognition of the significant time investment by Councillors and in order to support Councillors in achieving a balance between their role as a Councillor and as part of their family, this suggested change is to provide for Council to meet the costs of official conference dinners for an accompanying person of a Councillor.

New Clause 57 under Part B – Expenses, General Expenses –Conferences and Seminars is proposed as follows:

- 57 Council will meet the costs of official conference dinners for an accompanying person of a Councillor up to \$1,000 per Councillor per year.**

Appropriate Searches

It is proposed that an additional clause make provision for Councillors to seek reimbursement for any relevant searches undertaken to assist in providing appropriate responses in relation to declarations as Key Management Personnel under the Related Party Disclosures requirements for Council's Financial Statements.

The proposed addition of a new Clause 81 under the following heading:

ASIC or Relevant Searches

- 81 Council will meet the costs of any ASIC or relevant searches undertaken by Councillors to assist in providing appropriate responses in relation to declarations as Key Management Personnel under the Related Party Disclosures requirements for Council's Financial Statements.**

Chief Executive Officer (CEO) Discretion

It is proposed to provide discretion to the CEO to make provision of expenses and/or facilities deemed appropriate to assist Councillors in the performance of their civic duties.

Allowances for general expenses are not permitted under the Policy. However, expenses and/or facilities specific to the functions of holding civic office are allowed. This additional section provides the CEO with the discretion to pay expenses and/or provide facilities that are deemed appropriate and necessary for Councillors to undertake their civic duties.

In accordance with Clause 120 of the Policy, detailed reports on the provision of the expenses and facilities will be publicly tabled at a council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by Individual Councillor and as a total for all Councillors, including any under this new section.

New Clause 22 under Part B – Expenses, General Expenses is proposed as follows:

- 22 Council will cover expenses and/or provide facilities deemed appropriate and necessary by the Chief Executive Officer to assist Councillors in the performance of their civic duties.**

Consultation

It is considered that the proposed amendments to the *Councillors Expenses* are not substantial and pursuant to s.253(3) of the *Local Government Act 1993*. Accordingly it is not proposed to place these amendments on public exhibition aside from noting them in this Council Report.

Options

- 1 Council may determine not to amend the policy.
- 2 Council may determine to adopt the attached Policy with amendments.
- 3 Council may determine to place the proposed amendments on public exhibition with a further report to be provided at the conclusion of that period.

Option 2 is the recommended option.

Financial Impact

There is a financial impact on Council. There are sufficient funds in the allocated 2018/19 budget to cover the potential cost.

Attachments

- 1 Draft Councillor Expenses and Facilities Policy D13259207

POLICY NO: CCC020

COUNCILLOR EXPENSES AND FACILITIES POLICY

9 July 2018

AUTHORITY	NAME & TITLE
AUTHOR	Shane Sullivan, Acting Executive Manager Governance
MANAGER	Shane Sullivan, Acting Executive Manager Governance
GROUP LEADER	Shane Sullivan, Acting Executive Manager Governance
CHIEF EXECUTIVE OFFICER	Brian Glendenning, Acting Chief Executive Officer

History of Revisions:

Version	Date	TRIM Doc. #
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4	9 April 2018	D13186819
5	9 July 2018	D13259207

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Policy Summary

1. This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.
2. It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
3. The policy has been prepared in accordance with the [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#), and complies with the Office of Local Government's [Guidelines for the payment of expenses and provision of facilities to Mayors and councillors in NSW](#).
4. The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed. The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
Corporate Uniform	\$1,000 per Councillor \$500 per Councillor	Upon election Per full twelve months there after
General travel expenses	\$12,500 per Councillor	Per year
Interstate, overseas and long distance intrastate travel expenses	\$15,000 per Councillor	Per year
Accommodation and meals	\$500 per Councillor	Per night
Provision for Partners	\$1000 per Councillor	Per year
Professional development	\$12,000 per Councillor	Per year
ICT expenses	\$4,000 per Councillor \$3,000 per Councillor (equipment)	Per year Upon election
Carer expenses	\$8,000 per Councillor	Per year
Home office expenses	\$300 per Councillor	Per year
Access to facilities in a Councillor room	Provided to all Councillors	Not relevant

5. Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.
6. Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

7. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.
8. This policy will commence on the declaration of the first election of Councillors to the Central Coast Council.

Part A – Introduction

Introduction

9. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Central Coast Council.
10. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
11. The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
12. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the *Local Government Act 1993* and reviewed annually. Council must adopt its annual fees within this set range.
13. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.

Policy objectives

14. The objectives of this policy are to:
 - (a) enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties;
 - (b) enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties;
 - (c) ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors;
 - (d) ensure facilities and expenses provided to Councillors meet community expectations;
 - (e) support a diversity of representation; and
 - (f) fulfil Council's statutory responsibilities.

Principles

15. Council commits to the following principles:

- (a) **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions;
- (b) **Reasonable expenses:** Providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor;
- (c) **Participation and access:** Enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor;
- (d) **Equity:** There must be equitable access to expenses and facilities for all Councillors;
- (e) **Appropriate use of resources:** Providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations; and
- (f) **Accountability and transparency:** Clearly stating and reporting on the expenses and facilities provided to Councillors.

Private or political benefit

- 16. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 17. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- 18. Such incidental private use does not require a compensatory payment back to Council.
- 19. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse Council.
- 20. Campaigns for re-election are considered to be a private interest. The following are examples of what is considered to be a private interest during a re-election campaign:
 - (a) production of election material;
 - (b) use of Council resources for campaigning;
 - (c) use of official Council letterhead, publications, websites or services for political benefit; and
 - (d) fundraising activities of political parties or individuals, including political fundraising events.

Part B – Expenses

General expenses

21. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
22. **Council will cover expenses and/or provide facilities deemed appropriate and necessary by the Chief Executive Officer to assist Councillors in the performance of their civic duties.**
23. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

Specific expenses

Corporate Uniform

24. Council will cover the costs up to a limit of \$1,000 per Councillor upon the commencement of their term of office to use for the provision of a Council Corporate Uniform as determination by the Chief Executive Officer. This would include the costs of both suitable Council professional attire and Council attire suitable for a site inspection or depot visit.
25. Thereafter Council will cover the costs up to a limit of up to \$500 per Councillor per annum.

General travel arrangements and expenses

26. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
27. Each Councillor may be reimbursed up to a total of \$12,500 per year for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - (a) for public transport fares;
 - (b) for the use of a private vehicle or hire car;
 - (c) for parking costs for Council and other meetings;
 - (d) for tolls;
 - (e) for documented ride-share programs, such as Uber; and
 - (f) by Cabcharge or equivalent.
28. Allowances for the use of a private vehicle will be reimbursed at the rate contained in the Local Government (State) Award.
29. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

Interstate, overseas and long distance intrastate travel expenses

30. This part includes reference to long distance intrastate travel. At Central Coast Council long distance intrastate travel is travel that is estimated to take more than four hours from the Councillor's residence.
31. In accordance with Clause 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
32. Total interstate, overseas and long distance intrastate travel expenses for Councillors will be capped at a maximum of \$15,000 per Councillor per year. This amount will be set aside in Council's annual budget.
33. Councillors seeking approval for any interstate and long distance intrastate travel must submit a business case to, and obtain the approval of, the Chief Executive Officer prior to travel.
34. Councillors seeking approval for any overseas travel must submit a request to, and obtain the approval of, a full Council meeting prior to travel.
35. The request should include:
 - (a) objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result and its relevance to the exercise of the Councillor's civic duties;
 - (b) who is to take part in the travel;
 - (c) duration and itinerary of travel; and
 - (d) a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
36. For interstate and long distance intrastate journeys of less than three hours the class of air travel is to be economy class.
37. For interstate journeys by air of more than three hours, the class of air travel may be premium economy where it is available.
38. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
39. Bookings for approved air travel are to be made by Council staff on behalf of the Councillor.
40. For travel that is reimbursed as Council business, frequent flyer points will not accrue to Councillors. This is considered a private benefit.

Travel expenses not paid by Council

41. Council will not pay any traffic or parking fines or administrative charges for toll road accounts.

Accommodation and meals

42. Council will reimburse costs for accommodation and meals (when meals are not provided) while Councillors are undertaking prior approved travel or professional development.
43. The daily limits for accommodation and meal expenses within Australia is \$500 per Councillor per night.
44. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the Chief Executive Officer.
45. Councillors will not be reimbursed for the purchase of alcoholic beverages.

Refreshments for Council related meetings

46. Appropriate refreshments may be available for Council meetings, Council Committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the Chief Executive Officer.
47. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the Chief Executive Officer must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

48. Council will set aside \$12,000 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses, conferences, seminars and membership of professional bodies.
49. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which consider any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
50. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
51. Approval for professional development activities is subject to a prior written request to the Chief Executive Officer outlining the:
 - (a) details of the proposed professional development;
 - (b) relevance to Council priorities and business; and
 - (c) relevance to the exercise of the Councillor's civic duties.

52. In assessing a Councillor request for a professional development activity, the Chief Executive Officer must consider the factors set out in Clause 51, as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

53. Council is committed to ensuring its Councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
54. Provision for attendance at conferences and seminars is provided as part of Professional Development.
55. Approval to attend a conference or seminar is subject to a written request to the Chief Executive Officer. In assessing a Councillor request, the Chief Executive Officer must consider factors including the:
- (a) relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties; and
 - (b) cost of the conference or seminar in relation to the total remaining budget
56. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Chief Executive Officer. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 42 to 45.
- 57. Council will meet the costs of official conference dinners for an accompanying person of a Councillor up to \$1,000 per Councillor per year.**

Local Government NSW Annual Conference

58. Councillors will also be permitted to attend the Local Government NSW Annual Conference. Council will reimburse the cost of registration fees and where the conference is outside the local government area, the cost of travel, accommodation and meals not covered by the conference registration, subject to the provisions in 'Accommodation and meals'.
59. For the Local Government NSW Annual Conference ~~only~~, Council will meet the costs of the official conference dinner for an accompanying person of a Councillor.

ICT expenses

60. Council will provide, or reimburse Councillors for expenses associated with, appropriate ICT devices and services up to a limit of \$4,000 per annum for each Councillor. This may include mobile phones and tablets, mobile phone and tablet services and data, and home internet costs. Allowances will only be made for tablets, tablet services and data to tablets where a Councillor consents to receiving communications and business papers from Council by electronic means only.

61. Council may provide appropriate ICT equipment up to a limit of \$3,000 per Councillor upon the commencement of their term of office. The determination as to what equipment will be provided will be made by the Chief Executive Officer based upon Council's general ICT program and identified business needs.
62. Reimbursements will be made only for communications devices and services used for Councillors to undertake their civic duties, such as:
 - (a) receiving and reading Council business papers;
 - (b) relevant phone calls and correspondence; and
 - (c) diary and appointment management.
63. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor, within the maximum limit.
64. Council may from time to time provide Councillors with upgraded equipment or new facilities where doing so will result in efficiencies and aligns to Council's general ICT program.

Special requirement and carer expenses

65. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
66. Transportation provisions as outlined in this policy, such as access to Cabcharges, will also assist Councillors who may be unable or unwilling to drive a vehicle.
67. In addition to the provisions above, the Chief Executive Officer may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
68. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to re-imbursement of carer's expenses up to a maximum of \$8,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
69. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
70. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the Chief Executive Officer that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

71. Each Councillor may be reimbursed up to \$300 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

Insurances

72. In accordance with Section 382 of the Local Government Act 1993, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
73. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
74. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
75. Appropriate travel insurances will be provided for any Councillors traveling on approved interstate and overseas travel on Council business.

Legal assistance

76. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - (a) a Councillor defending an action arising from the performance in good faith of a function under the [Local Government Act 1993](#);
 - (b) a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act; and
 - (c) a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the [Local Government Act 1993](#) and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
77. In the case of a conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the Chief Executive Officer to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's Code of Conduct.
78. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Local Government Act 1993 are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this clause.
79. Council will not meet the legal costs:
 - (a) of legal proceedings initiated by a Councillor under any circumstances;
 - (b) of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation; and

- (c) for legal proceedings that do not involve a Councillor performing their role as a Councillor.
80. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

ASIC or Relevant Searches

81. ***Council will meet the costs of any ASIC or relevant searches undertaken by Councillors to assist in providing appropriate responses in relation to declarations as Key Management Personnel under the Related Party Disclosures requirements of Council's Financial Statements.***

Part C – Facilities

General facilities for all Councillors

Facilities

82. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- (a) a Councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol);
 - (b) access to shared car parking spaces while attending Council offices on official business; and
 - (c) a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor; and
 - (d) appropriate meeting spaces to allow Councillors to meet with community members as determined by the Chief Executive Officer.
83. The provision of facilities will be of a standard deemed by the Chief Executive Officer as appropriate for the purpose.
84. Council may from time to time provide additional facilities for Councillor use such as protective equipment for use during site visits.

Stationery

85. Council will provide the following to Councillors:
- (a) Electronic letterhead template, to be used only for correspondence associated with civic duties; and
 - (b) Electronic Christmas or festive message.

86. Council may from time to time provide stationery or branded items for Councillor use.

Administrative support

87. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's office or by a member of Council's administrative staff as arranged by the Chief Executive Officer or their delegate.
88. Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

Additional facilities for the Mayor

89. Council will provide to the Mayor a maintained motor vehicle and appropriate, as determined by the Chief Executive Officer, motor vehicle with a fuel card. The vehicle will be supplied for use in attending official business and professional development and attendance at the Mayor's office. The vehicle can also be used for reasonable private benefit.
90. A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's office.
91. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
92. In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the Chief Executive Officer.
93. The number of exclusive staff provided to support the Mayor and Councillors will not exceed the number of full time equivalents identified in the adopted organisational structure and as provided in the adopted budget.
94. Council staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.
95. The Mayor will be entitled to travel business class up to an additional annual limit of \$15,000 on any travel undertaken.
96. Council will meet the reasonable costs as determined by the Chief Executive Officer and up to a \$1,000 annual expenditure limit associated with the attendance of the Mayor's spouse or partner whilst the Mayor is undertaking official business at Conferences, functions, award night and events.
97. Council will also meet the reasonable cost as determined by the Chief Executive Officer and up to a \$2,000 annual expenditure limit, of travel expenses and additional accommodation expenses (in addition to the expenses incurred by the Mayor) for the Mayor's spouse or partner whilst the Mayor is undertaking official business at Conferences, functions and events.

98. The Mayor will also have access to an additional annual limit of up to \$2,000 for the Mayor and the Mayor's spouse or partner attending dinners, non-council functions, charity and fundraising events, community and corporate or industry events which are relevant to Council's interest and where Council's representation would be expected.
99. The Mayor is entitled to digital subscriptions to two daily newspapers and/or delivery of those same newspapers to the Council office.

Part D – Processes

Approval, payment and reimbursement arrangements

100. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
101. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
102. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
 - (a) local travel relating to the conduct of official business;
 - (b) carer costs; and
 - (c) ICT expenditure.
103. Final approval for payments made under this policy will be granted by the Chief Executive Officer or their delegate.
104. All requests for reimbursement will be reviewed by two staff members and payment will be authorised by a staff member with the appropriate financial delegation.
105. The Chief Executive Officer will provide a system for the request of reimbursements for Councillors. This will include a form whereby Councillors will be required to specifically identify the clause within this policy to which the request relates.

Direct payment

106. Council may approve and directly pay expenses. Requests for direct payment must be submitted through the appropriate system for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

107. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted through the appropriate system.

Advance payment

108. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
109. The maximum value of a cash advance is \$200 per day of the conference, seminar or professional development to a maximum of \$600
110. Requests for advance payment must be submitted to the Chief Executive Officer for assessment against this policy with sufficient information and time to allow for the claim to be assessed and processed.
111. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
 - (a) a full reconciliation against the provisions of this policy of all expenses including appropriate receipts and/or tax invoices; and
 - (b) reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

112. If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
113. If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to Council

114. If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
 - (a) council will invoice the Councillor for the expense; and
 - (b) the Councillor will reimburse Council for that expense within 14 days of the invoice date.
115. If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the Chief Executive Officer. The Chief Executive Officer may elect to deduct the amount out of the Councillor's allowance.

Timeframe for reimbursement

116. Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Disputes

117. If the Councillor disputes a determination under this policy, the Councillor should discuss the matter with the Chief Executive Officer.
118. If the Councillor and the Chief Executive Officer cannot resolve the dispute, the Councillor may submit a notice of motion to Council seeking to have the dispute resolved.

Return or retention of facilities

119. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office.

Publication

120. This policy will be published on Council's website.

Reporting

121. Council will report on the provision of expenses and facilities to Councillors as required in the Local Government Act 1993 and Local Government (General) Regulation 2005.
122. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

Auditing/Review

123. The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.

Breaches

124. Suspected breaches of this policy are to be reported to the Chief Executive Officer.
125. In accordance with the Code of Conduct this Councillor Expenses and Facilities Policy is a policy of Council and must not be contravened.
126. Alleged breaches of this policy shall be dealt with by the following processes outlines for breaches of the [Code of Conduct](#), as detailed in the Code and in the Procedures for the Administration of the Code.

Supporting Documents

127. Relevant legislation and guidance:
 - [Local Government Act 1993](#), Sections 252 and 253;
 - [Local Government \(General\) Regulation 2005](#), Clauses 217 and 403;

- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009;
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities; and
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

128. Related Council policies:

- (a) [Code of Conduct](#)

Part D – Definitions

129. The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
Act	Means the Local Government Act 1993 (NSW)
Annual Conference	Means Local Government NSW Annual Conference
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
Chief Executive Officer	Means the General Manager of Council and includes their delegate or authorised representative
ICT	Means Telecommunications and Information Communications and Technology
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in the table in Clause 4.

NSW	New South Wales
official business	<p>Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes:</p> <ul style="list-style-type: none"> • meetings of Council and committees of the whole; • meetings of committees facilitated by Council; • civic receptions hosted or sponsored by Council; and • meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council.
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
Regulation	Means the Local Government (General) Regulation 2005 (NSW)
year	Means the financial year, that is the 12 month period commencing on 1 July each year



Item No: 4.5
Title: Meeting Records of the Protection of the Environment Trust Management Committee and the Gosford Foundation Trust Management Committee held on 5 June 2018 and Appointments to the Committees
Department: Governance

9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00731 - D13255101

Author: Kathy Bragg, Acting Section Manager, Governance

Manager: James Taylor, Acting Unit Manager, Governance

Executive: Shane Sullivan, Acting Executive Manager Governance

Report Purpose

To note the Meeting Records of the 5 June 2018 meetings of the Protection of the Environment Trust Management Committee and the Gosford Foundation Trust Management Committee.

To recommend Council determine the Councillor membership and the community membership positions that are currently vacant on the Trust Management Committees.

Recommendation

- 1 That Council note the 5 June 2018 Protection of the Environment Trust Management Committee Meeting Record that is Attachment 1 to this report.**
- 2 That Council note the 5 June 2018 Gosford Foundation Trust Management Committee Meeting Record that is Attachment 2 to this report.**
- 3 That Council determine that the Councillor representative on the Protection of the Environment Trust Management Committee is:**
 - **<NAME>**
- 4 That Council determine that the community member to be appointed to the Protection of the Environment Trust Management Committee is:**
 - **<NAME>**
- 5 That Council determine that the Councillor representative on the Gosford Foundation Trust Management Committee is:**
 - **<NAME>**

4.5 Meeting Records of the Protection of the Environment Trust Management Committee and the Gosford Foundation Trust Management Committee held on 5 June 2018 and Appointments to the Committees (contd)

6 That Council determine that the community member to be appointed to the Gosford Foundation Trust Management Committee is:

- **<NAME>**

7 That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that Attachment 3 to this report remain confidential as that attachment includes "personnel information" about individuals who are not Councillors.

Background

The Protection of the Environment Trust Management Committee (POET) and the Gosford Foundation Trust Management Committee (GFT) held meetings on Tuesday, 5 June 2018 at the Gosford Administration Building. The Meeting Records of those meetings are attached to this report for Council's information.

The Environment Trust Management Committee and the Gosford Foundation Trust Management Committee Meeting Records are being reported to Council in accordance with the relevant Terms of Reference.

Appointments to the Trust Management Committees

The current membership of the POET is:

One Councillor (*vacant*)
CEO (or delegate)

Community Representatives
Ms Barbara Wills
Ms Joy Cooper
Vacant

The current membership of the GFT is:

One Councillor (*vacant*)
CEO (or delegate)

Community Representatives
Ms Barbara Wills
Vacant

4.5 Meeting Records of the Protection of the Environment Trust Management Committee and the Gosford Foundation Trust Management Committee held on 5 June 2018 and Appointments to the Committees (contd)

Advertising to fill the community vacancies on these Trust Management Committees was undertaken as follows:

- An advertisement appeared in the 17 edition of the Central Coast Express Advocate;
- An advertisement appeared in the 24 May 2018 edition of the Coast Community News;
- An advertisement appeared in the 30 May 2018 edition of the Wyong Regional Chronicle;
- An advertisement appeared on 16 May 2018 on Council's Facebook Page;
- A media release was published on 15 May 2018; and
- An article appeared on Council's "yourvoiceourcoast" [website](#)

There was one application was received for the POET community position and two applications were received for the GFT community position. Those applications were made available to the Councillors via the Councillor Hub and are in the confidential attachment that is *Attachment 3 to this report*.

Councillors were invited to nominate for the Trust Management Committees by 1 June 2018. Mayor Jane Smith nominated as the Councillor representative on both Trust Management Committees.

The expressions of interest were reviewed by the convenors of the Trust Management Committee, who considered each submission on its merit against the Terms of Reference for the respective committees. The convenors' recommendations are contained in the confidential attachment that is *Attachment 3 to this report*.

Deferred Report

The Meeting Records of the Protection of the Environment Trust Management Committee and the Gosford Foundation Trust Management Committee held on 8 May 2018, and the draft Terms of Reference for the Trust Management Committees were considered by Council at its meeting held on 12 June 2018. Council resolved to defer the matter pending a further report to Council.

Attachments

1	Protection of the Environment Trust Management Committee Meeting Record 5 June 2018	D13255093
2	Gosford Foundation Trust Management Committee Meeting Record 5 June 2018	D13255091
3	Confidential - Expressions of Interest for the Trust Management Committees -	D13259097

Protection of the Environment
Trust Management Committee
Meeting Record
5 June 2018



Location:	Meeting Room, Level 1, Gosford Administration Building 49 Mann Street, Gosford	
Date:	5 June 2018	
Time	Started at: 4.05pm	Closed at: 4.55 pm
Chair	Mayor Jane Smith	
File Ref	F2018/00732	

Present

Mayor Jane Smith, Ms Shane Sullivan, Acting Executive Manager Governance, Ms Joy Cooper and Ms Barbara Wills.

Also present were: Mr Luke Sulkowski, Unit Manager Natural and Environmental Assets and Ms Kathy Bragg, A/Section Manager Governance.

Item 1 Apologies

Mr Brian Glendenning, Acting Chief Executive Officer.

The Committee noted that Mayor Smith is representing the Councillor position until Council resolves the Councillor membership.

Item 2 Disclosure of Interest

Ms Barbara Wills declared her less than significant non-pecuniary interest as she is a member of MacMasters Beach Bushcare Group.

Item 3 Confirmation of Previous Minutes

The Committee confirmed the Meeting Records from 16 March 2017, 18 May 2017 and 8 May 2018.



Action: Council staff to follow up on the following outstanding action from the 16 March 2017 Trust Management Committee meeting:

- *The Committee recommends that the current zoning, environment values and vegetation mapping be completed for all six land parcels for the next meeting.*

Action: Council staff to follow up on the following outstanding action from 16 March 2017 and the 8 May 2017 Trust Management Committee meetings:

- *The Committee recommends that \$11,000 is distributed to MacMasters Beach Bushcare Group from the Trust funds to support the group in line with objectives of the Trust.*

Item 4 Funding Application Criteria Update

The Committee reviewed the draft Grant Guidelines.

Action: Following clarification of the Terms of Reference for the Trust Management Committee the draft Guidelines again be reviewed by the Committee.

Item 5 Financial Report

The Committee reviewed the financial report provided.

Action: Clarification be provided to the Committee on how the interest rate is calculated.

Action: The expenditure report on Council funded POET projects be provided to the Committee.

Item 6 Communication and Engagement Update

Action: A Communications staff member be invited to attend the next meeting of the Committee to discuss a communication strategy to promote the aims of the Trust and encourage donations to the Trust.

Item 7 General Business

Nil.

The meeting closed at 4.55pm

Next Meeting: To be confirmed.

Gosford Foundation Trust
Management Committee
Meeting Record
5 June 2018



Location:	Meeting Room, Level 1, Gosford Administration Building 49 Mann Street, Gosford	
Date:	5 June 2018	
Time	Started at: 5.00pm	Closed at: 5.25pm
Chair	Mayor Jane Smith	
File Ref	F2018/00731	

Present

Mayor Jane Smith, Ms Shane Sullivan Acting Executive Manager Governance, and Ms Barbara Wills.

Also present were: Mr Phil Cantillon, Unit Manager Leisure and Lifestyle and Ms Kathy Bragg, A/Section Manager Governance.

Item 1 Apologies

Mr Brian Glendenning, Acting Chief Executive Officer.

The Committee noted that Mayor Smith is representing the Councillor position until Council resolves the Councillor membership.

Item 2 Disclosure of Interest

Nil.

Item 3 Confirmation of Previous Minutes

The Committee confirmed the Meeting Records from 16 March 2017, 18 May 2017 and 8 May 2018.

Manage,etm



Action: Council staff to follow up on the following outstanding action from 16 March 2017 Trust Management Committee meeting;

The committee recommends that Council staff to present options for the expenditure of the bequest to Laycock Street Theatre.

Item 4 Financial Report

The Committee reviewed the financial report provided.

Action: The Art Gallery provide some advice to the Committee on how best to promote the use of the Koi Sculpture as a method of donating to the Gallery.

Action: Future financial reports note the \$30,000 bequest and its purpose.

Item 5 Communication and Engagement Update

Action: A Communications staff member be invited to attend the next meeting of the Committee to discuss a communication strategy to promote the aims of the Trust and encourage donations to the Trust, including promotion of the Trust on Laycock Street promotional material.

Item 6 General Business

Nil.

The meeting closed at 5.25 pm

Next Meeting: To be confirmed.



Item No: 4.6
Title: Response to Notice of Motion - Easy To Do Business
Department: Connected Communities

9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13251595

Author: Sue Ledingham, Unit Manager

Executive: Julie Vaughan, Director Connected Communities

Summary

At its meeting held 26 February 2018, Council resolved as follows:

124/18 That Council request the Acting Chief Executive Officer seek a report and/or briefing from Service NSW on the benefits and opportunities for both Central Coast small businesses to grow and develop and Central Coast Council should they:-

- A) incorporate the Easy To Do Business (EtdB) program*
- B) subsequently become a member of the Small Business Friendly Councils (SBFC) initiative free of charge*

Council has an opportunity to enter into a Memorandum of Understanding with Service NSW for the Easy to do Business program and develop a staged rollout to align with process improvements and work through the operational readiness program.

Recommendation

- 1 That Council delegate authority to the Chief Executive Officer to enter a Memorandum of Understanding with Service NSW for the Easy to do Business program.**
- 2 That Council become a member of the Small Business Friendly Councils (SBFC) initiative.**

Context

The Easy to do Business program is a free program that brings together agencies, local councils, and industry bodies to make the process of opening or expanding a small business simpler and faster. The initiative was initially piloted at the City of Parramatta Council in May 2016 focusing on the café, restaurant and small bar sector and in February 2017 the pilot program was expanded to incorporate Dubbo Regional, Georges River and the Northern Beaches councils. The pilot program has been a success and demonstrated that a business can open in 90 days rather than 18 months and is now available for other councils to join as partners.

The Small Business Friendly Councils (SBFC) initiative is a program that provides the opportunity for participating councils to implement programs that support small business, share resources and information with other participating councils and promote this to the local business community.

Current Status/Tender Submissions

Council does not currently participate in the Easy to do Business program of Service NSW. Council is not a member of the Small Business Friendly Councils (SBFC) initiative.

Assessment/Report/Proposal/Tender Evaluation

Services NSW have developed the "Easy to do Business" program. It is a joint initiative between the Department of Premier and Cabinet, the Customer Service Commissioner, the Office of NSW Small Business Commissioner, and Service NSW. The program brings together agencies, local councils, and industry bodies to make the process of opening or expanding a small business simpler and faster.

This free program provides a number of benefits for Councils:

- Increased productivity with 'decision ready' applications and reduced transaction costs
- Effective tools to help boost the local economy, enabling more jobs in the region.

As stated by Services NSW, "previously, cafes, small bars and restaurants would have to deal with up to 13 agencies, 75 regulations, up to 30 phone numbers and complete 48 forms, taking as long as 18 months to navigate. This program has seen this reduced to one digital application and one phone number, reducing the opening time for businesses to 90 days."

The initiative will provide a customer, who wishes to set up cafés, restaurants or small bar, with a single point of contact within Service NSW who will help them navigate all the required approvals to operate the business, for example registering the business, obtaining an ABN, and required Council approvals.

Those looking to start up a café, restaurant or small bar can benefit from Council being involved in Easy to do Business:

- Get a unique digital profile that can help fast track the approval process across local, state and federal government
- Receive step by step guidance through the application process
- Have the support of a dedicated Business Concierge who can answer questions, liaise with council, and review applications to ensure they are 'decision ready'
- Know upfront the time, fees and effort involved.

The intention of the program is to build awareness of specialist advice services available, ensure Council staff can direct enquiries to these and provide applicants with the skills to be better informed and researched prior to lodging any applications. There are plans for the Easy to do Business program to be expanded to other subsectors including clothing retail.

Service NSW provided information to Council outlining the benefits of the program and seeking Councils support to become members of the program. Information discussed included the customer experience, online learning tools and feedback on the pilot program undertaken at Lake Macquarie Council. Outlined by Service NSW were a number of steps that Council could take to begin with the program, along with skills required and processes needed to be in place for "Operational Readiness" to ensure a high level customer experience.

Given the relative new processes required it was suggested by Service NSW that Council enter into the program as member of our Council Reference Group to influence regulatory policy change across government and inform the Easy to do Business program.

As well Council could enter into a Memorandum of Understanding with Service NSW for the Easy to do Business program and develop a staged rollout to align with process improvements and work through the operational readiness program.

Consultation

Consultation was undertaken with:

- Service NSW Council Engagement Manager
- Director Environment and Planning and staff within the relevant service units.

Options

- 1 To provide delegated authority to enter into a Memorandum of Understanding with Service NSW for the Easy to do Business program.
- 2 Not enter into an agreement for the program and advise Service NSW.
- 3 To join the Small Business Friendly Councils (SBFC) initiative.
- 4 To not join the Small Business Friendly Councils (SBFC) initiative.

Financial Impact

The Easy to do Business program and Small Business Friendly Councils (SBFC) initiative are at no cost to council to participate. Support material, training and advice are provided by Service NSW at no cost for the Easy to do Business program. Implementation of the program should lead to reduced processing times and costs relating to applications to Council.

Social Impacts

By Council supporting this initiative, the local business community and potential business investors can have some confidence that Council is supportive of small business and is actively trying to reduce the costs associated with small business start-up.

Environmental Considerations

Nil.

Risk Management

Nil.

Critical Dates or Timeframes

Following finalisation of an agreement, and 'Operational Readiness' workshop will be held with the relevant Council staff prior to announcement of the program starting operation on the Central Coast.

Attachments

Nil.



Item No: 4.7
Title: Response to Notice of Motion - Central Coast Pathway Sub Committee
Department: Assets, Infrastructure and Business

9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13258027

Author: Jeanette Williams, Unit Manager Roads Business Development & Technical Services

Manager: Jay Spare, Unit Manager Roads Assets Planning & Design

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

Summary

Response to Notice of Motion – Central Coast Pathway Sub Committee as resolved by Council at its meeting held on 12 March 2018. At this meeting Council resolved

160/18 That Council finalise the Central Coast Region Wide Strategy for Pedestrian Access and Mobility Plan (PAMP) and Bike Plan, and form a Pedestrian Access and Mobility Advisory Committee to address the all inclusion needs for our seniors, families and people with a disability on the Central Coast.

Recommendation

- 1 That Council note the information.**
- 2 Council readvertise for expressions of interest for community representatives on the Pedestrian Access and Mobility Advisory Committee.**

Report

Following extensive community consultation and analysis, the Pedestrian Access and Mobility Plan and Bike Plan have been drafted and will be placed on public exhibition seeking comments in July 2018.

At the completion of the public exhibition period, all feedback will be reviewed and modifications made to the draft Plans, where warranted.

The Draft Pedestrian Access and Mobility Plan (PAMP) and Bike Plan will then be reported to Council for consideration and adoption.

Public advertising seeking nominations for community representatives to be part of the Pedestrian Access and Mobility Advisory Committee has been undertaken. Council sought nominations to fill six (6) community representative vacancies on the proposed advisory committee, however only two (2) nominations were received.

**4.7 Response to Notice of Motion - Central Coast Pathways Sub Committee
(contd)**

Therefore, it is proposed to go back out to the community for an additional exhibition period to allow further nominations to be received from interested community members. This additional exhibition period will be promoted through Council's social media platforms and in the local newspaper, Central Coast Express Advocate.

Following this additional advertising period and receipt of suitable community representative nominations, a report will be provide to Council for consideration.

Attachments

Nil.



Item No: 5.1
Title: Response to Notice of Motion - Domestic Violence Policy
Department: People and Culture

9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-02 - D13217842

Author: Karina Curtis, Executive Assistant to Executive Manager

Executive: Kellie Reeves, Executive Manager People and Culture

Report Purpose

To provide the Council with an update on the Domestic Violence Policy.

Recommendation

That Council note this report.

Context

At the Ordinary Meeting on 27 November 2017, Councillor Jeff Sundstrom moved the motion on domestic violence. The Council resolved:

- 768/17 *That Council note with concern that the Central Coast region is approaching the highest level of Domestic Violence in NSW.*
- 769/17 *That Council acknowledge that a more community wide inclusive approach, which includes all levels of government, is needed to take a stand and reject this unacceptable behaviour and provide suitable assistance to all Council employees.*
- 770/17 *That Council request the CEO to undertake a review of the Council's domestic violence provisions for employees and report back to Council on the following items and any other additional areas or relevance.*
- a) *What leave provisions are in place now for employees that are victims of domestic violence (DV)?*
 - b) *What support services does Council offer / provide to employees in relation to escaping and recovering from DV?*
 - c) *What further support could be offered to employees that are victims of DV?*

The reduction of Family and Domestic violence (FDV) on the Central Coast is a top priority for the organisation. In response the Chief Executive Officer is reviewing staff policy as well as the support and services that are accessible to staff. Importantly, the ten month process to become an accredited White Ribbon organisation.

The People and Culture department and the Connected Communities directorate are collaborating to research FDV, and have composed a draft policy with input from other organisations including representative unions.

Earlier this year the Chief Executive Officer called for interest from staff to convene a Working Party to drive the development and education of a Family and Domestic Violence Policy. The working party consists of twelve representatives from across the organisation including two project coordinators and a union delegate. The first meeting of the working party was held in May 2018.

Consideration of the Policy is one of the first agenda items for the Working Party and consultation with Subject Matter Experts will form the basis of the adopted policy and forthcoming procedures.

The Policy will include provisions around leave entitlements for victims of domestic and family violence, support services available to escaping FDV and what further support could be offered to employees that are victims of FDV.

Currently, there is provision for staff of Council who are victims of FDV to access special leave under the *Local Government (State) Award 2017*, as follows:

Special Leave

- (i) The employer may grant special leave, either with pay or without pay, to an employee for a period as determined by the employer to cover any specific matter approved by the employer, including but not limited to:
- (ii) Leave for victims of family and domestic violence;

Further, staff have access to government and other services that specialise in FDV support. Staff can also access counselling services through our Employee Assistance Program providers. In terms of further support that could be made available to our employees, we are exploring the option of the organisation directly engaging a provider to deliver more specialised FDV support and services.

Following engagement with the Leadership team and Consultative Committee, the CEO will be asked to adopt the policy as an operational policy of the organisation.

Following adoption of the Policy, supplementary procedures and education programs will ensue to embed the program.

5.1 Response to Notice of Motion - Domestic Violence Policy (contd)

In conjunction with the Policy work, a project plan is in place to achieve accreditation as a White Ribbon organisation. This process has commenced with a survey to staff and requires the organisation to take a number of steps to reach the accreditation goal in first quarter 2019.

Additionally, Council continues to develop and deliver a variety of partnership projects with our broader community to address the issue of FDV. Other initiatives include a broad spectrum of support for White Ribbon awareness in November each year; community awareness messaging is prominently displayed throughout the LGA through banners, posters and roadside VMS; we also ensure relevant information and merchandise (wristbands, white ribbons, etc.) are widely and freely available to the public from numerous Council locations.

Council is active with the local FDV Committee and supports the organisation and delivery of the two annual White Ribbon community walks at The Entrance and Terrigal. Council also produces and disseminates a variety of FDV awareness and reporting information on an ongoing basis through numerous platforms including our website.

Council's Community Grants Program is another mechanism utilised to support FDV projects. Initiatives supported over the previous twelve months include the development of a series of forums to better "map the journey" of FDV victims to ensure local support services are responsive to current needs and projects to directly support FDV victims through the provision of personal care and domestic "starter packs".

Attachments

Nil.



Item No: 5.2
Title: Response to Notice of Motion - Carters Road, Lake Munmorah
Department: Assets, Infrastructure and Business

9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13256626

Author: Jeanette Williams, Unit Manager Roads Business Development & Technical Services

Manager: Jay Spare, Unit Manager Roads Assets Planning & Design

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

Report Purpose

To provide Council with a response to Notice of Motion - Carters Road, Lake Munmorah.

Summary

Council, at its meeting held 12 March 2018 resolved (in part):

169/18 That in the interim, Council commits to funding a feasibility study which investigates the costs of options to address Carters Rd ongoing issues in the 2018/19 budget which includes but is not limited to:

d Advise what stage the Lake Munmorah Masterplan is at, what is the timeframe for completion and when will it go on exhibition for community comment.

Recommendation

That Council receive this report.

Report

In response to resolution 169/18 (d) noted above, the following advice is provided:

Council's Strategic Planning Unit is currently in the planning stages of the Greater Lake Munmorah Structure Plan to develop a local land use framework that, in part, addresses relevant issues such as supply and demand factors, servicing and infrastructure provision, environmental values, housing diversity and ageing in place, connectivity, traffic and parking, safety, community infrastructure and the like.

5.2 Response to Notice of Motion - Carters Road, Lake Munmorah (contd)

Extensive consultation, including workshops with internal stakeholders to discuss matters such as transport infrastructure, road and pedestrian connectivity has been undertaken in the development of this Structure Plan.

A peer review by internal Business Units has been undertaken, and Councillors will be briefed prior to the draft Structure Plan being placed on public exhibition in September 2018. It is anticipated that a timeframe for completion of the structure plan will be known at this time.

Attachments

Nil.



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, Assets Infrastructure and Business

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.

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.*
 - 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?*

5.3 Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches (contd)

- 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.
 - 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.

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.**

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.

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.

5.3 Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches (contd)

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.

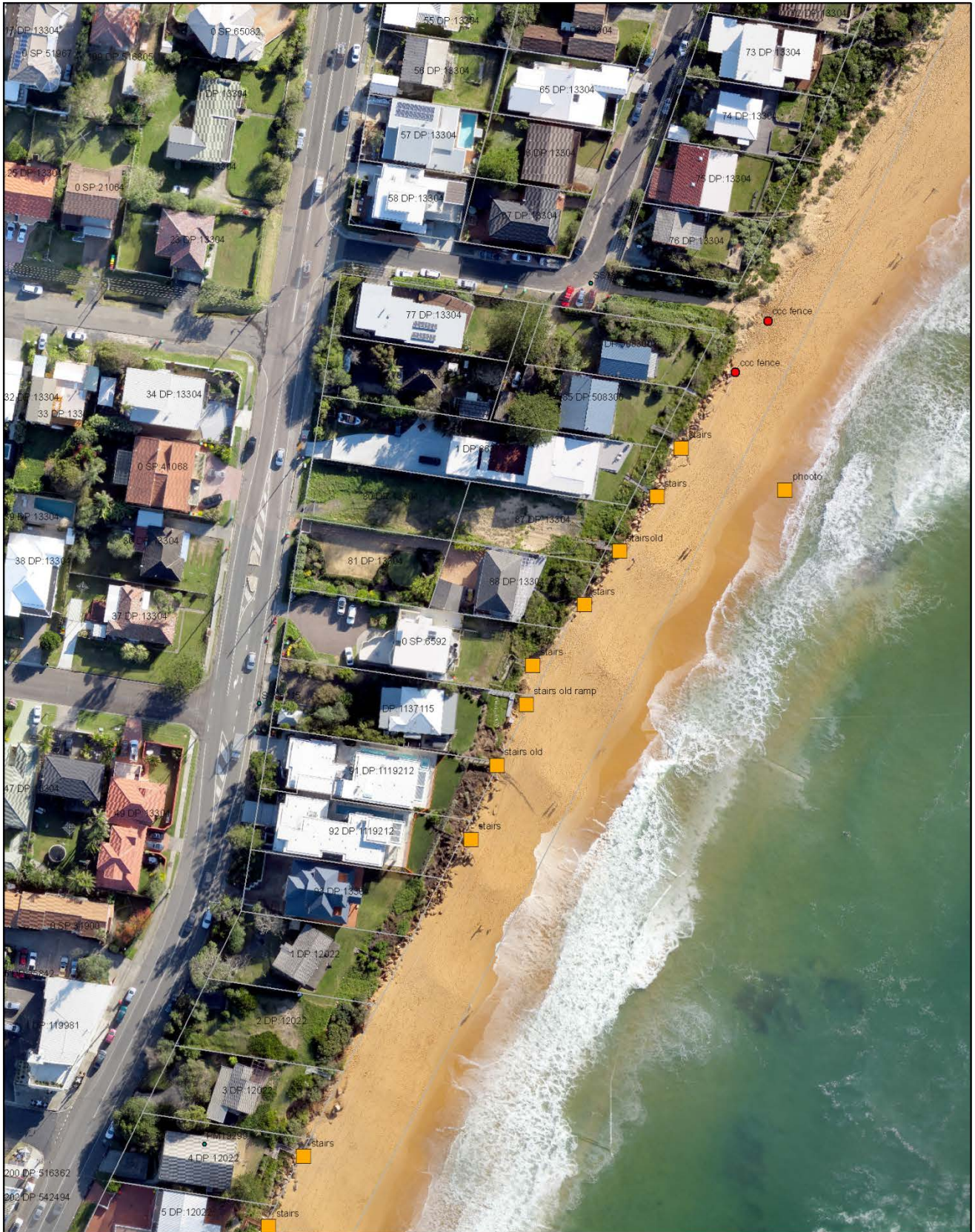
Refer to response provided at 2 above.

7 Publish an information sheet that is distributed to residents adjoining the Wamberal and Terrigal beaches concerning the potential risks associated with asbestos material.

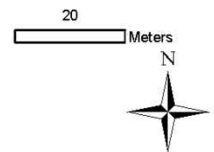
On 17 May 2018 a Community Information Sheet – "Potential Asbestos Containing Materials – Terrigal Beach and Wamberal Beach" (see attachment 2) was distributed to 200 residents adjoining the Wamberal and Terrigal beaches.

Attachments

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

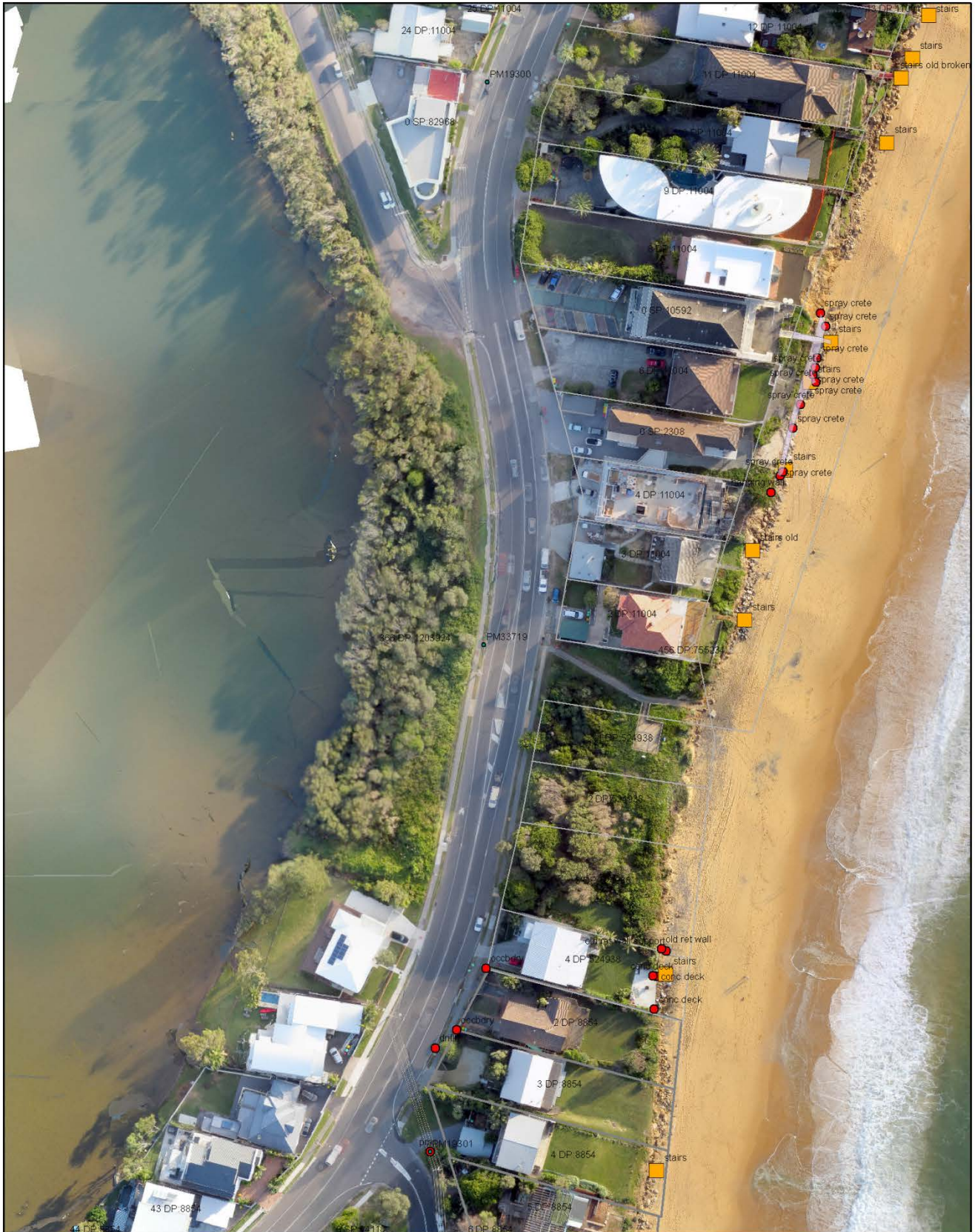


Wamberal
GNSS Survey 28th March 2017



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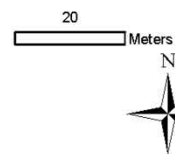


Wamberal
GNSS Survey 28th March 2017



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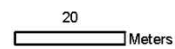
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Wamberal
GNSS Survey 28th March 2017



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Produced by CCC Spatial Information Services



Community Information Sheet Potential Asbestos Containing Materials Terrigal Beach and Wamberal Beach

Central
Coast
Council

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: 5.4
Title: Response to Mayoral Minute - Climate Change
Department: Environment and Planning

9 July 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13217223

Author: Anumitra Chand, Principal Strategic Planner

Manager: Matthew Prendergast, Unit Manager Strategic Planning

Executive: Scott Cox, Director Environment and Planning

Report Purpose

The purpose of this report is to respond to the Mayoral Minute of 12 March 2018 on climate change.

Background

Council, at its meeting held on 12 March 2018 resolved the following Mayoral Minute:

That council:

- 136/18 Commit to strong action on climate change including mitigation and adaptation measures.*
- 137/18 Investigate, and if appropriate, apply to join the free program Cities Power Partnership (CPP).*
- 138/18 Request the Acting Chief Executive Officer to convene a workshop and briefing on climate change for Councillors.*
- 139/18 Develop a Central Coast Climate Change Policy that includes, but is not limited to, initiatives such as:*
- a Targets consistent with the Paris Agreement and an action plan to reduce greenhouse gas emissions in Council's operations and activities;*
 - b Initiatives to promote actions on climate change within the Central Coast community, development, business and industry sectors, including the uptake of renewable energy; and*
 - c An overview of issues related to adaptation to climate change including emergency management (including bushfires and extreme weather events), sea level rise, risks to and management of infrastructure and impacts on biodiversity and ecosystems.*
- 140/18 Provide a report outlining progress against these actions by July, 2018*

Recommendation

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

Response

Council's Strategic Planning Unit is developing a Draft Climate Change Policy that will be a framework for Council to undertake key actions on climate change as well as implement community initiatives for climate mitigation, adaptation and resilience. The draft Climate Change Policy and recommendation on whether Council should join the Cities Power Partnership Program ("CPPP") will be detailed in a report for Council's consideration in July 2018.

The Draft Climate Change Policy acknowledges the Paris Agreement commitment by the Federal Government as well as being consistent with the NSW State Climate Change Policy direction to achieve a net-zero emissions by 2050 and help NSW become climate resilient.

Attachments

Nil.



Item No: 5.5
Title: Grant Funding Update as at June 2018
Department: Governance

9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13262238

Author: Louise Fisher, Special Projects Coordinator Funding

Executive: Shane Sullivan, Acting Executive Manager Governance

Report Purpose

To provide a monthly report to Council on grant funding as at 25 June 2018.

Consideration of confidentiality

It is recommended that the Attachment 3 to this report, External Funding Applications under consideration, remain confidential, and that to effect that confidentiality that Council resolve, for the purposes of s. 11(3) of the *Local Government Act 1993*, that the attached report remain confidential on the grounds that it includes:

- 2(d) commercial information of a confidential nature that would, if disclosed:
 - (ii) confer a commercial advantage on a competitor of the Council,

In addition, release of the information in Attachment 3 could jeopardise Council's ability to obtain funding in the future.

Summary

There are currently unprecedented levels of funding opportunities available through the State and Federal Governments and a significant amount of focus by staff have produced a large number of highly complex expressions of interests, business cases and applications.

A concise list of the major funding opportunities is provided as Attachment 1.

Two spreadsheets are attached to identify how much Central Coast Council has applied for; all projects applied for; successful grants received and unsuccessful applications (detailing reasons why if available).

The following are attached:

- Applications for funding where the outcome has been finalised – 25 June 2018 – Attachment 2
- Confidential - Applications for funding that are still under consideration – 25 June 2018 – Attachment 3.

Recommendation

- 1 That Council receive the report on Grant Funding Update as at June 2018.**
- 2 That Council resolve, for the purposes of s.10A (2) of the Local Government Act 1993, that the Attachment 3 to this report remain confidential because the attachment includes commercial information of a confidential nature.**

Attachments

- | | | |
|----------|---|-----------|
| 1 | Overview major funding opportunities as at 25 June 2018 | D13262387 |
| 2 | External Funding Applications where the outcome has been finalised - 25 June 2018 | D13262388 |
| 3 | Confidential - External Funding Applications under consideration - 25 June 2018 - | D13262392 |

Overview of Major Funding Opportunities as at 25 June 2018



Central Coast Council Overview of Major Funding Opportunities

Louise Fisher
25 June 2018



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Gosford Office: 49 Mann St / PO Box 21 Gosford NSW 2250 | P 02 4325 8222

E ask@centralcoast.nsw.gov.au | W centralcoast.nsw.gov.au | ABN 73 149 644 003

Major NSW Government Funding Opportunities

- Housing Acceleration Fund - \$1.6 Billion across all of NSW
- Regional Growth Fund - \$1.6 Billion across regional NSW
 1. Regional Growth Environment & Tourism Fund
 2. Stronger Country Communities
 3. Regional Cultural Fund
 4. Growing Local Economies
 5. Regional Sports Infrastructure
 6. Resources for Regions
 7. Connecting Country Communities

Major Federal/NSW Government Funding Opportunities

- Australian Government Black Spot Programme and the NSW Government Safer Roads Program

Overview of Major Funding Opportunities as at 25 June 2018

NSW HOUSING ACCELERATION FUND	
NSW	Department of Planning and Environment
WEBSITE:	http://www.planning.nsw.gov.au/About-Us/Our-Programs/Housing-Acceleration-Fund
FUNDING:	Established in 2012 with \$875 million Recently received an additional \$1.6 billion in funding across all of NSW
PURPOSE:	To deliver critical enabling infrastructure to stimulate and accelerate housing development in NSW (i.e. Roads, Water and Sewer in new residential precincts)
PROGRAMS:	Continual Program

Overview of Major Funding Opportunities as at 25 June 2018

NSW REGIONAL GROWTH FUND	
NSW DEPT:	Department of Premier and Cabinet – Office of Regional Development
WEBSITE:	https://www.nsw.gov.au/improving-nsw/regional-nsw/regional-growth-fund/
FUNDING:	\$1.6 billion across regional NSW
PURPOSE:	To turbocharge economic growth, spur investment, create jobs and revitalise public infrastructure across regional NSW
PROGRAMS:	Seven programs available: (individual program details listed below) <ol style="list-style-type: none"> 1. Regional Growth Environment & Tourism Fund 2. Stronger Country Communities 3. Regional Cultural Fund 4. Growing Local Economies 5. Regional Sports Infrastructure 6. Resources for Regions 7. Connecting Country Communities

REGIONAL GROWTH ENVIRONMENT & TOURISM FUND	
Applications Closed:	20 April 2017. Business Cases are currently being assessed.
Program Funding	The NSW Government has committed \$300 million to RGETF. Up to \$100 million is available in the first round of funding. There is a minimum funding threshold of \$500,000 but no maximum.
Purpose:	This fund is targeting environment and tourism projects of regional significance and is expected to deliver regional economic, tourism, environmental and social benefits.
Applicants	Project applications are invited from: <ul style="list-style-type: none"> - Local and State government agencies; - Aboriginal Land Councils and other Aboriginal groups; - Community groups registered as incorporated associations; and - Non-government organisations.
Partners:	Applicants who have secured co-contributions from other sources through partnership agreements will be considered favourably.

Overview of Major Funding Opportunities as at 25 June 2018

	Applicants are also encouraged to work with private operators and industry organisations to identify potential projects. Applications that involve public private partnerships are encouraged.
Projects:	<p>Eligible projects must be for new or enhanced regional infrastructure that will drive growth in the visitor economy including growing regional visitor numbers, increasing overnight visitor expenditure and extending visitor overnight stays.</p> <p>Projects should demonstrate that they achieve the criteria, meet the RGETF objective to grow and further diversify NSW regional economies and also meet the purpose of the Restart NSW Fund.</p> <p>Projects will need to demonstrate that they:</p> <ul style="list-style-type: none"> - have the capacity to deliver jobs and economic growth; - have a Benefit to Cost Ratio (BCR) higher than 1.0; and - maximise other co-investment by the applicant and, potentially, by the Commonwealth or other industry contributions.
Land requirements:	The RGETF is open to regional environment infrastructure projects on publicly owned land and regional tourism projects.
EOI Assessment:	<p>Across 4 stages:</p> <ul style="list-style-type: none"> - Strategic assessment - Economic assessment - Affordability - Deliverability
Eligibility:	Eligible projects must be located in an eligible regional LGA
Project examples:	<p>Examples of suitable projects include:</p> <ul style="list-style-type: none"> • new or upgraded visitor infrastructure to national parks; • new or upgraded camping facilities; • repurposing of Crown Lands or heritage buildings for tourism, and • development of infrastructure to support ecotourism and new visitor activities
Website	https://www.industry.nsw.gov.au/invest-in-nsw/regional-opportunities/regional-growth-environment-and-tourism-fund

Overview of Major Funding Opportunities as at 25 June 2018

STRONGER COUNTRY COMMUNITIES FUND (SCCF)	
Applications Opened:	Round 1 – 20 September 2017
Applications Closed:	Round 1 – 18 October 2017 Round 2 – 4 May 2018
Partners:	Limit of 1 partner per project (state government agencies & non-government organisations)
Project criteria:	<ul style="list-style-type: none"> - New projects - Minimum \$100,000 projects - Projects typically in range of \$250,000 to \$1 million - Projects must be started within 12 months of funding approval - Projects must be completed within 2 years of funding approval - Local suppliers to be used - Projects must contribute to local employment and skill development - Projects must be sustainable and used/maintained beyond funding period - At least 2 quotes should be provided
Typical Projects:	<ul style="list-style-type: none"> - construction of new or refurbishment/upgrade of existing community infrastructure - construction of new or refurbishment/upgrade of existing local sporting infrastructure - capital works related to street beautification and public 'place making'.
Website	www.nsw.gov.au/strongercountrycommunities

Overview of Major Funding Opportunities as at 25 June 2018

REGIONAL CULTURAL FUND	
Applications Opened:	Round 1 - 17 July 2017 Round 2 expected to be open early 2018
Applications Closed:	Round 1 - 4 September 2017
Program Funding	\$100 million available over 4 years
Purpose:	<ul style="list-style-type: none"> - Support investment in new and upgraded arts and cultural infrastructure - Support the provision of operational funding - Address the significant disparity in the quality and quantity of arts and cultural resources between regional and metropolitan areas
Applicants	<ul style="list-style-type: none"> - Councils - Aboriginal land councils - Other aboriginal groups - Incorporated associations - Educational institutions - Non-government organisations
Partners:	Encourage co-investment
Funding categories:	<p>There are four categories of funding:</p> <ul style="list-style-type: none"> - Small scale regional cultural infrastructure (under \$60,000) - Medium scale regional cultural infrastructure (\$60,000 to \$1 million) - Large scale regional cultural infrastructure (over \$1 million) - Operational Grants
Eligibility:	
Project examples:	Buildings/structures that support or accommodate the arts, cultural expression and heritage like visual arts, crafts, media arts, performing arts, heritage, museum, archives, libraries, publishing, sound recording, film, audio visual, radio and television
Website	www.nsw.gov.au/regionalculturalfund

Overview of Major Funding Opportunities as at 25 June 2018

GROWING LOCAL ECONOMIES	
Applications Opened:	7 August 2017
Applications Closed:	Open to applications year-round
Program Funding	\$500 million available over 4 years The smallest projects are expected to be worth approximately \$1 million.
Purpose:	To develop the enabling infrastructure to grow regional centres (outside Sydney, Newcastle and Wollongong)
Applicants	<ul style="list-style-type: none"> - Councils - Aboriginal Land Councils - Aboriginal and Torres Strait Islander groups - Infrastructure providers eg telecommunication firms - Incorporated associations (business, industry and community) - Cooperatives - Educational institutions - Non-government organisations
Partners:	Partnerships are encouraged
Projects:	<p>Open to projects that:</p> <ul style="list-style-type: none"> - Have capacity to deliver jobs & economic growth - Supports projects of economic significance. This could include road works, natural gas mains and pipelines, water supply, sewerage connections and telecommunications (including data networks). - Help communities capitalise their strengths or broaden/reposition their industry base - Demonstrate benefits beyond one organisation - Have minimum project size of \$1m - Align with state/regional priorities - Cost Benefit Ratio > 1 as assessed by the NSW Government. <p>Applicants will be required to provide a full financial business case to provide the inputs for the Cost Benefit Analysis.</p>
Land requirements:	Projects are ineligible if they are on private land and/or have exclusive private benefits
EOI Assessment:	<p>Across 4 stages:</p> <ul style="list-style-type: none"> - Strategic assessment - Economic assessment - Affordability - Deliverability <p>Potential projects will be asked to submit a business case following EOI assessment</p>
Website	www.nsw.gov.au/growinglocaleconomies

Overview of Major Funding Opportunities as at 25 June 2018

REGIONAL SPORTS INFRASTRUCTURE	
Applications Opened:	7 August 2017
Applications Closed:	Open to applications year-round
Program Funding	\$100 million available over 4 years This fund targets investments over \$1 million.
Purpose:	To foster the benefits of sport in communities
Applicants	<ul style="list-style-type: none"> - Councils - State sporting organisations - Incorporated, community based, not-for-profit sporting organisations (clubs or district associations) - Educational organisations (schools/TAFE/Universities) in conjunction with Councils and local/state sporting entities - Private enterprises
Partners:	Encourage significant financial or in-kind contribution
Projects:	<p>Funding priority will be given to proposals which:</p> <ul style="list-style-type: none"> - provide an economic benefit such as increased tourism or the creation of jobs - meet a demonstrable need in the community - establish regional sports hubs - enhance regionally significant sporting facilities - can be used by more than one sporting code - are aligned with the facility plans of state sporting organisations, regional sporting associations and local sporting clubs - are identified in the Office of Sport's regional sport and active recreation plan - are financially sustainable - provide the highest net benefits - increase participation opportunities in sport - provide infrastructure that enables economic growth and boosts productivity
Land requirements:	<p>The land on which the facility is to be developed must be one of the following:</p> <ul style="list-style-type: none"> - Crown reserve land - Land owned by a public authority - Municipal property - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public - Private land that benefits the community's interests in sport and active recreation

Overview of Major Funding Opportunities as at 25 June 2018

EOI Assessment:	Across 4 stages: <ul style="list-style-type: none">- Strategic assessment- Economic assessment- Affordability- Deliverability
Eligibility:	Potential projects will be asked to submit a business case following EOI assessment process Cost Benefit Ratio > 1
Project examples:	New and existing venues to improve the participation and performance in sports at all levels (investments over \$1 million)
Website	www.nsw.gov.au/regionalsportsinfrastructure

Overview of Major Funding Opportunities as at 25 June 2018

AUSTRALIAN GOVERNMENT BLACK SPOT PROGRAMME and the NSW GOVERNMENT SAFER ROADS PROGRAM	
Applications Closed:	31 July 2018
Program Funding	The Australian Government has extended the Black Spot Programme and is providing \$60 million per year from the 2021 to 2022 financial year onwards, building on the current \$684.5 million investment from the 2013 to 2014 financial year to the 2020 to 2021 financial year.
Purpose:	Black Spot Programme targets road locations where crashes are occurring by funding measures such as traffic signals and roundabouts at dangerous locations to reduce the risk of crashes occurring.
Applicants	Local councils and Roads and Maritime users
Projects:	Funding is mainly available for the treatment of Black Spot sites, or road lengths, with a proven history of crashes. For individual sites such as intersections, mid-block or short road sections, there should be a history of at least three casualty crashes over a five-year period. For lengths of road, there should be an average of 0.2 casualty crashes per kilometre per annum over the length in question over five years.
EOI Assessment:	Project proposals should be able to demonstrate a benefit to cost ratio of at least 2 to 1.
Website	http://investment.infrastructure.gov.au/infrastructure_investment/black spot/

External Funding Applications where the outcome has been finalised - 25 June 2018											
Date	Application Type	Program	Funding Body	Project Name	Project Description	Total Project Budget	Funding Requested	Status	Notes	Unsuccessful	Funding Allocated
2014	Application	Public Reserves Management Fund Program	NSW Government	Garnet Adcock Memorial Park	The project will involve the redevelopment of Garnet Adcock Memorial Park: the premier regional community sporting facility in the Gosford LGA & includes construction of a new multipurpose clubhouse/amenities building, car parking & landscaping works.	\$ 1,000,000	\$ 1,000,000	Extension granted	This is not a new allocation of funding but negotiations for an extension of funding.		\$ 1,000,000
2017	Application	Federal Floodplain Grants Scheme	Federal Government	Flood Gauging Network Audit – Northern Central Coast	The project will involve a flood gauging network audit of the existing telemetry network of rainfall, water level and other environmental monitoring gauges, including The Entrance Channel Camera.	\$ 45,000	\$ 30,000	Funding Allocated	Very successful funding applications with a total of \$443,234 allocated for floodplain risk management and planning across the region. This planning must be undertaken prior to funding applications for works.	\$ -	\$ 30,000
2017	Application	NSW Floodplain Management Program	NSW Government	Lake Macquarie Catchments Overland Flood Study	This study will enable a fully 2-dimensional hydraulic model to be developed for the catchments, with associated flood extents, levels, depths, velocities, hazards, hydraulic categories and flood planning areas to be mapped.	\$ 130,000	\$ 86,667	Funding Allocated		\$ -	\$ 86,667
2017	Application	NSW Floodplain Management Program	NSW Government	Wallarah Creek Catchments Floodplain Risk Management Study & Plan	Following the Wallarah Creek Flood Study completed in 2016, Council intends to undertake a comprehensive Floodplain Risk Management Study and Plan. The Plan will guide land use planning, development control and prioritise critical trunk drainage infrastructure for upgrade.	\$ 100,000	\$ 66,667	Funding Allocated		\$ -	\$ 66,667
2017	Application	NSW Floodplain Management Program	NSW Government	Daristown & Empire Bay Catchments Floodplain Risk Management Study & Plan	The management study will investigate various options to manage the risk of flooding and inundation of properties in the catchment of Daristown and Empire Bay in accordance with NSW Government's Floodplain Development Manual.	\$ 150,000	\$ 100,000	Funding Allocated		\$ -	\$ 100,000
2017	Application	NSW Floodplain Management Program	NSW Government	Woy Woy Catchments Floodplain Risk Management Study & Plan	The Woy Woy Peninsula is prone to flooding, in both short and long duration rainfall events. Flooding occurs both in road reserves and on numerous residential properties throughout the peninsula.	\$ 240,000	\$ 160,000	Funding Allocated		\$ -	\$ 160,000
20-Aug-17	Application	Boating Now Round 2	NSW Government	Dark Corner Boat Ramp, (Patonga Road) Patonga	Construct a formal car park to improve access and safety for users of the ramp and increase the parking available to meet increasing demand.	\$ 295,000	\$ 295,000	Funding Allocated		Very successful funding applications with a total of \$1,210,000 allocated for wharves across the region.	\$ -
20-Aug-17	Application	Boating Now Round 2	NSW Government	Central Wharf Daristown	Construction of modular floating finger pontoons and upgrades to the existing wharf facilities. These upgrades will also allow ease of access to and from the wharf and improve accessibility.	\$ 250,000	\$ 150,000	Funding Allocated	\$ -		\$ 150,000
20-Aug-17	Application	Boating Now Round 2	NSW Government	Kendell Road Wharf	Construction of modular floating finger pontoons and upgrades to the existing wharf facilities. These upgrades will also allow ease of access to and from the wharf and improve accessibility.	\$ 250,000	\$ 150,000	Funding Allocated	\$ -		\$ 150,000
20-Aug-17	Application	Boating Now Round 2	NSW Government	Spencer Public Wharf	Construction of modular floating finger pontoons and upgrades to the existing wharf facilities. These upgrades will also allow ease of access to and from the wharf and improve accessibility.	\$ 125,000	\$ 75,000	Funding Allocated	\$ -		\$ 75,000
20-Aug-17	Application	Boating Now Round 2	NSW Government	Eulalia Street Wharf	Construction of modular floating finger pontoons and upgrades to the existing wharf facilities. These upgrades will also allow ease of access to and from the wharf and improve accessibility.	\$ 210,000	\$ 210,000	Unsuccessful	\$ 210,000		
20 Aug 17	Application	Boating Now Round 2	NSW Government	Woy Woy Bay Wharf	Construction of modular floating finger pontoons and upgrades to the existing wharf facilities. These upgrades will also allow ease of access to and from the wharf and improve accessibility.	\$ 40,000	\$ 40,000	Unsuccessful	\$ 40,000		
20-Aug-17	Application	Boating Now Round 2	NSW Government	Wyang River at Tacoma South (South Tacoma Road)	Construct a new boat ramp, install pontoons, formalise parking and install lighting to improve safe access to the River.	\$ 299,000	\$ 299,000	Funding Allocated	\$ -		\$ 299,000

External Funding Applications where the outcome has been finalised - 25 June 2018											
Date	Application Type	Program	Funding Body	Project Name	Project Description	Total Project Budget	Funding Requested	Status	Notes	Unsuccessful	Funding Allocated
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Hylton Moore Oval	Hylton Moore Oval Floodlighting Upgrade Field 7	\$ 205,700	\$ 205,700	Unsuccessful	The program had a limited amount of funding allocated to the Central Coast LGA. Some unsuccessful priority projects been advised and resubmitted in round 2 of the CCP.	\$ 205,700	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Terrigal Rotary Hall	Refurbishment/Compliance Upgrade of Terrigal Rotary Hall	\$ 229,350	\$ 229,350	Funding Allocated		\$ -	\$ 229,350
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Refurbishment of Terrigal Rugby Clubhouse	Refurbishment of Terrigal Rugby Clubhouse, including partial roof replacement and refurbishment to modernise the building.	\$ 156,558	\$ 156,558	Unsuccessful		\$ 156,558	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Warnervale Oval Building Extension	Extension of the existing amenities building	\$ 132,500	\$ 132,500	Unsuccessful		\$ 132,500	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Tunkiwallin Park Hall	Refurbishment of Tunkiwallin Park Hall	\$ 191,000	\$ 191,000	Unsuccessful		\$ 191,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	McMasters Beach Public Beach Public Toilets and Change rooms Replacement	McMasters Beach Public Beach Public Toilets and Change rooms Replacement	\$ 260,000	\$ 260,000	Unsuccessful		\$ 260,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Terrigal Haven Oval Floodlighting Upgrade	Terrigal Haven Oval Floodlighting Upgrade	\$ 168,583	\$ 168,583	Unsuccessful		\$ 168,583	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Sparks Road, Woonaharra	Shared Pathway Sparks Road, Woonaharra	\$ 100,000	\$ 25,000	Unsuccessful		\$ 25,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Cresthaven Avenue, Bateau Bay	Shared Pathway Cresthaven Avenue, Bateau Bay	\$ 1,000,000	\$ 750,000	Unsuccessful		\$ 750,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Footpath Chittaway Road, Chittaway Bay	Footpath Chittaway Road, Chittaway Bay	\$ 750,000	\$ 500,000	Unsuccessful		\$ 500,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Malinya Road, Davistown	Shared Pathway Malinya Road, Davistown	\$ 1,500,000	\$ 1,000,000	Unsuccessful		\$ 1,000,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Barrenjoey Road, Ettalong Beach	Shared Pathway Barrenjoey Road, Ettalong Beach	\$ 1,135,000	\$ 890,000	Unsuccessful		\$ 890,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Eastern Road, Tumbl Umbi	Shared Pathway Eastern Road, Tumbl Umbi	\$ 500,000	\$ 250,000	Unsuccessful		\$ 250,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Pacific Highway, Hamlyn Terrace	Shared Pathway Pacific Highway, Hamlyn Terrace	\$ 1,000,000	\$ 500,000	Unsuccessful		\$ 500,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Kennox Avenue, Point Clare	Shared Pathway Kennox Avenue, Point Clare	\$ 2,000,000	\$ 1,000,000	Unsuccessful		\$ 1,000,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Carrak Road, Kincumber	Shared Pathway Carrak Road, Kincumber	\$ 750,000	\$ 500,000	Unsuccessful		\$ 500,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Brisbane Water Drive, Point Clare	Shared Pathway Brisbane Water Drive, Point Clare	\$ 2,000,000	\$ 1,000,000	Unsuccessful		\$ 1,000,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Pacific Highway, Lake Munmorah	Shared Pathway Pacific Highway, Lake Munmorah	\$ 1,000,000	\$ 500,000	Unsuccessful		\$ 500,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Bungary Road, Norah Head	Shared Pathway Bungary Road, Norah Head	\$ 1,500,000	\$ 1,000,000	Unsuccessful		\$ 1,000,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Amenities Upgrade at Central Coast Stadium	Amenities Upgrade at Central Coast Stadium	\$ 1,000,000	\$ 700,000	Funding Allocated		\$ -	\$ 700,000
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Women's Changing Rooms at Central Coast Stadium	Women's Changing Rooms at Central Coast Stadium	\$ 900,000	\$ 600,000	Unsuccessful	\$ 600,000		
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Wyong Community Cultural Hub	Wyong Community Cultural Hub	\$ 3,089,999	\$ 1,549,999	Unsuccessful	\$ 1,549,999		
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Patonga Holiday Park	Amenities Block Upgrade - Patonga Holiday Park	\$ 100,000	\$ 100,000	Unsuccessful	\$ 100,000		
31-Oct-17	EOI followed by Business Case	Regional Growth Environment & Tourism Fund	NSW Government	Ettalong Beach Ferry Wharf	Ettalong Beach Ferry Wharf	\$ 6,755,083	\$ 6,755,083	Unsuccessful	Excellent outcome as all four operational feedback processes that two wharf projects require further development.	\$ 6,755,083	
31-Oct-17	EOI followed by Business Case	Regional Growth Environment & Tourism Fund	NSW Government	Way Way Town Centre Wharf	The redevelopment of the Way Way Town Centre Wharf	\$ 5,320,000	\$ 5,120,000	Unsuccessful		\$ 5,120,000	
13-Dec-17	Application	Social Housing Community Improvement Fund	NSW Government	Upgrades to Jarrett Street Reserve in Gosford North	The funding will provide for the replacement of soft fall materials to rubber soft fall to improve safety and attractiveness of the reserve for social housing residents.	\$ 50,000	\$ 50,000	Funding Allocated	This is the final round of funding for this program.	\$ -	\$ 50,000

External Funding Applications where the outcome has been finalised - 25 June 2018											
Date	Application Type	Program	Funding Body	Project Name	Project Description	Total Project Budget	Funding Requested	Status	Notes	Unsuccessful	Funding Allocated
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	North Entrance Beach and Surf Life Saving Club	Design and construction of beach amenities at North Entrance Beach and Surf Life Saving Club	\$ 260,000	\$ 260,000	Funding Allocated			\$ 260,000
3-Apr-18	Application	Donor-in-Life Community Awareness Grants Program	Federal Government	Official Opening of Banjo's Skate park	Official Opening of Banjo's Skate park including stage and sound equipment hire and promotion.	\$ 30,000	\$ 30,000	Unsuccessful	The program provides funding for community-based awareness and education activities that contribute to increasing public understanding of and support for organ and tissue donation or transplantation.	\$ 30,000	
12-Feb-18	Application	Housing Acceleration Fund	NSW Government	Gosford CBD sewerage infrastructure	Gosford City Centre sewerage infrastructure improvement projects including sewerage gravity mains, sewerage pressure mains and 2 new sewerage pumping stations and 1 sewerage pumping station upgrade. This project aims to accelerate the construction of the DAs in Gosford CBD	\$ 30,053,562	\$ 30,053,562	Funding Allocated	Initial feedback provided from the assessment process was positive. Council's response forms from general Council ward residents were one of the "higher quality and detailed" that we received.		\$ 30,053,562
12-Feb-18	Application	Housing Acceleration Fund	NSW Government	Gosford CBD water infrastructure	Gosford City Centre water supply infrastructure improvement projects including water mains, Pressure reduction valve and a non-return valve. This project aims to accelerate the construction of the DAs in Gosford CBD	\$ 12,524,360	\$ 12,524,360	Funding Allocated			\$ 12,524,360
14-Nov-17	Application	Safer Communities Fund Round 2	Federal Government	CCTV Cameras	Install 21 CCTV cameras in and around the community facilities at San Remo BMX Facility, McEvoy Oval, Banjos Skate Park and Perimula Recreation Precinct which have been highlighted as locations where anti-social behaviors and vandalism are high. These measures will increase feelings of safety for community members and will complement the extensive work done by Council to activate places and spaces within the Local Government Area.	\$ 47,000	\$ 47,000	Funding Allocated			\$ 47,000
31-Oct-17	EOI followed by Business Case	Regional Growth Environment & Tourism Fund	NSW Government	Winney Bay Clifftop Walkway Stage 2	The Winney Bay Clifftop Walkway involves the creation of an all-abilities access pathway, via a pedestrian bridge over a sea cliff chasm, to a north facing viewing platform. The design's underlying theme being Indigenous culture.	\$ 4,615,000	\$ 4,615,000	Funding Allocated	Excellent outcome as all four projects submitted were shortlisted.		\$ 4,615,000
31-Oct-17	EOI followed by Business Case	Regional Growth Environment & Tourism Fund	NSW Government	Terrigal Boardwalk	Design and construction of a new boardwalk and viewing platform linking the Terrigal Beach promenade to The Haven precinct in Terrigal.	\$ 5,877,213	\$ 2,432,441	Funding Allocated			\$ 2,432,441
TOTALS						\$ 35,597,772	\$ 26,791,107			\$ 23,429,423	\$ 53,791,606



Item No: 6.1
Title: Q17/18 - Umina Beach Erosion
Department: Assets, Infrastructure and Business

9 July 2018 Ordinary Council Meeting

Author: Ben Fullagar, Section Manager
Executive: Boris Bolgoff, Acting Director, Assets Infrastructure and Business

Q17/18 Umina Beach Erosion

The following question was asked by Councillor Rebecca Gale Collins at the Ordinary Meeting on 12 March 2018:

Could staff please provide advice in relation to the following inquiry:

Council's excavator at Umina Beach is causing further erosion. Instead of dragging sand off the beach, up to the dune which drops the beach profile, Council should be dragging sand off the dune to reshape the beach profile.

The work by Council referred to in the above question is called 'beach scraping'. This is a technique used to accelerate the natural formation of dunes using earthmoving equipment. Beach scraping mimics the natural recovery processes by moving sand from the intertidal zone to the dune but accelerates the recovery rate compared to natural processes. The technique of 'beach scraping' is commonly used around the world to assist with recovery of dunes after storms. Figure 1 below outlines the beach scraping concept (Source: Lex Neilsen).

The NSW Government's "Coastal Dune Management Manual" outlines that damage to dune vegetation should be minimised as this vegetation is crucial to trapping wind blown sand and assisting with the repair of the foredune. Therefore 'dragging' sand off the dune should be prevented so as to prevent damage to dune vegetation.

Figure 1

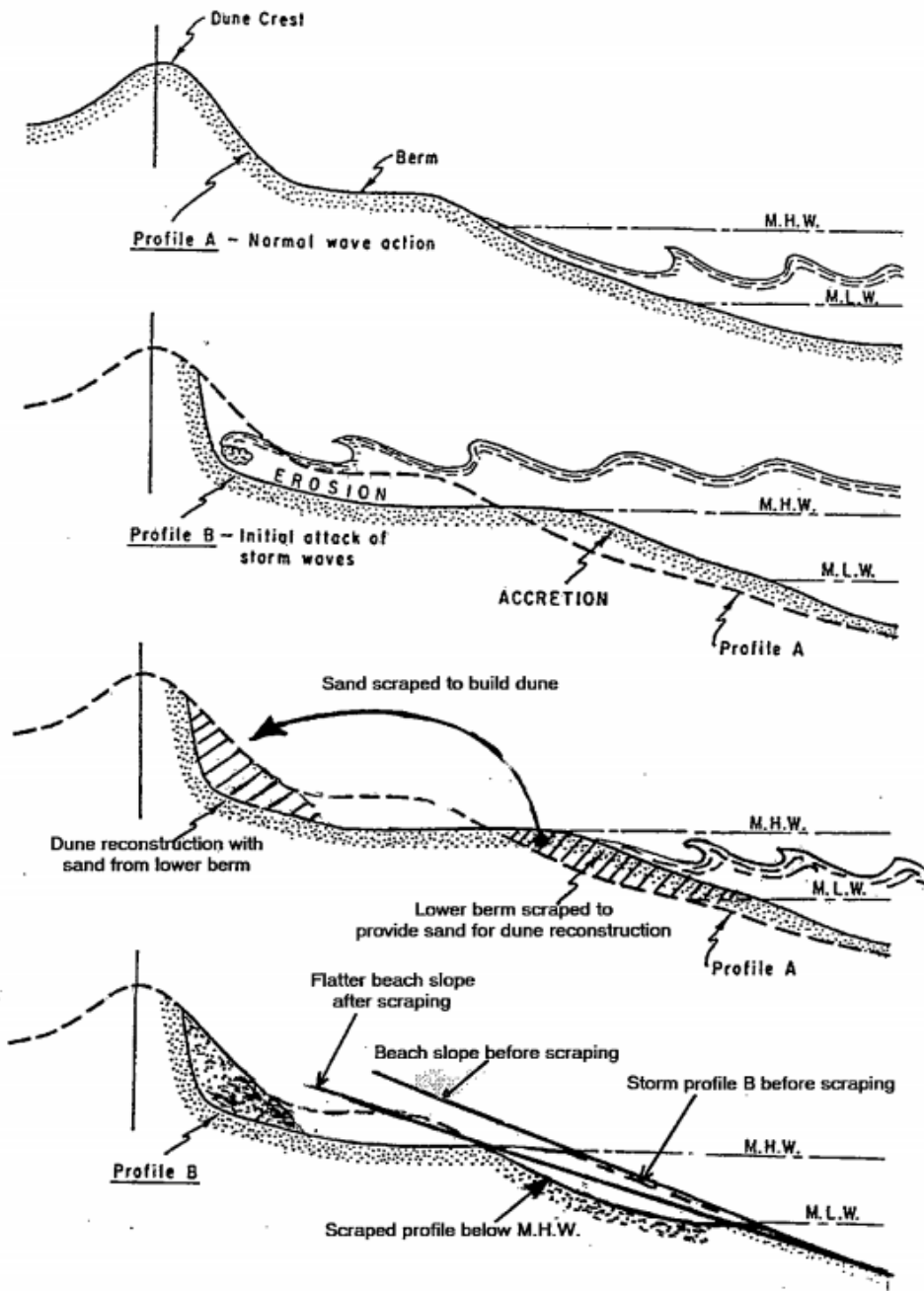


Figure 1: Beach scraping concept (Source: Lex Nielsen)

Attachments

Nil.



Item No: 6.2
Title: Q21/18 - Terrigal Tourism Levy (Ordinary Meeting - 26 March 2018)
Department: Assets, Infrastructure and Business

9 July 2018 Ordinary Council Meeting

Author: Jeanette Williams, Unit Manager Roads Business Development & Technical Services

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

Q21/18 - Terrigal Tourism Levy (Ordinary Meeting - 26 March 2018)

The following question was asked by Councillor Gale Collins at the Ordinary Meeting on 26 March 2018:

“Can Council staff please engage with business owners in Terrigal about the purpose and use of the Terrigal Tourism Levy and the proposed traffic flow changes through a town centre forum”.

The Minister for Local Government approved a special rate increase to allow the introduction of a levy which is known as the Terrigal Tourism/Business Special Rate. This special rate was approved for a fifteen (15) year period and introduced by the then Gosford City Council in 2004/2005 and is due to expire in 2018/19. Council will be notifying the affected property owners at the conclusion of the levy period.

The levy contributes to business and tourism development and to provide facilities, services and activities within the Terrigal business and foreshore precinct. It is used to fund operational costs and capital projects, such as:

- Terrigal foreshore and promenade improvement works
- Street furniture and streetscape upgrades
- Central business district security services
- Central business district security cleaning
- General repairs and maintenance

Following on from consultation carried out in 2016, Central Coast Council sought further community feedback on the Terrigal CBD traffic flow improvements in March 2018 as part of a broader campaign. In addition to the Terrigal CBD traffic project, the campaign also included consultation on other matters including the Tourism Levy. Two public meetings were held where over 200 people attended.

The results of the consultation process, including responses to the Tourism Levy questions have been made public in a comprehensive Consultation Report. The Report is available on the Council website and was distributed to all registered stakeholders and Terrigal CBD business owners.

Attachments

Nil.



Item No: 6.3
Title: Q27/18 - Food Scrap Recycling
Department: Assets, Infrastructure and Business

9 July 2018 Ordinary Council Meeting

Author: Andrew Pearce, Acting Senior Manager Business and Economic Development

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

Q27/18 - Food Scrap Recycling

The following question was asked by Councillor Vincent at the Ordinary Meeting on 26 March 2018 :

The NSW Government has a target to increase the recycling rate for solid waste to 70% by 2021-22. Approximately 40% garbage bin content is food waste. Food waste recycling can help meet this target, reduce costs and give an environmental benefit.

Since November 2013, Randwick City Council has been trialing food scrap collection. Other Councils have also implemented food waste recycling initiatives such as, Northern Rivers Waste (BIObags & Caddies), Kempsey Shire (Kitchen Caddy), Tweed Shire (Caddies and Liners) and Campbelltown (Food Scrap Recycling), Woollahra Council (Kitchen to Compost), Bathurst Council (Kerbside Food & Garden Waste), Port Macquarie Council (Kitchen Food Waste Bins), Lake Macquarie (Food + Garden = Green).

Could staff please advise if the Central Coast Council can trial or adopt household food scrap recycling in the near future?

Central Coast Council recently conducted a composition audit of a sample of its domestic general waste (red) bins for the purposes of guiding future waste strategies. The composition audit identified that food organics represented 40.8% of the general waste bin (red bin) by weight and total organics represented 54.2%.

There are various opportunities available to achieve resource recovery of these organic wastes and they represent favorable economics for resource recovery relative to many other components of the waste stream. Collection of food waste could be done through a dedicated food waste collection service, combining food organics and garden organics (FOGO) into the existing green bin (and corresponding changes to the frequency of service), or maintaining all organics (with the exception of garden organics) in the general waste bin (red bin) whereby the whole waste stream could undergo Mechanical Biological Treatment (MBT) to recover all feasible resources thereby achieving even greater diversion rates. Each choice of collection methodologies and the subsequent choice of processing technologies are fundamentally different in terms of processes, contractual requirements, risk profile and ultimately cost to residents. The large number of options needs to be identified and subject to a comprehensive cost benefit analysis.

Council already provides a garden organics collection service to households and existing contractual arrangements are in place for this material to be processed and converted into organic compost products used in horticulture, agriculture and land rehabilitation using relatively low cost open windrow composting methodologies. Inclusion of food organics into the waste stream to deliver a FOGO service is a potential next step, however it would require new technology, higher capital / operating outlays and would likely result in an increase in processing costs to Council for the garden organics component, but offset by potential savings for the food waste component diverted from landfill. This option would need to be assessed against other alternative options including mechanical biological treatment of the complete general waste bin.

Limitations with respect to existing contractual arrangements for the collection and processing of the existing three bin system combined with the lack of existing facilities in the region with the capacity and approvals to process the Central Coasts household food waste limits the opportunity to introduce a food waste recycling trial or full service in the near future. Staff are however in the process of undertaking further development of a Central Coast Council Waste Strategy to align with Council's and the communities' strategic direction. This is planned for 2018/19 to be developed. Based on the development of this strategy, further investigations will commence and strategies associated with the themes identified by Councillor Vincent will be addressed. The impacts on the diversion rates will also be reviewed through this process. Further information will be made available to Councillors in relation to the strategy and options in the near future.

Attachments

Nil.



Item No: 6.4
Title: Q34/18 - Carters Road, Lake Munmorah
Department: Environment and Planning

9 July 2018 Ordinary Council Meeting

Author: Scott Duncan, Section Manager
Executive: Scott Cox, Director Environment and Planning

Q34/18 - Carters Road, Lake Munmorah

The following question was asked by Councillor Jillian Hogan at the Ordinary Meeting on 23 April 2018:

Residents of Lake Munmorah have been circulating a Masterplan 'Transforming the NSW Central Coast' which was written in 2014. It proposes a TAFE to be built in Carter's Road. Is this Masterplan still active and have any negotiations with stakeholders taken place?

In 2014, the former Wyong Shire Council developed a document entitled "Transforming the Central Coast", as a response to planning for population growth in the northern part of the now Central Coast Local Government Area (LGA). As part of this document, Council identified 39 projects and initiatives to build vital infrastructure, stimulate economic development, job creation and improve overall quality of life for current and future residents.

"Transforming the Central Coast" was prepared in order to clearly identify Council's funding needs to support anticipated population growth, and to encourage the NSW State Government to partner with Council to help make this happen.

Of these 39 projects, Item 12 – Masterplanning of new infrastructure in Lake Munmorah includes a reference to a "Carters Road TAFE facility" as well as seeking a \$20M funding commitment to construct a new TAFE campus. TAFE NSW has been contacted in this regard. TAFE NSW's Strategic Planner and Business Partner has advised that the TAFE NSW Infrastructure Strategy is currently in development, and will be a 20-year plan for education delivery. This will incorporate a number of education delivery models, including campuses, blended industry facilities, mobile training units and online delivery. There are currently no plans included within the 20-year plan to develop a TAFE Campus within the Lake Munmorah area.

Item 12 – Masterplanning of new infrastructure in Lake Munmorah is included as an attachment for your information.

Attachments

1 Item 12 - Masterplanning of new infrastructure in Lake Munmorah D13257844

MASTERPLANNING OF NEW INFRASTRUCTURE IN LAKE MUNMORAH

DECEMBER 2014

The northern part of Wyong Shire has been earmarked (by the NSW State Government) in the Central Coast Regional Development Strategy 2008 and the North Wyong Shire Structure Plan 2012 for high population growth, with 17,000 additional dwellings and 37,400 new residents expected by 2031.

Overview

Lake Munmorah is central to this area of the Shire and a series of new, critical pieces of economic and social infrastructure are required, together with the careful planning of environmental areas to cater for this major growth corridor.

Examples of this new infrastructure include: the Northern Community Hub; Northern Lakes Sporting facility; Carters Road TAFE facility; Munmorah/Birdie Beach coastal facility; Mannering Park Rural Fire Service new facility/equipment; and other major local road upgrades.

To ensure that orderly development of this area occurs in the future, it is essential that the area is properly planned. It is therefore proposed to prepare a detailed masterplan of the broader Lake Munmorah area. The masterplanning exercise is required to identify appropriate development footprints, infrastructure and staging requirements and any potential opportunities for partnerships.

Benefits

- Investment in economic, transport, community and social infrastructure and facilities to cater for the growing population in this area.
- Provision of an integrated solution with a range of collocated infrastructure – e.g. Northern Community Hub, Northern Lake Sporting Facility and Carters Road TAFE facility.
- The area has close proximity to M1 Motorway and Lake Munmorah is strategically located with good public transport links, and central to Lake Haven and Toukley in the south and Swansea in the north.
- Promote investment and economic development outcomes in the Wyong Shire that will support incoming communities.
- Provision of infrastructure in this area will stimulate investment from the private sector and begin to create the employment opportunities required to sustain Wyong Shire's population growth over the next 20 years.

Key Issues

- This area is currently under serviced and new facilities and infrastructure are needed to cater for population growth.
- Timing / staging of infrastructure needs to be determined.
- Funding is required to construct the new infrastructure and facilities is yet to be sourced.
- Resolution of environmental issues in the area that may prevent or constrain development.
- Need for partners to work with Council to turn concept of collocated infrastructure hub into a reality.

Project Plan/Timelines

- This project has the support of Council and can commence on the availability of funding for masterplanning.

Costs/budget

- Funding of \$500,000 for masterplanning.
- \$2m for preliminary works.
- \$20m for construction of new TAFE campus.
- Other infrastructure costs will be determined after the masterplanning and preliminary works phases.

What is sought from the Government?

- Funding of \$500,000 for masterplanning and \$2m for preliminary works.
- \$20m for construction of new TAFE campus.
- Assistance resolving any ecological issues and offsetting that may be required.
- Commitment from State Government agencies to support the provision of these services in this area and to work with Council to support the incoming community.



Item No: 6.5
Title: Q44/18 - The Entrance Bridge
Department: Assets, Infrastructure and Business

9 July 2018 Ordinary Council Meeting

Author: Jeanette Williams, Unit Manager Roads Business Development & Technical Services
Executive: Boris Bolgoff, Acting Director, Assets Infrastructure and Business

Q44/18 - The Entrance Bridge

The following question was asked by Councillor McLachlan at the Ordinary Meeting on 23 April 2018:

Further information regarding the paintwork on The Entrance Bridge and proposed lighting on the pylons proposed in a previous Masterplan.

Paintwork on The Entrance Bridge

The Entrance Bridge, Central Coast Highway is part of the State road network and therefore comes under the care and control of the Roads and Maritime Services.

Roads and Maritime Services are undertaking essential maintenance works on the Entrance Bridge, Central Coast Highway, which commenced on Monday, 30 April and will continue up until late July 2018. These maintenance works include repairing and painting the handrails to ensure the continued safe operation of the bridge. The works are being undertaken between 7 am and 6 pm, Monday to Friday.

There are no impacts to traffic and pedestrian and cyclist access is being maintained with work being carried out on one side of the bridge at a time to allow one footpath to remain open at all times. Signage is in place to direct pedestrians and cyclists whilst the works are undertaken.

Proposed lighting on The Entrance Bridge pylons

In 2009 the then Wyong Shire Council developed *The Entrance Peninsula Planning Strategy*. The purpose of this strategy was to review an earlier strategy, *The Entrance Strategy 2000*, and to carry out comprehensive strategic planning for the Long Jetty and The Entrance North areas, which had not previously been undertaken.

The Entrance Peninsula Planning Strategy was the 'blueprint' for The Entrance North and a number of surrounding suburbs. This strategy provided the direction to accomplish the main objective of making the peninsula more attractive to all stakeholders. The strategy provided broad solutions to issues and was flexible for change when necessary.

As a recommendation of The Entrance Peninsula Planning Strategy, The Entrance Town Centre Masterplan was prepared in 2011. The Masterplan is more detailed than the strategy and focuses on The Entrance Town Centre area. It identifies and provides solutions to the issues and doesn't allow for much change.

The Entrance Bridge is included as part of The Entrance Town Centre Masterplan. Whilst The Entrance Peninsula Planning Strategy identified a proposal to fit the Entrance Bridge with accent lights to create a landmark element in the landscape, this proposal did not transfer to The Entrance Town Centre Masterplan.

Council is not the owner of The Entrance Bridge and any proposal to fit accent lights on the pylons will require consideration and approval of the Roads and Maritime Services. Consideration will also need to be given to likely impacts on nearby hotel accommodation and residents. It is also likely that bridge maintenance and utility constraints will be a major determining factor in such a proposal coming to fruition, however Council Officers will explore this proposal with Roads and Maritime Services.

A number of other proposals to improve the public domain within The Entrance Town Centre are contained within the Masterplan which can be viewed on Council's website or in hardcopy by request.

Attachments

Nil.

Item No: 6.6
Title: Q48/18 - Council Agenda Items
Department: Governance



9 July 2018 Ordinary Council Meeting

Author: Sonia Witt, Section Manager, Councillor Support
Manager: James Taylor, Acting Unit Manager, Governance
Executive: Shane Sullivan, Acting Executive Manager Governance

Q48/18 - Council Agenda Items

The following question was asked by Councillor Matthews at the Ordinary Meeting on 23 April 2018:

Can staff please advise when we are going to get some agenda items that are further north than Gosford?

Agenda items for Council Meetings arise as a result of a number of factors including but not limited to what Development Applications are lodged, what major projects require Council determination and what reports are provided as a result of a Council resolution.

In determining the Agenda, consideration is given to the business need.

If we want to have more information:

Currently we have the following identified reports proposed for the upcoming Ordinary Meetings of Council;

South (former Gosford City Council LGA)	8
North (former Wyong Shire Council LGA)	6

However, since January 2018 the following individually identified reports have been considered by Council for either the north or south;

South (former Gosford City Council LGA)	15
North (former Wyong Shire Council LGA)	11

It is noted that there have been a significant number of reports that have been considered by Council as a whole, these include reports regarding such things as Central Coast Council Policies and financial reporting etc.

Attachments

Nil.



Item No: 6.7
Title: Q59/18 - Street Lighting John Whiteway Drive Gosford
Department: Assets, Infrastructure and Business

9 July 2018 Ordinary Council Meeting

Author: Jeanette Williams, Unit Manager Roads Business Development & Technical Services

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

Q59/18 - Street Lighting John Whiteway Drive Gosford

The following question was asked by Councillor Gale Collins at the Ordinary Meeting on 14 May 2018:

Can Council complete street lighting on John Whiteway Drive, Gosford? Currently, 60% of the street has lighting but not the top eastern 40%?

Some sections of John Whiteway Drive, Gosford currently do not have street lighting as development has not progressed adjacent to these sections of roadway and there has not been the warrant to provide electricity or streetlight poles.

Council Officers have recently investigated the provision of street lighting from the existing street lighting near The Sanctuary Apartments at 80 John Whiteway Drive northerly to the existing street lighting in John Whiteway Drive in the vicinity of Donnison Street. This investigation revealed that seven (7) poles and accompanying street lights would be required to illuminate this section of John Whiteway Drive at a cost of approximately \$110,000. This cost estimate includes an allowance for constrained installation due to the presence of rock in this area.

The street lighting project would need to include survey, design, Ausgrid approvals, procurement of street lighting infrastructure and construction. A timeframe of approximately six (6) months would be required to undertake the required process and install the street lighting.

Requests for infrastructure, such as this street lighting proposal, are prioritised and ranked against similar proposals throughout the local government area with funding allocated to the highest priority. This project is not currently the highest priority and therefore funding has not been identified in the draft 2018/19 capital works delivery program. The project will continue to be considered for funding in the development of future capital works programs, however taking into consideration its current priority ranking, it may be some years before the project receives funding.

Council Officers will monitor the location and reassess the street lighting project's priority once development progresses in this area and generates the warrant for street lighting.

Attachments

Nil.



Item No: 6.8
Title: Q61/18 - Pedestrian Access Streets in Ourimbah
Department: Assets, Infrastructure and Business

9 July 2018 Ordinary Council Meeting

Author: Jeanette Williams, Unit Manager Roads Business Development & Technical Services
Executive: Boris Bolgoff, Acting Director, Assets Infrastructure and Business

Q61/18 - Pedestrian Access Streets in Ourimbah

The following question was asked by Councillor McGregor at the Ordinary Meeting on 14 May 2018:

On the 18 December 2017 I submitted a formal request to Councillor Support regarding the potential for Council to clear pathways in the Ourimbah area on Charles, Bangalore and Station Streets after speaking with local residents in the Ourimbah area who approached me requesting pedestrian access to be improved on these streets.

On the 9 January I received a response saying that this would be reviewed as part of the 2017/18 Operational Plan. What is the current status and future plans for improving pedestrian access to the said streets and others to alleviate pressure on pedestrian flow in the Ourimbah area and rationally organise pedestrian traffic around the school, station and RSL at Ourimbah?

As part of the approved 2017/18 Operational Plan, Council is nearing finalisation of a strategic review of its entire pathway network which has facilitated the development of a Pedestrian Access and Mobility Plan (PAMP) and Bike Plan. To-date this process has involved extensive public consultation to gather data, with further community consultation to be undertaken in late July 2018 on the proposed Pedestrian Access and Mobility Plan (PAMP) and Bike Plan.

Whilst the provision of footpaths in Charles, Bangalore and Station Streets was not highlighted by the community in the data collection phase of the strategic review, consideration has been given to the provision of footpaths as part of this project.

Once adopted, the Pedestrian Access and Mobility Plan (PAMP) and Bike Plan will be used to assess project priorities and inform future pathway network planning. Footpaths in Charles, Bangalore and Station Streets would currently not be considered as high priorities and therefore unlikely to attract funding in the development of capital works delivery programs for some years.

Consideration has been given to the clearing of the unformed road in Charles Street to allow for improved pedestrian access in this area, however due to site constraints it is not considered feasible at this time. A number of trees would require removal, excavation works,

the provision of stairs and handrail and an all-weather footpath would be necessary to create a safe pedestrian route.

The project has been assessed and included on Council's works schedule where it will be considered for funding in the development of future capital works delivery programs. All infrastructure projects, such as footpaths, are ranked and prioritised against similar projects across the local government area with funding allocated to those projects with the highest priority. This project is not currently considered the highest priority and may not attract funding for many years,

Footpaths have been provided along the Pacific Highway and a section of Dog Trap Road for pedestrians accessing the Railway Station, Ourimbah Public School and the RSL Club. Routine inspection and maintenance of the footways and pathways in this vicinity is undertaken as part of the area maintenance program.

Attachments

Nil.

Item No: 6.9
Title: Q67/18 - Mandatory Food Preparation Inspections
Department: Environment and Planning

9 July 2018 Ordinary Council Meeting

Manager: Daniel Woods – Acting Unit Manager, Building Certification
Executive: Scott Cox, Director Environment and Planning

Q67/18 - Mandatory Food Preparation Inspections

The following question was asked by Councillor Troy Marquart at the Ordinary Meeting on 28 May 2018:

A local small business owner suggest to me that their business has been informed that mandatory food preparation inspections which were previously completed by the NSW Food Authority, will now be the responsibility of and conducted by local Councils. Is this true and if it's true on what date these inspections will be the direct responsibility of the Council and also what these inspections will cost Central Coast Council.

From 1 July 2018, the NSW Food Authority will be handing over regulation of home based food businesses to Councils. These small businesses will be required to notify Council of their operation, and Council may choose to inspect these businesses based on a risk assessment outlined by the NSW Food Authority. If a business is to be inspected by Council, an inspection fee in accordance with Council's schedule of fees and charges will apply.

Attachments

Nil.



Item No: 6.10
Title: Q68/18 - Review Meeting Practices
Department: Governance

9 July 2018 Ordinary Council Meeting

Author: Shane Sullivan, Acting Executive Manager Governance
Executive: Brian Glendenning, Acting Chief Executive Officer

Q68/18 - Review Meeting Practices

The following question was asked by Councillor Holstein at the Ordinary Meeting on 12 June 2018 :

Madam Mayor, are you prepared to call a meeting of all the Councillors to review aspects of meeting procedures with a view to improving them?

A report was provided to the Council Meeting of 25 June 2018 and as part of the Agenda Review discussion held on 18 June 2018 there was discussion around proposed inclusions outlined in the report.

Attachments

Nil.

Item No: 6.11
Title: Q86/18 - Artists Impressions of Items
Department: Governance



9 July 2018 Ordinary Council Meeting

Author: Shane Sullivan, Acting Executive Manager Governance

Executive: Brian Glendenning, Acting Chief Executive Officer

Q86/18 - Artists Impressions of Items

The following question was asked by Councillor Greenaway at the Ordinary Meeting on 12 June 2018 :

Sometimes when there are motions I have trouble in trying to visualising them, so my question is, given the advanced capabilities of graphic design programs could staff please investigate using such programs to create simulated images of items such as the ex HMAS Adelaide Mast and the relocation of the War Memorial from Erina to Terrigal in a similar way that artist impressions give a better idea of what things are going to look like in situ and advise if this can be incorporated in future business papers?

It is possible to provide simulated images of proposed development, but the creation of accurate simulated images requires significant resources and will impact on the ability to download and manage business papers due to the data size of those images. Council has no power to require the proponents of such development submit those images for publication by Council, and has not made provision in the current budget nor the proposed 18/19 budget for the human and IM+T resources for Council to undertake that task on a routine basis. However, the request has been noted and where appropriate and fiscally prudent, artistic impressions or 3D modelling will be considered to assist Councillors and the community understanding proposals and their impact.

Attachments

Nil.



Item No: 6.12
Title: Q94/18 - Questions on Notice
Department: Governance

9 July 2018 Ordinary Council Meeting

Author: Jade Maskiewicz, Meeting Support Coordinator
Manager: Sonia Witt, Section Manager Business Services
Executive: Shane Sullivan, Acting Executive Manager Governance

Q94/18 - Questions on Notice

The following question was asked by Councillor Marquart at the Ordinary Meeting of Council held on 12 June 2018:

My Question on Notice is actually about Questions on Notice. I think Councillor Greenaway touched on it last week. I was just wondering if we might be able to obtain, if the question hasn't been answered within six weeks, could obtain even just a quick update or a notification that the question is still be considered because I've never received an answer on any question.

An update on all Councillor Questions on Notice (QONs) since the beginning of the elected term (September 2017) appears as attachment 1 to this report. Please note QONs raised after 12 June 2018 are not included in this report.

Attachments

1 QON Update - October 2017 - 12 June 2018 D13263633

Item No.	Title	Councillor	Question	Meeting Date	Response provided	Response Date	Response from	Response Type
Q2/17	Lake Munmorah & Norah Heads Master Plans	Greg Best	Mr General Manager, I regularly frequent a number of Progress & Precinct Committees. In doing so I have been repeatedly approached by Lake Munmorah & Norah Heads residents groups seeking advice around when their long-awaited and promised Master Plans will finally be released. It has been a number of years since these communities were engaged by Council to develop these important documents which will steer the development direction of these communities, and indeed define them. Mr General Manager, could you please report to the next Council Meeting the progress of these important community Master Plans?	9/10/2017	Yes	27/11/2017	Scott Cox - Director EaP	Report to Council - OM 27 Nov 2017
Q3/17	Holiday Parks Revenue	Doug Vincent	Could staff please provide a report on the holiday parks \$10.1m revenue and how it is spent and if the expenditure is compliant with the Crown Lands Act?	9/10/2017	Yes	27/11/2017	Mike Dowling - Director AIB	Report to Council - OM 27 Nov 2017
Q4/17	Concept for Disability Precincts	Doug Vincent	Could staff please advise if the concept of disability precincts have been considered for the Central Coast region and report if the concept could be implemented across the Central Coast?	9/10/2017	Yes	18/12/2017	Julie Vaughan - Director CC	Report to Council - OM 18 Dec 2017
Q5/17	Submission of DA52491/2017 and DA53119/2017	Richard Mehrtens	I note that DA52491/2017 was withdrawn in August 2017, and that this week DA53119/2017 was submitted. DA53119 seems broadly similar to that previously withdrawn. Is Council aware of why DA52491 was withdrawn? What are the differences between the two DAs that might warrant resubmission?	23/10/2017	Yes	27/11/2018	Scott Cox - Director EaP	Report to Council - OM 27 Nov 2017
Q6/17	Employment of Waste Management Staff	Doug Vincent	In reference to the resolution of item 3.1 at Ordinary Meeting 7 August 2017, could Council staff please advise if workers from the existing waste management services will all be offered employment or engagement on terms and conditions comparable to their previous employment?	23/10/2017	Yes	12/03/2018	Mike Dowling - Director AIB Brian Glendenning, Executive Manager Governance	Report to Council OM 12 Mar 2018 Report to Council - OM 27 Nov 2017
Q7/17	Chamber Audio System	Lisa Matthews	Could staff please advise the cost of the new chamber audio system?	23/10/2017	Yes	27/11/2018		
Q8/17	Paths Scheme	Lisa Matthews	Can Council staff please advise if we have young persons on the Paths scheme? And if so, how many people?	27/11/2017				
Q9/17	Sewerage Services Maintenance Regime	Kyle MacGregor	Can Council staff please advise what the current maintenance regime is for sewerage services and related infrastructure in the Wyong Ward of the Central Coast Council? How many incidences of overflow and/or disruption to services have occurred and how many emergency call outs have been made in the previous 2 years?	27/11/2017				
Q10/17	Pedestrian Safety Around Schools	Rebecca Gale Collins	Saturday 19 November was world remembrance day for road traffic victims, I would like a report on the update traffic and pedestrian safety around all schools in the Central Coast region particularly Melbourne Avenue and Hobart Avenue near Umina Beach Public School and Havenview Road and Bellbird Avenue near Terrigal Public School?	27/11/2017	Yes	26/03/2018	Mike Dowling - Director AIB	Report to Council OM 26 Mar 2018
Q11/17	Roadworks at Wandewoi Avenue San Remo	Greg Best	My question is on behalf of a local ratepayer, Mr Slucher of Wandewoi Avenue San Remo. Mr Slucher is a senior gentleman who suffers from a significant respiratory complaint and has repeatedly sought to contact staff to determine when the dust omitting roadworks will be completed outside his home. Could you please have staff contact him urgently? Further, in discussions with many of my Council colleagues, similar situations seem to be occurring around the LGA. As General Manager, could you please look into the ratepayer call-back protocols and advise how this can be improved?	27/11/2017	Yes	26/03/2018	Mike Dowling - Director AIB	Report to Council OM 26 Mar 2018
Q12/17	Hardys Bay Foreshore Upgrade	Rebecca Gale Collins	Council staff please provide an update on the foreshore upgrade in Hardys Bay?	18/12/2017	Yes	14/05/2018	Mike Dowling - Director AIB	Report to Council OM 14 May 2018
Q13/17	Boat Ramp - Kalua Drive Chittaway Bay	Lisa Matthews	Can staff please advise if there is a current plan for the addition of a boat ramp in Kalua Drive Chittaway Bay?	18/12/2017	Yes	12/03/2018	Mike Dowling - Director AIB	Report to Council - OM 12 Mar 2018
Q14/17	Playground Completion Date - The Entrance	Lisa Matthews	Can staff please advise if the children's playground at The Entrance will be completed prior to the Christmas season (the cover for the slipper dip)?	18/12/2017	Yes	26/03/2018	Mike Dowling - Director AIB	Report to Council - OM 26 Mar 2018

Item No.	Title	Councillor	Question	Meeting Date	Response provided	Response Date	Response from	Response Type
Q15/17	Lisarow Masterplan	Kyle MacGregor	Is there currently a masterplan or similar relevant planning document for the suburb of Lisarow? If such a document exists, can it please be circulated to myself and if requested to other Councillors from the Wyong Ward which covers the suburb of Lisarow. In the event that such a document does not exist can Council staff advise if there is ongoing planning or consultation with the community in regards to a masterplan or similar document for the suburb?	18/12/2017	Yes	28/05/2018	Scott Cox - Director EaP	Report to Council - OM 28 May 2018
Q16/17	Tigers Stand Repairs - EDSACC Oval, Bateau Bay	Bruce McLachlan	Could staff please provide an update on the repairs to the Tigers stand at the EDSACC oval, Bateau Bay?	18/12/2017	Yes	12/03/2018	Mike Dowling - Director AIB	Report to Council - OM 12 Mar 2018
Q17/17	Follow up to Airport Related Motions from 23 October 2017 Meeting of Council	Louise Greenaway	Councillor Matthews left the chamber at 1.03am and did not return. Given Councillor Best's recent pronouncement that he is going to bring the airport rescission motion back every three months, could I please request the following: • An update on the proactive authorised release of information relating to the WEZ which was moved at the meeting of 23 October 2017. • A briefing from the NSW Department of Planning as per the motion at the meeting of 23 October 2017.	18/12/2017				
Q18/17	Gosford CBD Car Parking Fund	Chris Holstein	Could staff please advise details relating to the Gosford CBD car parking fund; the current status and annual spend?	18/12/2017				
Q19/17	Sporting Codes	Jillian Hogan	Could staff please provide a report on what sporting codes are currently being played across the coast?	18/12/2017	Yes	12/03/2018	Mike Dowling - Director AIB	Report to Council - OM 12 Mar 2018
Q20/17	Capacity of Central Coast Sporting Facilities	Jillian Hogan	Could staff please generate a report on sporting facilities/fields that have the capacity to draw regional, state, national and international competitions?	18/12/2017	Yes	12/03/2018	Mike Dowling - Director AIB	Report to Council - OM 12 Mar 2018
Q1/18	Bus Fare Reduction	Chris Holstein	On 5 February 2018 the State Government announced bus fares in regional NSW will be reduced up to 30%. Does this include the Central Coast?	12/02/2018	Yes	26/03/2018	Julie Vaughan - Director CC	Report to Council - OM 26 Mar 2018
Q2/18	Old Sydney Town Site	Chris Holstein	Can Officers advise of what discussions have taken place with the owners of the 'Old Sydney Town Site'?	12/02/2018	Yes	12/03/2018	Mike Dowling - Director AIB	Report to Council - OM 12 Mar 2018
Q3/18	Kerbside Pick Up Delays	Richard Mehrtens	Has there been a delay in the actioning of kerbside pickups by Council's contractor on the peninsula?	12/02/2018	Yes	12/03/2018	Mike Dowling - Director AIB	Report to Council - OM 12 Mar 2018
Q4/18	Pathway along Empire Bay Drive Bensville	Rebecca Gale Collins	Please provide budget back to Council for pedestrian pathway along Empire Bay Drive in Bensville from Huntly Road and along Nerang Avenue to the student bus stop on Empire Bay Drive.	12/02/2018	Yes	26/03/2018	Mike Dowling - Director AIB	Report to Council - OM 26 Mar 2018
Q5/18	Street Sweepers in Kincumber Area	Rebecca Gale Collins	Street sweepers in residential areas in Kincumber – Why is it conducted at night when cars are parked on the street? Is there a penalty fee for work being conducted at night instead of the day?	12/02/2018	Yes	23/04/2018	Mike Dowling - Director AIB	Report to Council - OM 23 Apr 2018
Q6/18	Testing on Duck Pond at Reeves Street Narara	Kyle MacGregor	Can Council staff please advise what were the results of testing done on the waterway/duck pond at Reeves Street Narara where the duck population has decreased and the community are concerned about what killed the ducks and what impact this has on residents and local waterways.	12/02/2018	Yes	14/05/2018	Mike Dowling - Director AIB	Report to Council OM 14 May 2018
Q7/18	Hawkesbury River Carpark	Bruce McLachlan	Does Central Coast Council own the car park exiting the Hawkesbury River Bridge? And are we considering the possibility of a tourist information Centre and rest stop to assist promotion of our tourism on the Central Coast.?	12/02/2018	Yes	23/04/2018	Julie Vaughan - Director CC	Report to Council - OM 23 Apr 2018
Q8/18	Organisation Board Appointments	Louise Greenaway	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.	12/02/2018	Yes	23/04/2018	Shane Sullivn - Acting Executive Manager Governance	Report to Council - OM 23 Apr 2018
Q9/18	Land for Affordable Housing	Doug Vincent	Council staff please advise if there is a percentage of land set aside for affordable housing in new developments when land is rezoned?	12/02/2018	Yes	9/04/2018	Scott Cox - Director EaP	Report to Council - OM 9 Apr 2018

Item No.	Title	Councillor	Question	Meeting Date	Response provided	Response Date	Response from	Response Type
Q10/18	Heavy Vehicle traffic on Local Roads in Woongarra	Doug Vincent	Local residents have reported there are numerous heavy vehicles and trucks utilising local roads at Woongarra as thoroughfares, particularly in the early morning and in the afternoon after 3pm. Could staff please advise if there are weight limits on vehicular traffic traversing Hiawatha, Mataram and Hakone Roads Woongarra? Could staff also advise if additional signage or speed mitigation measures can be utilised to reduce heavy vehicles speeding through those residential streets?	12/02/2018	Yes	26/03/2018	Mike Dowling - Director AIB	Report to Council - OM 26 Mar 2018
Q11/18	Sandstone Blocks around Rogers Park, Woy Woy and Pretty Beach/Hardy's Bay	Lisa Matthews	Can staff please provide some information around the sandstone blocks around Rogers Park in Woy Woy and Pretty Beach/Hardy's Bay? • What was the cost? • Where did the funds come from? • Who was the supplier? • What was the reason behind the sandstone at Rogers Park?	12/02/2018	Yes	9/04/2018 and 14/5/2018	Mike Dowling - Director AIB	Report to Council - OM 9 Apr 2018 and OM 14 May 2018
Q12/18	China's Refusal to Accept Recycling	Lisa Matthews	Will Central Coast Council be affected by China's refusal to accept recycling?	12/02/2018	Yes	12/03/2018	Mike Dowling - Director AIB	Report to Council - OM 12 Mar 2018
Q13/18	Dirt Road Dust Issues at Chain Valley Bay	Doug Vincent	Residents at the intersection of Chain Valley Bay Road and Mulloway Road have reported dust issues from the adjoining dirt link road, which connects Chain Valley Bay Road with Kanangra Drive. Could staff please advise if sealing the first 50m of this direct road could alleviate the dust problem. Could staff also advise with government body would be responsible for the dirt link road.	12/03/2018	Yes	14/05/2018	Mike Dowling - Director AIB	Report to Council - OM 14 May 2018
Q14/18	Development Concerns at Moola Road Buff Point	Doug Vincent	Whilst Council was in administration last year a development was passed by the administrator in Moola Road Buff Point for a 5 x 3 bedroom houses on one block of land, which attracted a lot of attention from the local community. The main issues appeared to be: 1 Parking on the street 2 Drainage and flooding at the end of the road 3 Bin collections and bin spacing During the presentations by the public the administrator indicated the Council would look to address some of the issues raised by residents on the night. Could staff please provide an update on Council's efforts to address the issues raised, particularly regarding the street drainage and signage.	12/03/2018				
Q15/18	2015 Council Resolution - Airport Masterplan	Louise Greenaway	Would staff please confirm which resolution of 2015 is the one that was relied on to engage consultants to prepare the reports in 2017 in the relation to the Airport Masterplan.	12/03/2018				
Q16/18	Pedestrian Pathway - Empire Bay Public School	Rebecca Gale Collins	Could staff please provide advice in relation to the following inquiry: President of Empire Bay Public School P and C has requested that Greenfield Road and Empire Bay Drive have a pedestrian pathway so that the students can walk safely to school.	12/03/2018	Yes	14/05/2018	Mike Dowling - Director AIB	Report to Council - OM 14 May 2018
Q17/18	Umina Beach Erosion	Rebecca Gale Collins	Could staff please provide advice in relation to the following inquiry: Council's excavator at Umina Beach is causing further erosion. Instead of dragging sand off the beach, up to the dune which drops the beach profile, Council should be dragging sand off the dune to reshape the beach profile.	12/03/2018				
Q18/18	Council's Actions - Central Coast Regional Plan	Richard Mehrtens	In the Central Coast Regional Plan Implementation Plan document 2016-18 they list 110 actions to deliver the plan. 91 of those actions are identified as being Council's responsibility with 19 identified as being State Government or other. Has the State Government provided what resources are required to deliver on these 91 actions? And has the State Government provided any further resources to help Council complete those 91 actions?	12/03/2018	Yes	28/05/2018	Scott Cox - Director EaP	Report to Council - OM 28 May 2018

Item No.	Title	Councillor	Question	Meeting Date	Response provided	Response Date	Response from	Response Type
Q19/18	Report on Gosford Parking Strategy Objectives	Chris Holstein	When can the Councillors expect a report on the Gosford parking strategy short and long term objectives?	12/03/2018				
Q20/18	Development Applications to Council	Richard Mehrtens	That despite ongoing concerns from councillors that we would be inundated with DAs, we have not had a DA brought to Council since 17 December 2017. Could staff please indicate why that might be?	26/03/2018	Yes	14/05/2018	Scott Cox - Director EaP	Report to Council - OM 14 May 2018
Q21/18	Terrigal Tourism Levy	Rebecca Gale Collins	Can Council staff please engage with business owners in Terrigal about the purpose and use of the Terrigal Tourism Levy and the proposed traffic flow changes through a town centre forum.	26/03/2018				
Q22/18	Hotels and Boarding Houses in Copacabana	Rebecca Gale Collins	Senator Deb O'Neil and Candidate Anne Chalton have targeted Copacabana residents through a mailbox and Facebook campaign stating Central Coast Council is going to overdevelop Copacabana with the consolidated LEP allowing for hotels and boarding houses 24 metres to be built in the suburb. Is this correct?	26/03/2018	Yes	28/05/2018	Scott Cox - Director EaP	Report to Council - OM 28 May 2018
Q23/18	Winney Bay	Kyle MacGregor	Can Council Staff confirm if 2 of the lots are crown land, if so, who are the trustees of that crown land, is there a plan of management for the Crown Land, is there any COSS which is part of the current works, are there any endangered ecological communities in the lots where the work is being undertaken and if so has that been taken into consideration with the land clearing, has there been an environmental impact statement undertaken and is it available for the public, was there a need for a development application, was there community consultation and when did this occur if it did, were any signs erected to inform bush walkers of the walk?	26/03/2018				
Q24/18	Apprenticeship Ratios	Kyle MacGregor	How many apprentices have been hired since the change to the 15% apprenticeship ratio and how has this resolution impacted on council staff, contracts or tendering documents, is Council employing directly any apprentices currently?	26/03/2018				
Q25/18	Parking Audit	Louise Greenaway	Condition 66 of DA 1066/2013D dated 20 April 2016 provides that "at the conclusion of 12 months operation, the submission of a parking audit to address the functionality of available car parking to the satisfaction of Council and consider solutions if required to address problems that may arise from the Audit". Has this report been prepared and if so, could it please be provided?	26/03/2018				
Q26/18	Parking Signage	Louise Greenaway	Condition 103 of DA 1155/2010 dated 11 January 2011 relates to car parking. It provides: "The 44 parking spaces provided within the two Council owned car parks in Margaret Street (Lots 9 and 11 in DP 3136 known as 9 and 13 Margaret Street) are to be available after 5 pm on Monday – Friday and at weekends for the purpose of parking for staff, performers and visitors to the performing arts and cultural centre. Advisory signage to this effect is to be installed to inform patrons of the availability of this parking after working hours." Is this condition still current and if so when will the signs be installed?	26/03/2018	Yes	28/05/2018	Scott Cox - Director EaP	Report to Council - OM 12 June 2018
Q27/18	Food Scrap Recycling	Doug Vincent	The NSW Government has a target to increase the recycling rate for solid waste to 70% by 2021-22. Approximately 40% garbage bin content is food waste. Food waste recycling can help meet this target, reduce costs and give an environmental benefit. Since November 2013, Randwick City Council has been trialling food scrap collection. Other Councils have also implemented food waste recycling initiatives such as, Northern Rivers Waste (Biobags & Caddies), Kempsey Shire (Kitchen Caddy), Tweed Shire (Caddies and Liners) and Campbelltown (Food Scrap Recycling), Woollahra Council (Kitchen to Compost), Bathurst Council (Kerbside Food & Garden Waste), Port Macquarie Council (Kitchen Food Waste Bins), Lake Macquarie (Food + Garden = Green). Could staff please advise if the Central Coast Council can trial or adopt household food scrap recycling in the near future?	26/03/2018				

Item No.	Title	Councillor	Question	Meeting Date	Response provided	Response Date	Response from	Response Type
Q28/18	Meeting Efficiencies	Jillian Hogan	How can we run these meetings more efficiently than what they are?	26/03/2018	Yes	25/06/2018	Shane Sullivn - Acting Executive Manager Governance	Report to Council - OM 25 June 2018
Q29/18	COSS Zoned Land Maintenance	Troy Marquart	Request clarification in regards to the current maintenance scope of works Council has tabled in regards to COSS zoned land. What are our maintenance responsibilities on parcels of land zoned COSS? What is the Council's financial spend on the COSS land maintenance annually?	9/04/2018				
Q30/18	Accusations	Chris Holstein	Accusations made in public forum this evening. Request that Councillors be advised of staff response to claims as a matter of urgency.	9/04/2018				
Q31/18	Bulk Collections	Chris Holstein	Can staff advise if Council's contractor (waste services) is still experiencing delays with bulk collections and when will it be back on track?	9/04/2018	Yes	28/05/2018	Mike Dowling - Director AIB	Report to Council - OM 28 May 2018
Q32/18	Advertising Council Matters	Doug Vincent	Many residents in the north of the central coast do not receive deliveries of the Express Advocate which is Council's nominated publication to communicate Council's community programs, activities and proposed development applications to the community. Could staff please advise if Council communications and advertising can also be undertaken in other publications which cover additional areas in the Central Coast area, such as the Wyong Regional Chronicle, Pelican Itch or the top end community newsletters?	9/04/2018	Yes	28/05/2018	Julie Vaughan - Director CC	Report to Council - OM 12 June 2018
Q33/18	Kerbside Waste	Doug Vincent	Further To the unanimous motion passed by Council on the 12 March re Kerbside waste. Could staff please advise if it is possible to fast track and hold a briefing in early May for Councillors to discuss among other issues Council's Waste Policy, Waste Contract and Resident's waste booking collection procedures. Could staff also advise if a briefing could be held afterhours at a time when Councillors who work throughout the day can attend	9/04/2018	Yes	28/05/2018	Mike Dowling - Director AIB	Report to Council - OM 28 May 2018
Q34/18	Carters Road	Jillian Hogan	Residents of Lake Munmorah have been circulating a Masterplan 'Transforming the NSW Central Coast' which was written in 2014. It proposes a TAFE to be built in Carter's Road. Is this Masterplan still active and have any negotiations with stakeholders taken place?	9/04/2018				
Q35/18	Public Art Policy	Jillian Hogan	There are both Gosford and Wyong Public Art policies. Given the two policies, what is the current position of Council with public art? And what is the current procedure for the procurement of public art.	9/04/2018	Yes	28/05/2018	Julie Vaughan - Director CC	Report to Council - OM 12 June 2018
Q36/18	Kariong Exit - Weeds	Rebecca Gale Collins	Can the Council please remove weeds around M1 Kariong turnoff and down along Central Coast Hwy down toward Gosford as a matter of priority. And, along the M1 road fringe from Kariong up to Wyong.	9/04/2018	Yes	28/05/2018	Mike Dowling - Director AIB	Report to Council - OM 28 May 2018
Q37/18	Proposed Name Change - Melville Street Kincumber	Rebecca Gale Collins	That Council please provide rationale behind the proposed name change to the section of Melville Street in Kincumber.	9/04/2018	Yes	28/05/2018	Martin Elwell, Acting CIO	Report to Council - OM 28 May 2018
Q38/18	Caravans and Manufactured Home Estates	Richard Mehrtens	How many households live in caravan or manufactured home estates on the NSW Central Coast now compared to 2011 and 2006? a) Number of residents in Council owned parks b) Number of residents in non-Council owned parks c) Number of residents in all parks combined	9/04/2018				
Q39/18	Council Caravan and Park Sites	Richard Mehrtens	What actions has Council taken to ensure and protect the affordable housing provided by its own caravan and park sites as well as the privately owned sites in the region?	9/04/2018				
Q40/18	Development Applications	Kyle MacGregor	Could staff please provide a succinct report for councillors that outlines the processes, responsibilities and legalities for different developments such as granny flats, including how these are assessed through DA's, Complying Development Certificates and Certifies?	9/04/2018				

Item No.	Title	Councillor	Question	Meeting Date	Response provided	Response Date	Response from	Response Type
Q41/18	Council Owned Caravan and Residential Parks - Disputes	Kyle MacGregor	What procedures are in place at Council owned caravan and residential parks to deal with disputes between park residents and Council, does Council recognize Residents Committees established at park level and how does Council ensure park managers are complying with the Residential (Land Lease) Communities Act 2013?	9/04/2018				
Q42/18	Office365 Installation	Louise Greenaway	When may we expect the suite of Microsoft Office programs to be installed, and to be functional, on our iPads?	9/04/2018	Yes	23/04/2018	Martin Elwell, Acting CIO	Report to Council - OM 23 Apr 2018
Q43/18	Fees for Non Profit Organisations	Jeff Sundstrom	Fees and charges for non-profit organisations using Council facilities. Why are they being charged almost four times more than previously?	9/04/2018				
Q44/18	The Entrance Bridge	Bruce McLachlan	Further information regarding the paintwork on The Entrance Bridge and proposed lighting on the pylons proposed in a previous Masterplan.	9/04/2018				
Q45/18	Code of Meeting Practice	Chris Holstein	Can staff please advise what aspect of the Code of Meeting Practice is breached if debate includes aspects of a subsequent motion proposed in dealing with a rescission motion?	23/04/2018	Yes	28/05/2018	James Taylor, Acting Unit Manager Governance	Report to Council - OM 28 May 2018
Q46/18	John Whiteway Drive, Gosford	Rebecca Gale Collins	Why has the Council erected the red rectangle no stopping signs on John Whiteway Drive in Gosford?	23/04/2018	Yes	28/05/2018	Mike Dowling - Director AIB	Report to Council - OM 28 May 2018
Q47/18	Parking Tickets	Rebecca Gale Collins	Why was there a parking ticket blitz with Council Rangers around Lyons Park Gosford on Saturday afternoon, when we had 15,000 people attending the NRL game at Central Coast Stadium with inadequate parking?	23/04/2018	Yes	28/05/2018	Scott Cox - Director EaP	Report to Council - OM 28 May 2018
Q48/18	Council Agenda Items	Lisa Matthews	Can staff please advise when we are going to get some agenda items that are further north than Gosford?	23/04/2018				
Q49/18	Mayoral Chains	Lisa Matthews	Can staff advise of any ongoing costs that may be related to the keeping of both Mayoral Chains for both the former Gosford and the former Wyong and what is the cost of insuring them?	23/04/2018	Yes	14/05/2018	Brian Glendenning - Acting Chief Executive Officer	Report to Council - OM 14 May 2018
Q50/18	Library at Warnervale	Kyle MacGregor	Are there any existing plans for a public library at Warnervale or in the surrounding suburbs on the agenda for the current term of this council and can Council provide detail on any historical or future commitments and there progress that have been made in regards to a public library by either the former Wyong Shire Council or the Central Coast Council?	23/04/2018	Yes	28/05/2018	Julie Vaughan - Director CC	Report to Council - OM 12 June 2018
Q51/18	NSW Labor Funds - Libraries	Kyle MacGregor	Is council aware of the recent funding commitment from the NSW State Labor Opposition to increase funding for public libraries by \$50 million dollars if elected in March 2019, NSW Labor has committed to doubling the library subsidy in its first term by \$1.85 per capita to \$3.70 per capita. Can Council staff report back to Councillors on how Central Coast Council, our libraries and residents will benefit from this potential increased level of funding subsequent to March 2019 and how this increased funding could be potentially utilised by the Central Coast Council?	23/04/2018	Yes	28/05/2018	Julie Vaughan - Director CC	Report to Council - OM 28 May 2018
Q52/18	Monthly Report - Grants	Jilly Pilon	Can staff please advise when a report will come to Council on available grants, including grants Council have applied for, received and not received?	23/04/2018				
Q53/18	Pelican Feeding, The Entrance	Bruce McLachlan	What options do we have to monetarise The Entrance Pelican feeding, an example would be photo stand and processional photography linked to website, or photo next to giant Pelican statue. ? This can be leased to an operator or Council run. We have bus loads of overseas tourist visiting the site and not adding to the local economy, before heading off to the Hunter Valley to spend their tourism dollars.	23/04/2018	Yes	28/05/2018	Julie Vaughan - Director CC	Report to Council - OM 12 June 2018
Q54/18	Wash Area - Picnic Point	Bruce McLachlan	Can staff please look at providing the grey nomads with a wash area at Picnic Point to bring in RV vehicles as part of their destination? Shopkeepers are saying in the winter time the RV's would be very active if we could provide some wash area's where they could take their sullage and some laundry areas to encourage that kind of tourism for The Entrance.	23/04/2018				
Q55/18	Beach Showers	Louise Greenaway	Is there a policy about removing the showers at some of the beaches or are they just happening to become vandalised or malfunctioning at the same time?	23/04/2018	Yes	23/04/2018	Mike Dowling - Director AIB	Verbal from the floor

Item No.	Title	Councillor	Question	Meeting Date	Response provided	Response Date	Response from	Response Type
Q56/18	Channel Dredging Plan	Troy Marquart	Is the channel dredging plan currently being used by Central Coast Council to create the required scope of works to maintain and/or remedy the Ettalong Channel issue is based upon all the points noted within the Brisbane Waters Coastal Zone Management Plan which was previously adopted by the former Gosford Council in 2012?	14/05/2018				
Q57/18	Domestic Violence Report	Jeff Sundstrom	The Acting Chief Executive Officer mentioned a report that may have arrived late for this Business Paper which didn't arrive regarding the questions around domestic violence and leave?	14/05/2018	Yes	14/05/2018	Brian Glendenning - Acting Chief Executive Officer	Verbal from the floor
Q58/18	Empire Bay Public School Pathway	Rebecca Gale Collins	Empire Bay Public School students need a safe pathway. Can Council prioritise a footpath over the road upgrade along Greenfield Road as currently children are walking along the road? This is a community request for safety.	14/05/2018	Yes	14/05/2018	Mike Dowling - Director AIB	Verbal from the floor
Q59/18	Street Lighting	Rebecca Gale Collins	Can Council complete street lighting on John Whiteway Drive, Gosford? Currently, 60% of the street has lighting but not the top eastern 40%.	14/05/2018				
Q60/18	Ourimbah Creek Flood Management Plan	Kyle MacGregor	Does the Ourimbah Creek Flood Management Plan elucidate what the potential impact of flooding would be on the Kangy Angy Rail Maintenance facility both during the construction phase and once the project is completed? In the event that this document does not do so what other documents are publicly available that would elucidate the impact of flooding from nearby water ways or extreme weather events on this key piece of local infrastructure?	14/05/2018				
Q61/18	Pedestrian access streets in Ourimbah	Kyle MacGregor	On the 18 December 2017 I submitted a formal request to Councillor Support regarding the potential for Council to clear pathways in the Ourimbah area on Charles, Bangalore and Station Streets after speaking with local residents in the Ourimbah area who approached me requesting pedestrian access to be improved on these streets. On the 9 January I received a response saying that this would be reviewed as part of the 2017/18 Operational Plan. What is the current status and future plans for improving pedestrian access to the said streets and others to alleviate pressure on pedestrian flow in the Ourimbah area and rationally organise pedestrian traffic around the school, station and RSL at Ourimbah?	14/05/2018				
Q62/18	Asbestos	Jilly Pilon	In relation to recent reports on the ABC, there was a resident that said they had picked up asbestos and handed it in to surf life savers. I was wondering if that was actually recorded and logged through asbestos management procedures, and was the material disposed of appropriately? When we actually found out about it first washing in and when was it handed to surf life savers?	14/05/2018				
Q63/18	Release Wamberal beach documents	Jilly Pilon	Are we on track in relation to releasing the Wamberal Beach Remediation Report?	14/05/2018	Yes	14/05/2018	Brian Glendenning - Acting Chief Executive Officer	Verbal from the floor
Q64/18	Reptile and Pelican Show	Bruce McLachlan	Is there a possibility of adding a reptile show in conjunction with the pelican show	14/05/2018	Yes	14/05/2018	Julie Vaughan - Director CC	Verbal from the floor
Q65/18	Terrigal Memorial	Chris Burke	Just an update on the memorial that we've been talking about going in at Terrigal. The RSL have asked for an update in relation to the memorial being held by the Salvation Army?	14/05/2018	Yes	14/05/2018	Scott Cox - Director EaP	Verbal from the floor
Q66/18	QON - Emergency State Government Funding	Troy Marquart	If we could please get an update in regards to the Emergency State Government funding grant application to complete the emergency dredging in Ettalong Channel. Will a compliant grant application be lodged within the communicated closing date timeframe? How long does the Council expect these emergency works to take and when will they commence?	28/05/2018				
Q67/18	QON - Mandatory Food Preparation Inspections	Troy Marquart	A local small business owner suggest to me that their business has been informed that mandatory food preparation inspections which were previously completed by the NSW Food Authority, will now be the responsibility of and conducted by local Councils. Is this true and if it's true on what date these inspections will be the direct responsibility of the Council and also what these inspections will cost Central Coast Council.	28/05/2018				

Item No.	Title	Councillor	Question	Meeting Date	Response provided	Response Date	Response from	Response Type
Q68/18	QON - Review Meeting Practices	Chris Holstein	Madam Mayor, are you prepared to call a meeting of all the Councillors to review aspects of meeting procedures with a view to improving them?	28/05/2018	Yes	28/05/2018	Shane Sullivn - Acting Executive Manager Governance	Verbal from the floor
Q69/18	QON - Umina Beach Shower	Richard Mehrtens	There is a shower at the Umina Beach amenities block that has been broken now since at least January. Two requests to Councillor Support have revealed that they were one going to be fixed in January. That has not happened and then on further requests I have been told it would be fixed by the end of May. May has now passed. Has that repair work been done? If not, when will that repair work be done?	28/05/2018				
Q70/18	QON - 61 Scenic Hwy Terrigal	Rebecca Gale Collins	At 61 Scenic Hwy Terrigal residents have lost a third of their backyard due to excavation work at the neighbouring property Was a Geotech survey done in compliance with the engineers requirements prior to the excavation within the vicinity of the retaining wall?	28/05/2018				
Q71/18	QON - Ocean Beach Sandwall	Rebecca Gale Collins	Can Council please prioritise addressing the erosion and re-profiling of Ocean Beach, as the sand wall has now collapsed?	28/05/2018				
Q72/18	QON - Old Grove School Site	Lisa Matthews	Can staff please advise what has become of the previous Wyong Councils' motion that Council pursue compulsory acquisition of the Old Grove School site or part of?	28/05/2018				
Q73/18	QON - Kangy Angy Roundabout	Lisa Matthews	Has Transport NSW submitted a DA for the proposed new roundabout required for the Kangy Angy transport facility on the corner of Old Chittaway Road and Enterprise Drive, Fountindale?	28/05/2018				
Q74/18	QON - Adcock Park Gosford Netball	Kyle MacGregor	Why were Gosford Netball and Netball NSW informed by Council that they have to engage a contractor to locate services such as irrigation, water mains, sewer mains, power and other possible services in order to utilise Adcock Park 7 oval utilised as a place to set up tents, has this occurred previously and if not why is this occurring now? Is council unaware of where these services are in other sporting fields or is this limited to Adcock Park Oval 7 and what steps can Council take to urgently resolve this issue and impasse with Netball NSW and Gosford Netball before their upcoming gala day and to avoid any confusion or further issues into the future with the location of these services at Adcock Park or at other sporting fields across the Central Coast Council area?	28/05/2018				
Q75/18	QON - Community and Sporting Fees, Charges and Lease Agreements	Kyle MacGregor	I note that the fees and charges are in the Draft Delivery Program and Operational Plan. Are there any plans for councillors, community and sporting organisations to be given the opportunity to review these charges with staff in the near future?	28/05/2018				
Q76/18	QON - Airport Phone Survey	Jilly Pilon	Did Council ever undertake an official or unofficial survey about the airport, and if yes, can you please provide us with the results?	28/05/2018				
Q77/18	QON - Asbestos Urgency Motion	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?	28/05/2018				
Q78/18	QON - Wallarah Coal Funds	Bruce McLachlan	The budget is \$64,000 for surplus this year. We gave away \$200,000 for the coal last week. I was just wondering, and correct me if I'm wrong, we were given \$17million for Kangy for environmental land purposes. Could the \$200,000 be taken from the \$17million that was paid for the Kangy land?	28/05/2018				
Q79/18	QON - Duplicated Assets	Bruce McLachlan	Can the Councillors be provided with a report of assets duplicated, surplus, or offering redevelopment potential?	28/05/2018				
Q80/18	QON - Timeframe for Responses to Questions on Notice	Louise Greenaway	What is the timeframe for replying to Questions on Notice? Is there any time that would seem like too much time? I just don't know when to start chasing without getting staff offside.	28/05/2018	Yes	28/05/2018	Brian Glendenning - Acting Chief Executive Officer	Verbal from the floor
Q81/18	QON - Airport Phone Survey	Louise Greenaway	In relation Councillor Pilon's question about a telephone survey. I thought that there was on so that may come out when staff look into that. If it is found that one was conducted, I just would ask that the source of the questions be identified.	28/05/2018				
Q82/18	QON - Next Ordinary Meeting	Chris Burke	Just clarification that our next meeting is next Tuesday because of the long weekend, is that right?	28/05/2018	Yes	28/05/2018	Mayor Smith	Verbal from the floor

Item No.	Title	Councillor	Question	Meeting Date	Response provided	Response Date	Response from	Response Type
Q83/18	QON - Pacific Highway, Blue Haven	Jillian Hogan	After the recent fatalities on the Pacific Highway at Blue Haven the speed limit has been reduced from 100ks/hr to 80kms/hr. Residents are asking if they has been any consideration by Council and the Transport Committee to change the give way sign on Blue Haven Way to a stop sign?	28/05/2018				
Q84/18	QON - Speakers Policy	Jillian Hogan	I understand the importance of community having their say, however do we have a policy on the number of speakers? Is it possible to have one speaker for the motion and one against at the meetings?	12/06/2018	Yes	12/06/2018	Shane Sulliavn - Acting Executive Manager Governance	Verbal from the floor
Q85/18	QON - De-amalgamation of Central Coast Council	Jillian Hogan	What is the process for de-amalgamation of Central Coast Council and are costings for the process available to Councillors or Community Members?	12/06/2018	Yes	12/06/2018	Brian Glendenning - Acting Chief Executive Officer	Verbal from the floor
Q86/18	QON - Artists Impressions of Items	Louise Greenaway	Sometimes when there are motions I have troubled visualising them, so my question is, given the advanced capabilities of graphic design programs could staff please investigate using such programs to create simulated images of items such as the ex HMAS Adelaide Mast and the relocation of the War Memorial from Erina to Terrigal in a similar way that artist impressions give a better idea of what things are going to look like in situ and advise if this can be incorporated in future business papers.	12/06/2018				
Q87/18	QON - Dredge Application	Bruce McLachlan	On the matter of the dredge application was there any notification of the surf break of The Box or any consideration of the surf break of The Box in the dredging application?	12/06/2018	Yes	12/06/2018	Brian Glendenning - Acting Chief Executive Officer	Verbal from the floor
Q88/18	QON - Aero Club Application	Jilly Pilon	Has the Aero Club applied to the Council for a formal extension of their licence to operate at all?	12/06/2018	Yes	12/06/2018	Brian Glendenning - Acting Chief Executive Officer	Verbal from the floor
Q89/18	QON - Nitra Sister City Status	Kyle MacGregor	What is the current status of the sister city relationship with the city of Nitra in Slovakia (former sister city of Gosford city) and what plans if any does Central Coast Council have in maintaining, extending or renewing that relationship?	12/06/2018				
Q90/18	QON - Consolidated LEP Timeline	Kyle MacGregor	Can council advise the timeframe for delivery for the consolidated LEP and in particular when this document will be ready for community consultation?	12/06/2018	Yes	12/06/2018	Matthew Prendergast, Acting Director EaP	Verbal from the floor
Q91/18	QON - Upgrading Fence Rotary Park Terrigal	Rebecca Gale Collins	Are there any plans with regard to upgrading the fence at Rotary Park Terrigal?	12/06/2018				
Q92/18	QON - Low Cost Housing Estates	Rebecca Gale Collins	Please advise of housing estates that would benefit from a low cost loan initiative?	12/06/2018				
Q93/18	QON - Parking Strategy	Chris Holstein	Can staff please advise of the progress of the short medium and long term parking strategy? Three months in and many residents, business people and Councillors are becoming frustrated with the delay. And are the staff are that some of the parking has been cordoned off or reserved under the Brian McGowan Bridge? Advised that this if for the workers working on the Donnison Street Railway Bridge. Can this be investigated?	12/06/2018				
Q94/18	QON - Questions on Notice	Troy Marquart	My Question on Notice is actually about Questions on Notice. I think Councillor Greenaway touched on it last week. I was just wondering if we might be able to obtain, if the question hasn't been answered within six weeks, could obtain even just a quick update or a notification that the question is still be considered because I've never received an answer on any question.	12/06/2018	Yes	9/07/2018	Shane Sulliavn - Unit Manager Governance	Report to Council - OM 9 July 2018



Item No: 7.1
Title: Notice of Motion - Council Bans Cats
Department: Councillor

9 July 2018 Ordinary Council Meeting

Trim Reference: F2004/07706 - D13264928

Author: Greg Best, Councillor

Councillor Best has given notice that at the Ordinary Meeting to be held on 9 July 2018 he will move the following motion:

- 1** *That Council notes with great concern the recent staff directive that Councils animal cares facility will no longer take in or rehome stray and feral cats.*
- 2** *Council recognises the horrific damage feral cats are doing to our native population and that such a ban will only exacerbate the current feral cat epidemic.*
- 3** *That Council requests the CEO to urgently investigate this situation and reinstate impoundment service to our ratepayers and report outcomes to Council.*
- 4** *That further Council applauds the outstanding efforts of SoCares, its staff and indeed volunteers in delivery Councils' aims and objectives under the Companion Animal Act at Councils' Animal Cares facilities (Pound) that has resulted in a less than 1% kill rate.*

Attachments

Nil.

Item No: 7.2
Title: Notice of Motion - Formal Welcome and Thank You
Department: Councillor



9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13266188

Author: Greg Best, Councillor

Councillor Best has given notice that at the Ordinary Meeting to be held on 9 July 2018 he will move the following motion:

- 1** *That Council formally welcome our new Chief Executive Officer Gary Murphy and his family to the Central Coast.*

- 2** *That Council officially thank the Acting Chief Executive Officer Brian Glendenning along with Directors, Acting Directors and Executives, Scott Cox, Mike Dowling, Julie Vaughan, Viv Louie, Kellie Reeves, Martin Elwell, Shane Sullivan and their staff for an outstanding contribution to the operations of council throughout this initial amalgamation period.*

Attachments

Nil.

Item No: 8.1
Title: Rescission Motion - Draft Aviation HUB
Department: Councillor



9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-02 - D13208350

Author: Greg Best, Councillor
Jilly Pilon, Councillor
Bruce McLachlan, Councillor

Council, at the Ordinary Meeting held on 27 November 2017 gave consideration to a report regarding Draft Central Coast Aviation HUB Concept Plan – Proposed Public Consultation.

At that meeting, Council resolved as follows:

- "756/17 That Council fully support the Warnervale Airport Restrictions Act (WAR Act) (1996).*
- 757/17 That Council not approve any development at the Warnervale Airport which is not consistent with the WAR Act (1996).*
- 758/17 That Council not immediately extend or remove the current 1196 metre runway.*
- 759/17 That Council not alter the position, length, width, thickness or strength of the current runway.*
- 760/17 That Council immediately suspend all works, land acquisitions and expenditure on the Central Coast Airport, except where those works are required by law or the suspension of those works would put Council in breach of existing contractual obligations and/or expose Council to claims for damages or variation under any such contract.*
- 761/17 That Council reallocate the Budget for the Airport of \$6 million to employment generating projects across the former Wyong Shire with staff to prepare a strategy and report to council by the 12th February meeting for approval of the strategy.*
- 762/17 That Council maintain the current site zoning, unaltered and not approve rezoning to SP2.*
- 763/17 That Council permanently protect all of the Porters Creek wetland owned by Council and south of the current runway, from development for biodiversity, emergency drinking water supply and protection of the water quality into the Tuggerah Lakes Estuary.*

764/17 *That Council staff prepare a report to protect the Porters Creek Wetland, as per item 8, and the report be brought back to council for approval on the 26th February meeting."*

A Rescission Motion has been received from Councillors Best, Pilon, and McLachlan to be moved at the Ordinary Council Meeting of Council to be held on Monday, 9 July 2018, as follows:

"MOVE that the following resolution carried at the Ordinary Meeting of Council held on 27 November 2017 be rescinded:

- 756/17 *That Council fully support the Warnervale Airport Restrictions Act (WAR Act) (1996).*
- 757/17 *That Council not approve any development at the Warnervale Airport which is not consistent with the WAR Act (1996).*
- 758/17 *That Council not immediately extend or remove the current 1196 metre runway.*
- 759/17 *That Council not alter the position, length, width, thickness or strength of the current runway.*
- 760/17 *That Council immediately suspend all works, land acquisitions and expenditure on the Central Coast Airport, except where those works are required by law or the suspension of those works would put Council in breach of existing contractual obligations and/or expose Council to claims for damages or variation under any such contract.*
- 761/17 *That Council reallocate the Budget for the Airport of \$6 million to employment generating projects across the former Wyong Shire with staff to prepare a strategy and report to council by the 12th February meeting for approval of the strategy.*
- 762/17 *That Council maintain the current site zoning, unaltered and not approve rezoning to SP2.*
- 763/17 *That Council permanently protect all of the Porters Creek wetland owned by Council and south of the current runway, from development for biodiversity, emergency drinking water supply and protection of the water quality into the Tuggerah Lakes Estuary.*
- 764/17 *That Council staff prepare a report to protect the Porters Creek Wetland, as per item 8, and the report be brought back to council for approval on the 26th February meeting."*

Should the above Rescission Motion be carried, further notice is given that Councillors Best, Pilon and McLachlan will move the following motion:

"MOVE

- 1 That Council recognises its fundamental obligation to consult with its community and that this corner stone of good governance is enshrined in regulation.*
- 2 That further Council notes that these principles were of significant community interest and indeed a key contributor in the lead up to the 2017 council elections.*
- 3 That Council recognises that the new central coast airport is of regional significance and is now an infrastructure asset servicing some 350,000 coast residents.*
- 4 That, it is with this understanding, that Council now engage formally with its community for the first time on this issue through an independently conducted statistically valid survey seeking direction and better understanding on community expectations.*
- 5 That prior to conducting any such consultation process all survey questions be the subject of a full council briefing with selected survey specialists.*
- 6 That subject to the independent survey results Council formally reconsider its position with a view to exhibiting the current central coast draft airport masterplan or move for a total cessation of all uncontracted activities/obligations at the central coast airport."*

Attachments

Nil.