



Central Coast Council
Business Paper
Ordinary Meeting
11 February 2019





COMMUNITY STRATEGIC PLAN 2018-2028

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

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

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

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

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

RESPONSIBLE

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

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

 **Good governance and great partnerships**

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

There are 5 themes, 12 focus areas and 48 objectives

COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

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

The infographic details the following structure:

- THEME: BELONGING**
 - Focus Area: OUR COMMUNITY (Objectives: A1, A2, A3, A4)
 - Focus Area: COMMUNITY CONNECTION AND LOCAL IDENTITY (Objectives: B1, B2, B3, B4)
- THEME: SMART**
 - Focus Area: A GROWING AND COMPETITIVE REGION (Objectives: C1, C2, C3, C4)
 - Focus Area: A PLACE OF OPPORTUNITY FOR PEOPLE (Objectives: D1, D2, D3, D4)
- THEME: GREEN**
 - Focus Area: ENVIRONMENTAL RESOURCES FOR THE FUTURE (Objectives: E1, E2, E3, E4)
 - Focus Area: INCREASED AND PROTECTED NATURAL BEAUTY (Objectives: F1, F2)
- THEME: RESPONSIBLE**
 - Focus Area: GOOD GOVERNANCE AND GREAT PARTNERSHIPS (Objectives: G1, G2, G3, G4)
 - Focus Area: BELIEVING ESSENTIAL INFRASTRUCTURE (Objectives: H1, H2, H3, H4)
 - Focus Area: BALANCED AND SUSTAINABLE DEVELOPMENT (Objectives: I1, I2, I3, I4)
- THEME: LIVEABLE**
 - Focus Area: BELIEVED PUBLIC TRANSPORT AND ECONOMIC VIBES (Objectives: J1, J2, J3, J4)
 - Focus Area: SAFE AND SOUND FOR ALL (Objectives: K1, K2, K3, K4)
 - Focus Area: HEALTHY LIFESTYLES FOR A THRIVING COMMUNITY (Objectives: L1, L2, L3, L4)



Meeting Notice

**The Ordinary Meeting
of Central Coast Council
will be held in the Council Chamber,
2 Hely Street, Wyong
Monday 11 February 2019 at 6.30 pm,
for the transaction of the business listed below:**

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7 Questions on Notice Asked

Gary Murphy
Chief Executive Officer

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



11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13437730

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

Section 451 of the LG Act states:

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

1.1 Disclosure of Interest (contd)

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

- (b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*

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

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

Recommendation

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

Attachments

Nil

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



11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13437734

Summary

Confirmation of minutes of the Ordinary Meeting of the Council held on 29 January 2019.

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 29 January 2019.

Attachments

1 MINUTES - Ordinary Meeting Meeting - 29 January 2019 D13439656



Central Coast Council

Minutes of the Ordinary Meeting Of Council

Held in the Council Chamber
2 Hely Street, Wyong
on 29 January 2019
Commencing at 6.30PM

Present

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

In Attendance

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Director Road, Traffic, Drainage and Waste), Bileen Nel (Director Water and Sewer), Julie Vaughan (Director Connected Communities), Jamie Loader (Acting Director Environment and Planning), Shane Sullivan (Acting Director Governance).

The Mayor, Jane Smith, declared the meeting open at 6.51pm.

Adjournment

Councillor Vincent arrived at 7.23pm and did not vote on this item.

Moved: **Councillor Mehrtens**
Seconded: **Councillor Matthews**

1/19 That Council adjourn the 29 January 2019 Ordinary Council Meeting, the time being 6.51pm, to recommence at the conclusion of the Public Forum.

For:
Unanimous

The Mayor, Jane Smith, recommenced the meeting at 7.17pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

At the ordinary meeting reports were considered in the following order 7.1, 6.1, 1.4, 2.1, 2.2, 2.3, 2.4, 3.1, 3.2, 3.3, 3.5, 4.7, 4.8 and 8.1. However for the sake of clarity the reports are recorded in their correct agenda sequence.

Apologies

Councillor Rebecca Gale Collins

Councillor Vincent submitted a late apology, arriving at 7.23pm.

Leave of Absence

Councillor Best submitted a leave of absence for the 11 February 2019 Ordinary Meeting.

1.1 Disclosure of Interest

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

Councillor Best declared a pecuniary interest in the matter as he has an interest in close proximity to the application. Councillor Best left the Chamber at 9.04pm, returning at 9.33pm and did not participate in the discussion or voting. Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon declared a less than significant non pecuniary interest in the matter as she has had a conversation with the owner. Councillor Pilon chose to remain in chambers and participate in discussion and voting.

2.3 Deferred Item - DA/54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road, Killcare Heights

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

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

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

3.5 Adcock Park Redevelopment

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as her family members utilise and enjoy these facilities. Councillor Greenaway chose to remain in chambers and participate in discussion and voting.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he utilises these facilities recreationally and through club sport. Councillor MacGregor chose to remain in chambers and participate in discussion and voting.

3.6 Request to Name Park East Gosford Community Reserve

Mayor Smith declared a significant non pecuniary interest in the matter as the convener of the group was involved in her ticket for the campaign and she campaigned for the reserve. The matter was dealt with by the exception method.

3.7 2018-19 Community Support Grant Program

Councillor Hogan declared a less than significant pecuniary interest in the matter as she is connected with community groups. Councillor Hogan chose to remain in the chamber and participate in discussion and voting as she does not hold any office positions or personal relationships with the group and will manage the conflict by demonstrating a non-bias approach to decision making. The matter was dealt with by the exception method.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows members of the groups that may receive funding as recommended. Councillor Greenaway chose to remain in chambers and participate in discussion and voting. The matter was dealt with by the exception method.

4.8 2018/19 Capital Works Project Status

Councillor Marquart declared a pecuniary interest in the matter as the company that he is a Director of could possibly be quoting on the Laycock Street Theatre stage works. Councillor Marquart left the Chamber at 10.58pm, returning at 10.59pm and did not participate in the discussion or voting.

6.1 Notice of Motion - Rejection of Socially Unsupported Affordable Housing Unit Block Toukley

Councillor MacGregor declared a pecuniary interest in the matter as he is member of the Joint Regional Planning Panel (JRPP) and receives remuneration for attending the meeting. Councillor MacGregor left the Chamber at 8.08pm, returning at 8.19pm and did not participate in the discussion or voting.

Councillor Sundstrom declared a pecuniary interest in the matter as he is an alternate for the Joint Regional Planning Panel (JRPP) and receives remuneration for this specific matter. Councillor Sundstrom left the Chamber at 8.08pm, returning at 8.17pm and did not participate in the discussion or voting.

Moved: Mayor Smith
Seconded: Councillor Holstein

Resolved

2/19 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:
Unanimous

1.2 Confirmation of Minutes of Previous Meetings

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

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

For:

Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: Mayor Smith

Seconded: Councillor Hogan

Resolved

3/19 That the Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(c) (d) of the Local Government Act 1993 for the following reasons:

Item: 8.1 Kibbleplex Car Park

Reason for considering in closed session:

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

2(d) - Contains commercial information of a confidential nature that would, if disclosed:

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

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

Reason for considering in closed session:

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

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

Against:
Councillors Pilon, McLachlan, Greenaway
and Best

Procedural Motion – Exception

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

4/19 *That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:*

Item 1.4 - Mayoral Minute - Independent Hearing and Assessment Panels (IHAPs)
Item 2.1 - DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head
Item 2.2 - DA/54005/2018 - Lot D DP 29752, 12 Ascot Avenue, Avoca Beach - Proposed New Dwelling & Swimming Pool & Demolition of Existing Dwelling
Item 2.3 - Deferred Item - DA/54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road, Killcare Heights
Item 2.4 - Deferred Item - Building Certification Application No. 10981, Fence on Lot: 434 DP: 660287, 49 Wards Hill Road, Killcare Heights
Item 3.1 - Deferred Item - Acquisition of Land at Narara by way of "Gift" from Landowner
Item 3.2 - Deferred Item - Management Activities at Wamberal and Terrigal Beaches
Item 3.3 - Deferred Item - Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches
Item 3.5 - Adcock Park Redevelopment
Item 3.8 - Town Centre Review – Additional Information
Item 4.1 - Reports Due to Council
Item 4.7 - Request to audit Central Coast Airport
Item 4.8 - 2018/19 Capital Works Project Status
Item 6.1 - Notice of Motion - Rejection of Socially Unsupported Affordable Housing Unit Block Toukley
Item 6.2 - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection
Item 7.1 - Rescission Motion - Winney Bay Clifftop Walk - Stage 2 - Community Consultation
Item 8.1 - Kibbleplex Car Park

5/19 *That Council adopt the following items en-masse and in accordance with the report recommendations:*

Item 2.5 - Fire Safety Report - 268 Main Road Toukley
Item 2.6 - Fire Safety Inspection Report for Residential Flat Building at 71 Faunce Street West Gosford
Item 3.4 - Amend Ordinary Meeting Date for April 2019
Item 3.6 - Request to Name Park East Gosford Community Reserve
Item 3.7 - 2018-19 Community Support Grant Program
Item 4.2 - Meeting Record of the Heritage Advisory Committee held 28 November 2018
Item 4.3 - Meeting Record of the Coastal Open Space System (COSS) Committee held 29 November 2018
Item 4.4 - Strategic Conservation Planning Project
Item 4.5 - Investment Report for November 2018
Item 4.6 - Investment Report for December 2018
Item 4.9 - Aquatic Weed Management at Springfield Pond - Update
Item 8.2 - CPA/1860 - Tender Evaluation - Design Development and Construction of San Remo Boat Ramp

For:
Unanimous

Procedural Motion

Moved: **Councillor Burke**
Seconded: **Councillor Best**

Resolved

6/19 **That Council suspend standing orders to allow Item 7.1 and Item 6.1 to be brought forward for consideration.**

For:
Unanimous

1.4 Mayoral Minute - Independent Hearing and Assessment Panels (IHAPs)

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: **Mayor Smith**

- 1** **Council reaffirms its position that Council must be the decision maker for all planning matters on the Central Coast that aren't subject to determination by the Hunter and Central Coast Regional Planning Panel.**
- 2** **Council opposes the introduction of an IHAP for the Central Coast.**

- 3 Council work with Local Government NSW and other Councils to campaign to restore planning powers to communities.
- 4 Council write to the Minister for Planning and local State Members of Parliament candidates on the Central Coast calling for a reform of the NSW planning system to restore the right of councils to choose whether to use local panels, allowing councils and neighbourhoods to make decisions about developments that affect them.

Amendment Moved: Councillor Best
 Amendment Seconded: Councillor Marquart

- 1 That Council receive a comprehensive briefing at Council's scheduled strategic planning workshop around the recently released Kaldas Report and its complex 19 recommendations. Further, Council notes that recommendation three of the Kaldas Report only seeks the Minister's to consider the introduction of a Central Coast IHAB (Independent Hearing and Assessment Panel).
- 2 That Council urgently form a working party in partnership with staff to develop a structured and considered response to the complex Kaldas Report, particularly in addressing its major concerns around widespread fraud and corruption in the Local Government sector with regard to development applications.
- 3 That Council in the first instance seek to meet with the Minister through a bipartisan delegation to appraise and assure the Minister of this Council's strong probity, governance and transparency structures that currently underpin this Council's excellent track record. Also, further elected professional development opportunities that could assist.

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

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

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

Moved: Mayor Smith

Resolved

- 7/19 Council reaffirms its position that Council must be the decision maker for all planning matters on the Central Coast that aren't subject to determination by the Hunter and Central Coast Regional Planning Panel.**
- 8/19 Council opposes the introduction of an IHAP for the Central Coast.**
- 9/19 Council work with Local Government NSW and other Councils to campaign to restore planning powers to communities.**

10/19 Council write to the Minister for Planning and local State Members of Parliament candidates on the Central Coast calling for a reform of the NSW planning system to restore the right of councils to choose whether to use local panels, allowing councils and neighbourhoods to make decisions about developments that affect them.

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

Against:
Councillors Marquart, Pilon and Best

The meeting adjourned at 8.46pm and resumed at 9.03pm.

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

Councillor Best declared a pecuniary interest in the matter as he has an interest in close proximity to the application. Councillor Best left the Chamber at 9.04pm, returning at 9.33pm and did not participate in the discussion or voting. Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon declared a less than significant non pecuniary interest in the matter as she has had a conversation with the owner. Councillor Pilon chose to remain in chambers and participate in discussion and voting.

Councillor Burke left the chamber at 8.08pm and did not return.

Councillor Matthews left the chamber at 10.26pm and did not return.

Councillor Pilon left the chamber at 10.40pm and did not return.

Moved: Councillor Marquart
Seconded: Councillor Pilon

- 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 impose an additional condition of consent that the maximum number of days permitted for the operation of the short term rental accommodation is 180 days in a 12 month period.
- 3 That a report be brought back to Council within six months of operation in respect to compliance with the conditions of consent.

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

For:
Councillors Marquart, Holstein, Pilon and
McLachlan

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

The matter was then at LARGE.

Procedural Motion

Moved: Councillor MacGregor
Seconded: Councillor Sundstrom

Resolved

11/19 That Council defer Item 2.1 to a later stage of the meeting for consideration.

For:
Unanimous

Moved: Councillor MacGregor
Seconded: Councillor Mehrtens

12/19 That Council refuse the application for the following reasons:

- i The proposed development does not comply with the objectives of the zone as it will not maintain the residential amenity of the surrounding area.**
- ii The proposed development is not compatible with the adjacent low density residential development having regard for visual and acoustic privacy.**
- iii The proposed short term rental accommodation is not in the public interest as it will create unacceptable impacts in relation to increased noise and loss of amenity on the adjoining properties**

13/19 That Council advise those who made written submissions of its decision.

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

Against:
Councillors Marquart and McLachlan

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

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: Councillor Sundstrom

Seconded: Mayor Smith

Resolved

14/19 That Council defer the matter pending a site inspection.

For:

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

Against:

Councillors Marquart, Pilon, McLachlan, Greenaway and Best

2.3 Deferred Item - DA/54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road, Killcare Heights

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

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: Councillor Holstein

Seconded: Councillor McLachlan

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

For:

Councillors Marquart, Holstein, Pilon, McLachlan and Best

Against:

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

The matter was then at LARGE.

Moved: Mayor Smith
Seconded: Councillor Sundstrom

Resolved

15/19 That Council refuse the application for the following reasons:

- a) **The proposed 1.8m high colorbond front fence is not compatible with the desired character of the Scenic Buffer precinct of Killcare Heights. The use of landscaping to screen the fence cannot be relied upon considering the growth and size parameters remain uncertain.**
- b) **The proposed 1.8m high colorbond fence will be constructed of unrelieved metal sheeting. The construction of an unrelieved metal sheet fence will not contribute positively to the character and visual quality of the streetscape.**
- c) **The proposed development results in the following non-compliances with Council's DCP 2013;**
 - **Chapter 2.1 Character – Killcare Heights 5: Scenic Buffer**
 - **Chapter 3.1 – Clause 3.1.7.5 Fencing**
- d) **The development is not in the public interest as the proposal would pose a precedent in the area which would not be in keeping with the character of Killcare Heights Scenic buffer. The development received 15 public submissions which remain unresolved.**

16/19 That Council advise those who made written submissions of the decision.

17/19 That Council note the Deferred Item - Building Certification Application No. 10981, Fence on Lot: 434 DP: 660287, 49 Wards Hill Road, Killcare Heights which is Attachment 1 to this report.

18/19 That Council approve the Building Information Certificate having regard to the matters for consideration detailed in Section 6.25 and Section 6.26 of the EP&A Act 1979, and other relevant issues.

19/19 That Council advise those who made written submissions of its decision.

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

Against:
**Councillors Marquart, Holstein, Pilon,
McLachlan and Best**

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

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

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: Mayor Smith
Seconded: Councillor Greenaway

Resolved

20/19 That Council refuse the application for the following reasons:

- a) The proposed 1.8m high colorbond front fence is not compatible with the desired character of the Scenic Buffer precinct of Killcare Heights. The use of landscaping to screen the fence cannot be relied upon considering the growth and size parameters remain uncertain.**
- b) The proposed 1.8m high colorbond fence will be constructed of unrelieved metal sheeting. The construction of an unrelieved metal sheet fence will not contribute positively to the character and visual quality of the streetscape.**
- c) The proposed development results in the following non-compliances with Council's DCP 2013;**
 - Chapter 2.1 Character – Killcare Heights 5: Scenic Buffer**
 - Chapter 3.1 – Clause 3.1.7.5 Fencing**
- d) The development is not in the public interest as the proposal would pose a precedent in the area which would not be in keeping with the character of Killcare Heights Scenic buffer. The development received 15 public submissions which remain unresolved.**

21/19 That Council advise those who made written submissions of the decision.

22/19 That Council note the Deferred Item - Building Certification Application No. 10981, Fence on Lot: 434 DP: 660287, 49 Wards Hill Road, Killcare Heights which is Attachment 1 to this report.

23/19 That Council approve the Building Information Certificate having regard to the matters for consideration detailed in Section 6.25 and Section 6.26 of the EP&A Act 1979, and other relevant issues.

24/19 That Council advise those who made written submissions of its decision.

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

Against:
**Councillors Marquart, Holstein, Pilon,
McLachlan and Best**

2.5 Fire Safety Report - 268 Main Road Toukley

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

25/19 That Council note the content of the Fire Safety Report from Fire and Rescue NSW in accordance with Section 17(2)(a) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A), 1979; and

26/19 That Council receive a further report to be provided to the next Council meeting in accordance with Section 17(2)(b) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A), 1979.

For:
Unanimous

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

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

27/19 That Council note the result of the site inspection carried out on 24 September 2018.

28/19 That Council resolve to exercise its power to issue an order 1 under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW;

29/19 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.

For:
Unanimous

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

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: Councillor Holstein

Seconded: Mayor Smith

Resolved

30/19 That Council note the deferred Acquisition of Land at Narara by way of "Gift" from Landowner.

31/19 That Council accept the transfer of Lot 118 DP 880719 at 151B Narara Valley Dr, Narara at no cost to Council subject to Council meeting the fees associated with the transfer of the land including registration.

32/19 That once in Council ownership the following land is to be managed for flood mitigation subject to site constraints including environmental constraints.

33/19 That Council classify Council land Lot 118 DP 880719 as Community Land.

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

Abstain:
Councillor Greenaway

Procedural Motion

Moved: Councillor Pilon

Seconded: Councillor Best

34/19 That Council defer Item 3.2 to the next meeting for consideration.

For:
Mayor Smith and Councillors Marquart,
Holstein, Pilon, McLachlan and Best

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

Abstained: Councillor Mehrrens

Procedural Motion

Moved: Councillor MacGregor

Seconded: Councillor Greenaway

35/19 That Council recommit Item 3.2 for consideration at this meeting.

For:

Unanimous

3.2 Deferred Item - Management Activities at Wamberal and Terrigal Beaches

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: Councillor MacGregor

Seconded: Councillor Pilon

Resolved

36/19 That Council note the Deferred Item - Response to Motion of Urgency U5/18 Asbestos – Wamberal and Terrigal Beaches which is Attachment 1 to this report.

37/19 That Council note the funding offer provided by the NSW Government for the Wamberal Terminal Protection and Sand Nourishment preliminary investigations and concept design.

38/19 That Council request the Chief Executive Officer to commence the Wamberal Terminal Protection and Sand Nourishment preliminary investigations and concept design.

39/19 That Council request the Chief Executive Officer to provide a report on the activity suggested by Councillor Pilon.

For:

Unanimous

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

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: *Councillor MacGregor*

Seconded: *Councillor Pilon*

Resolved

40/19 *That Council note the Deferred Item - Response to Motion of Urgency U5/18 Asbestos – Wamberal and Terrigal Beaches which is Attachment 1 to this report.*

41/19 *That Council receive and note the report on Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches.*

For:

Unanimous

3.4 Amend Ordinary Meeting Date for April 2019

Moved: *Mayor Smith*

Seconded: *Councillor MacGregor*

Resolved

42/19 *That Council amend the date of its Ordinary Meeting scheduled for Tuesday, 23 April 2019 to be conducted on Monday, 29 April 2019.*

43/19 *That Council give public notice of the amended date for that meeting in accordance with clause 232 of the NSW Local Government (General) Regulation 2005.*

For:

Unanimous

3.5 Adcock Park Redevelopment

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as her family members utilise and enjoy these facilities. Councillor Greenaway chose to remain in chambers and participate in discussion and voting.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he utilises these facilities recreationally and through club sport. Councillor MacGregor chose to remain in chambers and participate in discussion and voting.

Councillor Burke left the chamber at 8.08pm and did not return.

Councillor Matthews left the chamber at 10.26pm during consideration of this item, did not vote and did not return.

Councillor Best left the chamber at 10.36pm during consideration of this item, did not vote and did not return.

Moved: Councillor Holstein
Seconded: Councillor Marquart

Resolved

44/19 That Council commit to the required \$25.35 million over the 2019/20 and 2020/21 financial years to complete the Adcock Park Redevelopment.

45/19 That the upgrades of Adcock park be conducted with a view to the inclusion of 32 netball courts to enable state events and the NSW championship to occur locally and to provide a significant boom to our regional economy and tourist industry. In the event that Adcock park is not suitable for the 32 courts to be included that an alternative site or options be investigated to ensure that these significant events can be conducted on the Central Coast to the greater benefit of our community.

46/19 That Council consider a further report if recommendation 2 is not attainable.

For:
Unanimous

Procedural Motion

Councillor Matthews left the chamber at 10.26pm and did not return.

Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon left the chamber at 10.40pm during consideration of this item, did not vote and did not return.

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

Resolved

47/19 *That Council extend the Council meeting to consider the following matters;*

- *Item 4.7 - Request to audit Central Coast Airport*
- *Item 4.8 - 2018/19 Capital Works Project Status*
- *Item 8.1- Kibbleplex Car Park*
- *Item 2.1-DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head*

48/19 *That Council defer the following matters to the 11 February 2019 Ordinary Meeting;*

- *Item 3.8 - Town Centre Review – Additional Information*
- *Item 4.1 – Reports Due to Council*
- *Item 6.2 - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection*

For:
Unanimous

3.6 **Request to Name Park East Gosford Community Reserve**

Mayor Smith declared a significant non pecuniary interest in the matter as the convener of the group was involved in her ticket for the campaign and she campaigned for the reserve. The matter was dealt with by the exception method.

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

Resolved

49/19 *That Council receive and note this report.*

For:
Unanimous

3.7 2018-19 Community Support Grant Program

Councillor Hogan declared a less than significant pecuniary interest in the matter as she is connected with community groups. Councillor Hogan will remain in the chamber and participate in discussion and voting as she does not hold any office positions or personal relationships with the group and will manage the conflict by demonstrating a non-bias approach to decision making. The matter was dealt with by the exception method.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows members of the groups that may receive funding as recommended. Councillor Greenaway chose to remain in chambers and participate in discussion and voting. The matter was dealt with by the exception method.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

50/19 That Council allocate \$21,188.75 from the 2018-19 grants budget to the community grant programs as outlined in the following report and Attachment 1.

51/19 That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.

For:
Unanimous

3.8 Town Centre Review – Additional Information

This item was dealt with as a procedural motion;

Councillor Matthews left the chamber at 10.26pm and did not return.

Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon left the chamber at 10.40pm during consideration of this item, did not vote and did not return.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

47/19 That Council extend the Council meeting to consider the following matters;

- *Item 4.7 - Request to audit Central Coast Airport*
- *Item 4.8 - 2018/19 Capital Works Project Status*

- *Item 8.1- Kibbleplex Car Park*
- *Item 2.1-DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head*

48/19 *That Council defer the following matters to the 11 February 2019 Ordinary Meeting;*

- *Item 3.8 - Town Centre Review – Additional Information*
- *Item 4.1 – Reports Due to Council*
- *Item 6.2 - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection*

For:
Unanimous

4.1 Reports Due to Council

This item was dealt with as a procedural motion;

Councillor Matthews left the chamber at 10.26pm and did not return.

Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon left the chamber at 10.40pm during consideration of this item, did not vote and did not return.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

49/19 *That Council extend the Council meeting to consider the following matters;*

- *Item 4.7 - Request to audit Central Coast Airport*
- *Item 4.8 - 2018/19 Capital Works Project Status*
- *Item 8.1- Kibbleplex Car Park*
- *Item 2.1-DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head*

48/19 *That Council defer the following matters to the 11 February 2019 Ordinary Meeting;*

- *Item 3.8 - Town Centre Review – Additional Information*
- *Item 4.1 – Reports Due to Council*
- *Item 6.2 - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection*

For:
Unanimous

4.2 Meeting Record of the Heritage Advisory Committee held 28 November 2018

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

52/19 That Council note the draft Meeting Record of the Heritage Advisory Committee held 28 November 2018 that is Attachment 1 to this report.

For:
Unanimous

4.3 Meeting Record of the Coastal Open Space System (COSS) Committee held 29 November 2018

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

53/19 That Council note the draft Meeting Record of the Coastal Open Space System (COSS) Committee held 29 November 2018 that is Attachment 1 to this report.

For:
Unanimous

4.4 Strategic Conservation Planning Project

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

54/19 That Council note this report and continue to provide in-principle support including access to Council lands and staff support.

For:
Unanimous

4.5 Investment Report for November 2018

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

55/19 That Council receive the Investment Report for November 2018.

For:
Unanimous

4.6 Investment Report for December 2018

Moved: Mayor Smith
Seconded: Councillor MacGregor

56/19 That Council receive the Investment Report for December 2018.

For:
Unanimous

4.7 Request to audit Central Coast Airport

Councillor Burke left the chamber at 8.08pm and did not return.

Councillor Matthews left the chamber at 10.26pm and did not return.

Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon left the chamber at 10.40pm and did not return.

Moved: Mayor Smith
Seconded: Councillor MacGregor

- 1 *That Council note the advice from the Auditor General as attached.*
- 2 *That Council request the Chief Executive Officer engage an external auditor to undertake an investigation into Central Coast Airport in accordance with the resolution of the Ordinary Council Meeting on 10 December 2018.*

Amendment Moved: Councillor McLachlan
Amendment Seconded: Councillor Marquart

- 1 *That Council note the advice from the Auditor General as attached.*
- 2 *That Council request the Chief Executive Officer engage an external auditor to undertake an investigation into Central Coast Airport in accordance with the resolution of the*

Ordinary Council Meeting on 10 December 2018.

3 *That Council consider a report on the costings of engaging an external auditor.*

For:
Councillors Marquart and McLachlan

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

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

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

57/19 That Council note the advice from the Auditor General as attached.

58/19 That Council request the Chief Executive Officer engage an external auditor to undertake an investigation into Central Coast Airport in accordance with the resolution of the Ordinary Council Meeting on 10 December 2018.

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

Against:
Councillors Marquart and McLachlan

4.8 2018/19 Capital Works Project Status

Councillor Marquart declared a pecuniary interest in the matter as the company that he is a Director of could possibly be quoting on the Laycock Street Theatre stage works. Councillor Marquart left the Chamber at 10.58pm, returning at 10.59pm and did not participate in the discussion or voting.

Councillor Burke left the chamber at 8.08pm and did not return.

Councillor Matthews left the chamber at 10.26pm and did not return.

Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon left the chamber at 10.40pm and did not return.

Moved: Councillor MacGregor
Seconded: Mayor Smith

59/19 That Council receive the report on 2018/19 Capital Works Project Status.

60/19 *That Council adopt the proposed changes to the capital works program consisting of 65 projects and a proposed budget increase of \$3.045 million.*

For:

Unanimous

4.9 Aquatic Weed Management at Springfield Pond - Update

Moved: *Mayor Smith*

Seconded: *Councillor MacGregor*

Resolved

61/19 *That Council receive and note this report.*

For:

Unanimous

6.1 Notice of Motion - Rejection of Socially Unsupported Affordable Housing Unit Block Toukley

Councillor MacGregor declared a pecuniary interest in the matter as he is member of the Joint Regional Planning Panel (JRPP) and receives remuneration for attending the meeting. Councillor MacGregor left the Chamber at 8.08pm, returning at 8.19pm and did not participate in the discussion or voting.

Councillor Sundstrom declared a pecuniary interest in the matter as he is an alternate for the Joint Regional Planning Panel (JRPP) and receives remuneration for this specific matter. Councillor Sundstrom left the Chamber at 8.08pm, returning at 8.17pm and did not participate in the discussion or voting.

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: *Councillor Best*

Seconded: *Councillor Hogan*

Resolved

62/19 *That Council make an urgent submission to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for its 21st February Meeting calling on the HCCRPP to reject DA 44/2018 for 34 residential flats proposed by Compass Housing under the Affordable Rental Housing SEPP due to widespread Community concern around compatibility with the existing residential built environment.*

63/19 *That further any such rejection should take into consideration that this Proposal seeks to house and support high needs individuals and families in what is a satellite Community, that does not and cannot provide the full range of important social services and Agency supports that are integral in underpinning integration.*

64/19 *That Council make urgent representation to the Planning Minister supporting the concept around the principles of the overall Affordable Rental Housing SEPP, however for the SEPP to be successful in delivering its aims and objectives, the criteria must reflect compatibility with existing surrounds and importantly be able to clearly demonstrate that adequate social support mechanisms are readily available.*

For:
Mayor Smith and Councillors Holstein, Mehrtens, Matthews, Pilon, McLachlan, Vincent, Hogan, Best

Against:
Councillors Marquart and Greenaway

6.2 Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection

This item was dealt with as a procedural motion;

Councillor Matthews left the chamber at 10.26pm and did not return.

Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon left the chamber at 10.40pm during consideration of this item, did not vote and did not return.

Moved: Mayor Smith
 Seconded: Councillor MacGregor

Resolved

47/19 *That Council extend the Council meeting to consider the following matters;*

- *Item 4.7 - Request to audit Central Coast Airport*
- *Item 4.8 - 2018/19 Capital Works Project Status*
- *Item 8.1- Kibbleplex Car Park*
- *Item 2.1-DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head*

48/19 *That Council defer the following matters to the 11 February 2019 Ordinary Meeting;*

- *Item 3.8 - Town Centre Review – Additional Information*
- *Item 4.1 – Reports Due to Council*

- *Item 6.2 - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection*

*For:
Unanimous*

7.1 Rescission Motion - Winney Bay Clifftop Walk - Stage 2 - Community Consultation

*Moved: Councillor Pilon
Seconded: Councillor Marquart*

That Council rescind the following resolution carried at the Ordinary Meeting of Council held on 10 December 2018:

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

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

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

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

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

- a. A pathway with a maximum 2m width, following the existing informal track and using materials that have minimal environmental impact.*
- b. Deletion of the proposed 3m wide concrete access road and bridge.*
- c. Relocation of the lookout to the vicinity of the southern side of the former proposed bridge.*
- d. Deletion of the market stall components.*
- e. Rehabilitation and restoration of the native vegetation on the site.*
- f. Investigate ways to improve inclusive access to the proposed lookout, noting that this may require a suitable hard surface in this section.*

- g. Investigate options to ensure that the project reflects and promotes Aboriginal connection and significance.
- h. Provision of information / education signage at the commencement of Stage 2 promoting the 5 Lands Walk, the features of the site and the funding source.

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

A division was called by Councillors Pilon and Best.

For:

Councillors Marquart, Holstein, Pilon,
McLachlan, Burke and Best

Against:

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

The Rescission Motion was put to the vote and declared LOST.

Questions on Notice

Q1/19 QON - Reports Due to Council **Councillor Chris Holstein**

Regarding the report 4.1: *Reports due to Council*, is there an opportunity for the Councillors at the next briefing session to discuss those reports to see whether they are all still necessary?

Q2/19 QON - Pathway in Adcock Park **Councillor Richard Mehrtens**

What consideration and consultation has been undertaken regarding a pathway between the Adcock Park carpark and the velodrome following proposed upgrades to ensure that cyclists are able to move their equipment between the two locations?

Q3/19 QON - Garbage Trucks at Tarragal Glen
Councillor Jeff Sundstrom

Is Council in a position to discuss the use of smaller garbage trucks within the Tarragal Glen complex with the waste contractor? Is this being investigated? And if so, how close are the residents of Tarragal Glen from hearing a determination?

Q4/19 QON - Warnervale Indoor Leisure Centre
Councillor Kyle MacGregor

What is the current status of the formerly mooted Warnervale indoor leisure centre, are there any plans for this facility to be constructed and opened within the current term of this council?

Julie Vaughan provided an response: Councillor MacGregor at this stage we have just done some feasibility studies to understand the need, but sites have not been confirmed at present. In the proposed 2019/20 budget there is a proposal for the design works to be conducted. But it is probably unlikely that something will be built in this term of Councillors.

Q5/19 QON - Council Staff on Boards/Community Groups
Councillor Kyle MacGregor

When Council staff appear ex officio on boards or as members of community groups or other groups executives how does council recognise this status and does council appoint these people or are they self-appointed with this title, are there reporting mechanisms in place for these positions and how is it determined that these people are acting on councils behalf or officially or unofficially representing council on these boards or as members of these groups executives?

Q6/19 QON - Litter
Councillor Bruce McLachlan

Can council please advise of initiatives taken this holiday season to help curb the litter problem?

Q7/19 QON - Dredging at The Entrance Channel
Councillor Bruce McLachlan

Can Council provide an update on both the Weed wrack harvester operations and reasons why the dredging at The Entrance Channel was stopped, and when it is likely to return to operation?

Q8/19 QON - PFAS Ash Dams
Councillor Louise Greenaway

On 26 November 2018, Council passed resolutions in relation to PPAS and Ash Dams. Since then, residents have indicated that there is asbestos material being located at the Ash Dam. Would Council Staff please advise as to whether they are aware of any Asbestos material being located in the Ash Dam and if so who was the consent authority for material being deposited there?

Residents are concerned that Ash dam material has been trucked from one of the power stations the to Kangy Angy rail maintenance site for use as landfill. Are staff able to look into this issue and determine whether there is any accuracy in these claims and inform the relevant consent authority?

Q9/19 QON - Terms of Reference for the 'Arts and Cultural Advisory Group'
Councillor Jillian Hogan

Is there a terms of reference for the arts and cultural advisory group?

Julie Vaughan provided a response: There is not an arts and cultural advisory group. Council is in the process of developing the Central Coast Regional Cultural Strategy. There may be an advisory group that is formed to assist with that, but there is no formal committee of Council.

Q10/19 QON - Consultants - Chain Valley Bay Shared Pathway
Councillor Jillian Hogan

What process are we going to use to consult with the Mannering Park and Chain Valley Bay Community about where their shared pathway should go? And when will that start?

Q11/19 QON - Draft DCP
Councillor Troy Marquart

The draft DCP includes Flood Hazard Categories (H1 to H6). When will the required Hazard Category maps for each Ward area be released to Councillors and the general Central Coast public for review, so the scale of the properties affected under this hazard zoning can be confirmed?

Q12/19 QON - The Entrance Light Installation
Councillor Lisa Matthews

Can staff please provide the budget allocated to events and activities including the Lights installation, Extra Security & cleaning costs at The Entrance from December 1 2018-26th January 2019?

Q13/19 QON - Annual Budget Allocation
Councillor Lisa Matthews

Can staff please advise what percentage of Councils overall Annual events budgets are allocated to events staged at The Entrance?

Procedural Motion – Closed Session

Moved: Councillor Mehrtens
Seconded: Councillor Sundstrom

Resolved

That Council move into Confidential Session of the meeting.

For:
Unanimous

At this stage of the meeting being 11.09pm the meeting moved into Confidential Session with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10A(2) of The Local Government Act, 1993 as the items listed come within the following provisions:-

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

The meeting resumed in open session at 11.31pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

8.1 Kibbleplex Car Park

Resolved

65/19 That the Council resolve to deal with this report in closed session pursuant to s.10A(2)(c) and (d) of the Local Government Act 1993, as it;

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

and

2(d) Contains commercial information of a confidential nature that would, if disclosed:

(iv) prejudice the commercial position of the person who supplied it.

66/19 That Council enter into the proposed new lease over the Kibbleplex car park and continue to provide the 535 all day parking spaces.

67/19 That Council determine that no fee should be charged for parking at the Kibbleplex car park to cover the operating costs.

68/19 That Council resolve to make the necessary budget adjustment as part of the Quarter 2 Budget Review process.

8.2 CPA/1860 - Tender Evaluation - Design Development and Construction of San Remo Boat Ramp

Resolved

69/19 That Council declines all tenders received for Contract CPA/1860 – Design Development and Construction of San Remo Boat Ramp in accordance with cl.178 Local Government (General) Regulation 2005.

70/19 That Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender, as per cl.178(3) of the 'Regulation'.

The Meeting closed at 11.33pm.



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

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13437741

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 Council receive the report and note that no matters have been tabled to deal with in a closed session.

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,*

1.3 Notice of Intention to Deal with Matters in Confidential Session (contd)

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

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

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

Attachments

Nil



Item No: 2.1
Title: DA/52563/2017 - Mixed Use Development - 211 -
213 West Street, Umina Beach
Department: Environment and Planning

11 February 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13445851
Author: Antonia Stuart, Senior Development Planner
Manager: Jamie Loader, Unit Manager, Development Assessment
Executive: Scott Cox, Director, Environment and Planning

Summary

A development application has been received for a shop top housing development comprising two shops and twenty residential units and car parking on Lot: 108 SEC: B DP: 8872, Lot: 109 SEC: B DP: 8872, No.'s 211-213 West Street, Umina. The development application is required to be reported to Council in accordance with Council's adopted *Policy for Determining Development Applications Subject to Significant Public Objections as 24* submissions were received by Council, objecting to the amended proposal, and one submission in support.

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

In addition, on 30 July 2018, Councillor's Greenaway and Sundstrom submitted a written request confirming the development application be brought before Council for determination in the event Council staff recommended approval.

Applicant	Sans Filter Pty Ltd
Owner	Sans Filter Pty Ltd
Application No	DA 52563/2017
Description of Land	Lot: 109 SEC: B DP: 8872, 211 West Street, Umina Beach Lot: 108 SEC: B DP: 8872, 213 West Street, Umina Beach
Proposed Development	Demolition of Existing Two Storey Commercial Buildings & Construction of Basement Carparking, Ground Level Retail & Commercial Floor Space & 20 Residential Apartments Above
Site Area	906.6m ²
Zoning	B2 Local Centre
Existing Use	Two commercial premises
Employment Generation	Yes
Estimated Value	\$7,591,510.00

Recommendation

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

Precis


Proposed Development	Shop top housing development comprising of two shops and twenty residential units and car parking (basement and ground level).
Permissibility and Zoning	The subject site is zoned B2 Local Centre under the provisions of <i>Gosford Local Environmental Plan 2014</i> . The proposed development is defined as commercial premises and shop top housing which is permissible in the zone with the consent of Council.
Relevant Legislation / Policies	<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 – s. 4.15 (EP&A Act)</i> • <i>Roads Act 1997 (Roads Act)</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • <i>State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)</i> • <i>State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65)</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)</i>

	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy 71 – Coastal Protection (SEPP 71)</i> • <i>State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management)</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</i> • <i>Gosford Development Control Plan 2013 (GDGP 2013)</i> • <i>Draft Central Coast Development Control Plan 2018 (Draft CCDCP 2018)</i> • <i>Apartment Design Guide. Tools for improving the design of residential apartment development (ADG)</i> • <i>Central Coast Regional Plan 2036 (CCRP 2036)</i> • <i>Gosford City Council Climate Change Policy.</i> • <i>Central Coast Council's Community Strategic Plan 2018-2028 'One Central Coast'.</i>
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Variations to Policies

Policy	Clause / Description	Variation
Gosford Local Environmental Plan 2014	Clause 4.3(2) (Height of Buildings)	<ul style="list-style-type: none"> • Maximum height of 14.25m is permitted. The proposed development has a maximum height of 15.2m, resulting in a 0.97m or 6.81% non-compliance with the development standard.
	Clause 4.3(2A)(a)	<ul style="list-style-type: none"> • The site area is less than 1,000m², resulting in a 9.34% or 93.4m² variation with the development standard.
	Clause 4.4(2) (Floor Space Ratio)	<ul style="list-style-type: none"> • The applicable FSR control is 1.8:1. The proposed development has a maximum FSR of 1.98:1, representing a 0.18:1 or 10% non-compliance with the development standard.

	Clause 4.4A(1)	<ul style="list-style-type: none"> The site area is less than 1,000m², resulting in a 9.34% or 93.4m² variation with the development standard.
Gosford Development Control Plan 2013	4.2.5.2 Building Height	<ul style="list-style-type: none"> Maximum height of four storeys permitted. Five storeys or a 25% variation is proposed. A 8.75m height/ 2 storey façade applies to the northern and eastern site boundaries in that they interface with a street and common boundary with a residential zone. A 3 storey façade or 50% variation is proposed to Morris Street. A 4 storey façade or 100% variation is proposed to R1 zoned properties located directly north of the site. An external wall height of 15.22m is proposed, resulting in a 2.47m or 19% variation.
	4.2.5.3 Building Setbacks and Building Envelopes	<ul style="list-style-type: none"> Morris and West Street: Courtyard Setback of 3m recommended. Zero setback is proposed, resulting in a 100% variation. Any part of a building that is above 7m is to be set back in accordance with a pedestrian envelope that is projected at 45° from the façade that has a frontage to a public right of way such as a street or lane. The proposal results in the following variations (highlighted in purple): <div data-bbox="742 1496 1321 1798" data-label="Image"> </div> <p>Section 1-1 – West Street</p>

		 <p>Section 4-4 – Morris Street</p> <p>A maximum variation of 3.9m or 44.29% is proposed adjacent to West Street and Morris Street.</p>
<p>Gosford Development Control Plan 2013 (cont'd)</p>	<p>4.2.5.4 Building Separation</p>	<ul style="list-style-type: none"> • Adjacent to the northern site boundary up to 14.25m in height, a 12m separation between two habitable rooms/balconies is required. One bedroom window exists in the southern façade of the dwelling located at No. 2 Morris Street, therefore the proposal results in the following variations: <ul style="list-style-type: none"> a) First to Third Floor (balconies): 6.5m or 45.83% variation. b) First to Third Floor (habitable rooms): 8.8m or 26.67%. • Adjacent to the northern site boundary, for buildings 5 storeys and above, an 18m separation between two habitable rooms/balconies is required. One bedroom window exists in southern façade of the dwelling located at No. 2 Morris Street, therefore the proposal results in the following variation: <ul style="list-style-type: none"> a) Fourth Floor (habitable rooms): 8.44m – 8.8m or 53.11 – 51.11%.

Gosford Development Control Plan 2013 (cont'd)	4.2.5.5 Building Depth	<ul style="list-style-type: none"> cl. 4.2.5.5 (a) identifies that single aspect commercial tenancies are to have a maximum depth of 10m. The maximum depth of commercial tenancy 1 is 11.76m, resulting in a 1.76m or 17.6% variation.
	4.2.9 Housing Choice and Mix	<ul style="list-style-type: none"> No more than one third of the dwellings, being 7, should be the same type. Dwelling Type 2A is proposed in 8 dwellings, resulting in a variation of 1 or 14.29%.
	7.2.16.4 Controls/ Requirements Waste Servicing	<ul style="list-style-type: none"> Clause 7.2.16.4 states that residential flat buildings having 18 units or less can be serviced at the kerbside with residential flat buildings having over 18 units requiring on-site waste servicing. The proposal comprises 20 units and kerbside collection, resulting in an 11% or 2 unit variation to this requirement.
Apartment Design Guide	3D-1 Communal Open Space	<ul style="list-style-type: none"> 25% of the site area is required as communal open space, 135m² or 15% is provided, resulting in a 10% variation.
	3F-1 Visual Privacy	<ul style="list-style-type: none"> A 9m setback is recommended adjacent to the zone interface at the northern site boundary for those elements of a development up to a height of 12m or 4 storeys: <ul style="list-style-type: none"> a) First to Third Floor (balconies): 5.115m setback resulting in a 43.17% or 3.88m variation. b) First to Third Floor (habitable rooms): 7.45m setback resulting in a 17.22% or 1.55m variation. A 12m setback is recommended adjacent to the zone interface at the northern site boundary for those elements of a development up to a height of 25m or between 5 and 8 storeys: <ul style="list-style-type: none"> a) Fourth Floor (habitable rooms): 7.2m setback resulting in a 40% or 4.8m variation.

2.1 DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach (contd)

	4D-2 Room depths	<ul style="list-style-type: none"> In open plan layouts, a room is not to exceed 8m in depth from a window. 16 of the 20 apartments (80%) have depths in excess of 8 metres from a window.
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The Site

The site is commonly known as No's 211-213 West Street, Umina and is legally known as Lot: 108 SEC: B DP: 8872, Lot: 109 SEC: B DP: 8872. The site is located on the northern side of West Street, cornering Morris Street, Umina.

The site has an area of 906.6m², a rear boundary frontage of 24.38m, a frontage to Morris Street of 37.18m, and a frontage to West Street of 24.38m.

The site is flat with a slight falling grade from West Street (RL 5.38m AHD) towards the rear northern boundary (RL 5.08 AHD).

The subject site is currently occupied by two double storey commercial premises with at grade bitumen to the rear of both sites (refer to Figure's 1 -3).



Figure 1 - Aerial photograph and location plan of subject site (edged in black)



Figure 2 – West Street frontage of the site



Figure 3 – View of the site cornering West Street and Morris Street

The site is zoned B2 Local Centre under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014) (refer to Figure 4).

2.1 DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach (contd)

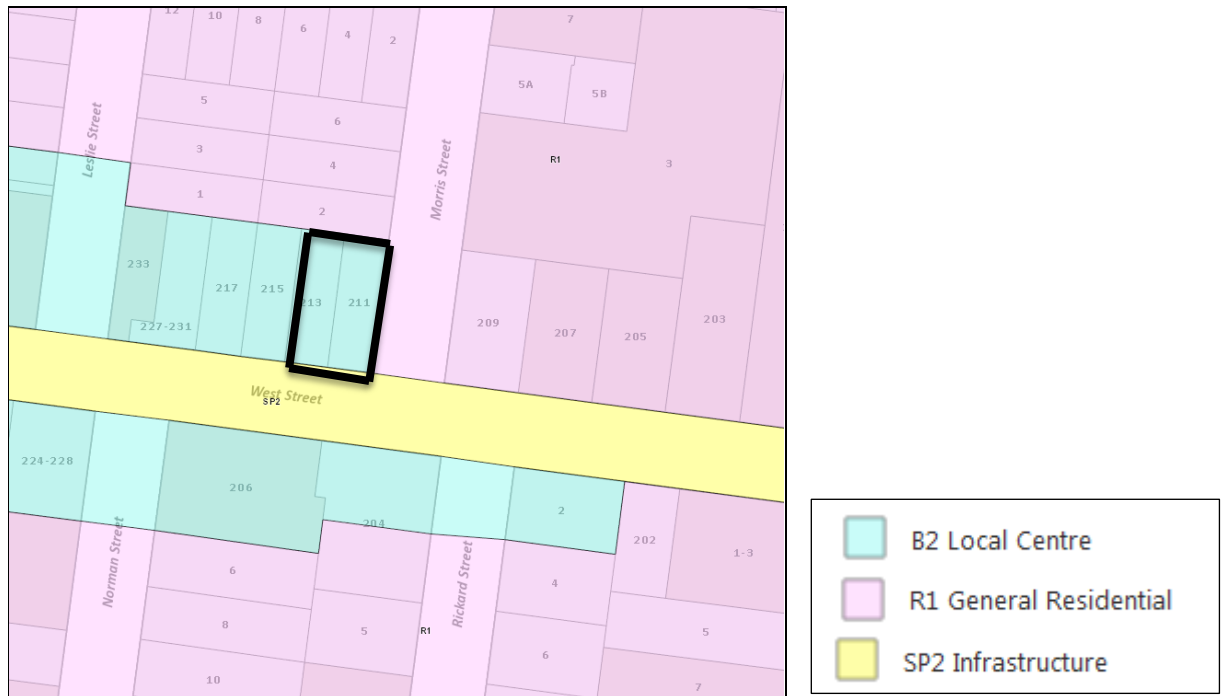


Figure 4 - Zoning of the site (edged in black) and adjoining properties

The subject site is also located within the Umina Village Centre as identified in cl.4.4 (2) of GLEP 2014 and Chapter 4.3 of *Gosford Development Control Plan 2013* (GDGP 2013) (refer to Figure 5).



Figure 5 – Umina Village Centre (edged in black)

Surrounding Development

Adjoining the western site boundary are one and two storey commercial buildings fronting West Street. Directly opposite the site on West Street, cornering Rickard Street, Umina is a three storey mixed use development (refer to Figure 6). All remaining properties on the southern side of West Street are either one or two storeys.



Figure 6 – Mixed use development at No. 204 West Street, Umina

The subject site is located on the periphery of the Umina Village Centre, and as such results in two zone interfaces. The subject site is B2 Local Centre zone under the provisions of GLEP 2014. Directly to the north of the site and to the east of the site on the opposite side of Morris Street, the land is zoned R1 General Residential zone under GLEP 2014.

Directly opposite the site on Morris Street, located at No. 209 West Street, Umina, is a vacant site, which is benefitted by consent for a one and two storey, 4 unit residential development approved under DA50258/2016. Consent for DA 50258/2016 will not lapse until 2 March 2022. Further east of the site on both the northern and southern sides of West Street are single and two storey dwellings. Directly to the rear of the site fronting Morris Street, and located in the R1 General Residential zone under GLEP 2014, are single storey dwellings (refer to Figure 7).



Figure 7 – Single storey residential dwellings located to the rear of the site fronting Morris Street

The Proposed Development

The development application was lodged on 19 July 2017 and was for a five storey mixed use development with basement car parking, 3 ground floor commercial tenancies, 22 residential units with an overall height of RL 20.96 AHD (height of building 15.6m) and a floor space ratio (FSR) of 2.6:1 (refer Figure 8 and 9).

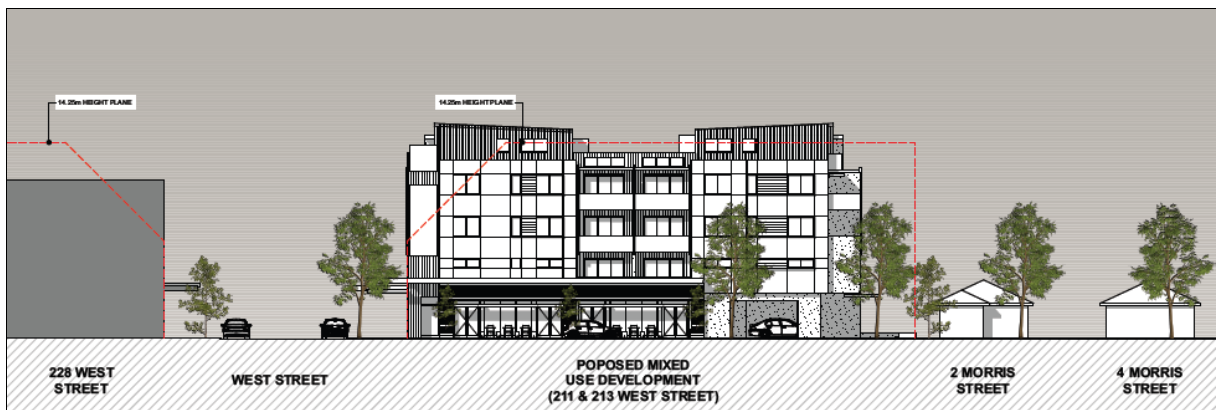


Figure 8 – Eastern Elevation (Morris Street) of originally submitted proposal



Figure 9 – Render of Southern and Western Elevation of originally submitted proposal

The application has been amended four times (on 23 February 2018, 11 April 2018, 20 June 2018 and 1 August 2018) in response to community consultation and discussions with Council staff.

Amended plans were lodged on 23 February 2018 seeking approval for a five storey mixed use development with basement and ground level car parking, 2 ground floor commercial tenancies, 20 residential units with a maximum floor space ratio (FSR) of 2.3:1. The height of the building was not reduced to that originally submitted (refer to Figure 10). The applicant was advised of concerns associated with these amended plans and confirmed they would lodge further amended plans addressing the concerns raised by Council staff. As such these plans were not notified.



Figure 10 – Render of Southern and Western Elevation of amended proposal (23 February 2018)

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On 11 April 2018, the applicant lodged further amended plans seeking approval for a five storey mixed use development with basement and ground level car parking, 2 ground floor commercial tenancies, 20 residential units with a maximum floor space ratio (FSR) of 2.16:1. The height of the building was not reduced to that originally submitted (refer to Figure 11). The applicant was advised of concerns associated with these amended plans and confirmed they would lodge further amended plans addressing the concerns raised by Council staff. As such these plans were not notified.



Figure 11 – Render of Southern and Western Elevation of amended proposal (11 April 2018)

On 20 June 2018, the applicant lodged further amended plans seeking approval for a five storey mixed use development with basement and ground level car parking, 2 ground floor commercial tenancies, 20 residential units with a maximum floor space ratio (FSR) of 1.98:1 and a reduced height of RL 20.56m AHD (height of building 15.2m) (refer to Figure 11). These amended plans were notified from 28 June 2018 until 19 July 2018.



Figure 12 – Render of Southern and Western Elevation of amended proposal (20 June 2018)

Following consultation with Council, further amended plans were lodged on 1 August 2018 and are the subject of this report. These amended plans were not further notified given the changes to the architectural plans incorporated minor changes to the street awning on West Street (reduced in size to accommodate street trees) and the relocation of the sewer line at the rear of the property so as to accommodate additional deep soil areas.

The current proposal is for a five storey mixed use development with 2 ground floor shops, basement and ground level car parking accommodating 31 spaces, 20 residential units and a maximum building height of RL 20.56m AHD and a FSR of 1.98:1:

- Basement Level: Four commercial car parking spaces; 22 residential car parking spaces including two accessible spaces; residential storage and internal lift access.
- Ground Floor: Two shops at ground level fronting West Street and Morris Street with a gross floor area (GFA) of 200m². A single vehicular access point is provided on Morris Street at this level, serving four commercial and one car parking spaces accommodating a visitor.
- First Floor: 6 x 2 bedroom units; communal area.
- Second Floor: 6 x 2 bedroom units.
- Third Floor: Roof top terrace/ communal area; The lower level of 8 maisonette units (4 x 1 bedroom units and 4 x 2 bedroom units).
- Fourth Floor; The upper level of 8 maisonette units (4 x 1 bedroom units and 4 x 2 bedroom units).

2.1 DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach (contd)

- The colours and finishes of external facades will be in accordance with the schedule supporting the development application (refer to Figure 13).



Figure 13 – Proposed External Finishes Schedule (Eastern Elevation – Morris Street)

- Landscaping will be in accordance with the landscape plan supporting the development application (refer to Figure 14) including new paving adjacent to both the West Street and Morris Street facades of the proposal and two new street trees and planter boxes.

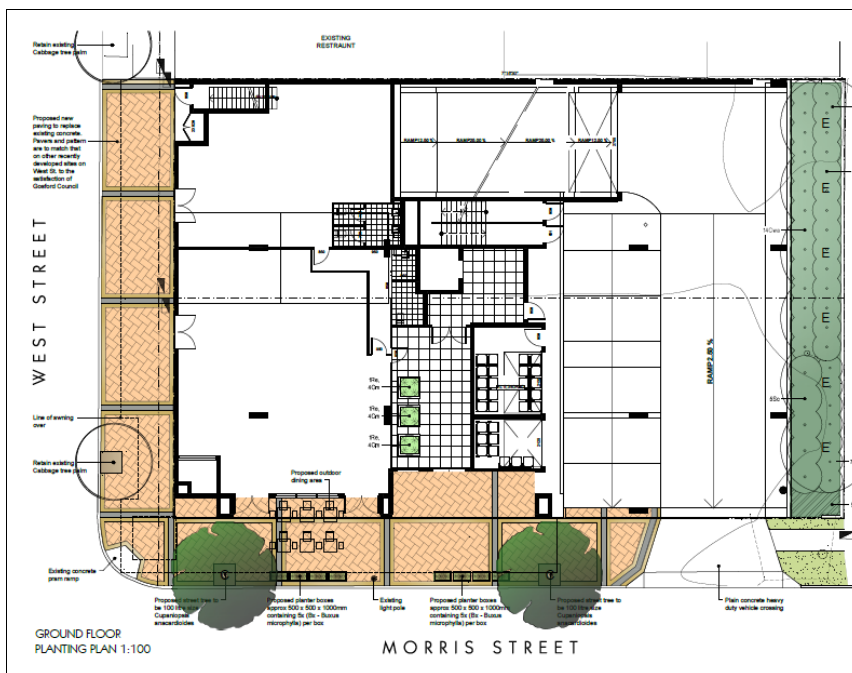


Figure 14 – Proposed Landscaping Plan

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

Public Consultation

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

The application was lodged on 19 July 2017, and notified from 10 August 2017 until 31 August 2017, with 31 submissions received objecting to the proposal.

On 20 June 2018, the applicant lodged amended plans, which were notified from 28 June 2018 until 19 July 2018. 24 public submissions were received objecting to the latest amended proposal, Council also received one submission in support.

In addition, on 30 July 2018, Councillor's Greenaway and Sundstrom submitted a written request confirming the development application be brought before Council for determination in the event Council staff recommended approval.

The following is a summary of the issues raised in this final notification period:

- ***The overall area of the combined sites is less than 1000m² (at 906.6m²). In accordance with cl. 4.3 (2A) and cl. 4.4A (1) of GLEP 2014, the applicable maximum building height is reduced to 11.5m with a reduced maximum floor space ratio of 1:1, exceeding the floor space ratio by 98% and the height by 32%.***

Comment

The proposed development is supported by a Statement of Environmental Effects, prepared by Wales & Associates Pty Ltd, dated April 2018, where the subject site is identified as having a maximum building height of 14.25m (cl. 4.3 (2) of GLEP 2014) and a maximum floor space ratio of 1.8:1 (cl. 4.4 (2) of GLEP 2014).

The proposed development has a maximum height of 15.22m, resulting in a 0.97m or 6.81% non-compliance with cl. 4.3 (2) of GLEP 2014.

The proposed development has a maximum FSR of 1.98:1, representing a 0.18:1 or 10% non-compliance with cl. 4.4 (2) of GLEP 2014.

2.1 DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach (contd)

Both cl. 4.3(2A) and cl. 4.4A(1) of GLEP 2014 are applicable to the subject site, where the maximum building height is reduced to 11.5m with a reduced maximum floor space ratio of 1:1. However, neither cl. 4.3 (2A) nor cl. 4.4A (1) of GLEP 2014 were initially addressed in the documentation supporting the development application. The application of cl. 4.3(2A) and cl. 4.4A (1) of GLEP 2014 were interpreted by the applicant as not applying to the subject site in that the frontage of the site exceeds 20m, despite the overall area of the combined sites being less than 1000m² (at 906.6m²).

In order to address this issue, cl.4.6 of GLEP 2014 variations to the following development standards were received:

- a) Clause 4.3(2A)(a) in that the building is located on a site area less than 1,000m², resulting in a 9.34% or 93.4m² variation.
- b) Clause 4.4A(1) in that the building is located on a site area less than 1,000m², resulting in a 9.34% or 93.4m² variation.

It is noted the variations to cl. 4.3 (2A) and cl. 4.4A (1) of GLEP 2014 are below 10%.

The submitted cl.4.6 of GLEP 2014 variations to cl.4.3(2A) and cl.4.4A (1) of GLEP 2014 are supported by Council staff. As such, cl.4.3 (2A) and cl. 4.4A (1) of GLEP 2014 are not applicable and a maximum building height of 14.25m (cl. 4.3(2) of GLEP 2014) and a maximum floor space ratio of 1.8:1 (cl. 4.4(2) of GLEP 2014) apply to the subject site.

- ***The external finishes and colour schedule illustrated in the renders provided is not consistent with the architectural plans supporting the development application.***

Comment

The renders supporting the development application are for illustrative purposes only. Notwithstanding, Council considers these renders are generally consistent with the architectural plans and schedule of external finishes and colour schedule supporting the development application.

- ***Inadequate car parking is provided on site.***

Comment

The current proposal is for mixed use development with 2 ground floor shops, basement and ground level car parking accommodating 31 spaces, and 20 shop top housing units. The allocation of the car parking spaces is provided in accordance with Chapter 7 of GDCP 2013, noting 3 on street car parking spaces are available for use on Morris Street:

Parking Type	Rate	Extent	Required	Proposed	Complies
Resident	1 space per dwelling	20 units	20	22	Yes
Residential Visitor	0.2 spaces per dwelling	20 units	4	1 on site	Yes NOTE: 3 residential visitor spaces are proposed as on street car parking and are not counted in the proposed overall total.
Commercial	1 space per 30m ²	200m ²	7	8	Yes
Total parking spaces			31	31	Yes

Figure 15 –GDCP 2013 Car Parking Requirements

Whilst 2 additional residential car parking spaces and 1 additional commercial space could be reallocated to residential visitor spaces, in this instance, the provision of on street car parking for visitors is acceptable, as unrestricted on street parking is safely available within 60m of the development in accordance with cl. 7.1.3.2 of GDCP 2013.

- ***Unacceptable traffic impact creating safety concerns for adjacent roadways.***

Comment

Council's Traffic and Transport Planner reviewed the application and supports the proposal without conditions for the following reasons:

- The proposal results in a shortage of 3 on site car spaces for residential visitors as detailed in Figure 15. However, in accordance with cl.7.1.3.2 of GDCP 2013, visitor parking may be provided on street where there is unrestricted parking in Umina. Morris Street has unrestricted car parking on both sides of the street, and it is concluded the shortfall of 3 residential visitor spaces can be conveyed onto the street. The provision of on street visitor parking is considered acceptable for this development.
- The traffic impact associated with the proposal was not identified as creating safety concerns for adjacent roadways.
- The driveway and vehicular ramps comply with *Australian Standard, Parking Facilities Off-Street Car Parking (AS2890.1)*.

2.1 DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach (contd)

- The development is located within a local centre, with accessibility to public transport. There are four bus stops located within 150 metres of the site. Two are located on the same side of the road as the development, approximately 50m west and 140m east of the site. Another two are located on the opposite side of the road, 80m west and 120m east of the site. The nearest train station is Woy Woy Station which is located 4.8 kilometres from the site.
- ***The proposed building has no unique or valuable design features.***

Comment

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

- ***Unacceptable provision of landscaping on site.***

Comment

Section 3E-1 Deep Soil Zone of the *Apartment Design Guide* (ADG) identifies at least 7% of the site or 63.5m² (with minimum dimension 3m for a site less than 1,500m²) must be provided as deep soil zones.

A deep soil zone is proposed on site directly adjacent to the northern site boundary with dimension of 3.2m in width and 24.3m in length totaling 78m². The existing sewer currently located in the proposed deep soil zone will be capped at the Morris Street boundary to ensure the entire deep soil zone can be planted with trees with a minimum mature height of 9m.

In view of the above, it is considered adequate deep soil landscaping has been provided on site.

- ***Will the developer ensure that the basement is not prone to flooding?***

Comment

The subject site and adjoining roadways are not located at or below the flood planning level, or affected by mapped sea level rise.

The development application is accompanied by a Geotechnical Investigation, prepared by Douglas Partners, dated August 2017 which examines the impact of the proposed earthworks on groundwater. Groundwater was observed at depths of 3.5 m and 3.4 m on the site.

2.1 DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach (contd)

The Geotechnical Investigation, prepared by Douglas Partners, dated August 2017 concluded that although groundwater was not encountered within the proposed excavation depths some seepage could be expected through the face of the excavations, particularly following wet weather, however drainage behind perimeter walls and underfloor drainage utilised in conjunction with a pump-out system would likely be required (or alternatively, a tanked basement design) to address this issue. It was noted the final design would be based on observations of groundwater inflow during construction, pump testing and monitoring undertaken prior to the commencement of construction.

Council's Development Assessment Engineer has reviewed the application and supports the proposal subject to conditions which will ensure compliance with the abovementioned geotechnical investigations and recommendations.

- ***The proposed development will result in an unacceptable privacy impact to neighbouring properties.***

Comment

The site is located on West Street, the main commercial thoroughfare of Umina but adjoins a R1 General Residential zone, directly to the north. A medium density commercial and residential development is considered appropriate in this location and is supported in principle but it must take into account and respond to the form of existing and likely future development in an adjoining different zone.

Section 3F-1 Visual Privacy of the ADG recommends at the boundary between a change in zone from apartment buildings to a lower density area, a building setback from the interface boundary must be increased by 3m:

- A 9m setback is recommended adjacent to the zone interface at the northern site boundary for those elements of a development up to a height of 12m or 4 storeys. The proposal results in the following variations:
 - First to Third Floor (balconies): 5.12m setback resulting in a 43.17% or 3.88m variation.
 - First to Third Floor (habitable rooms): 7.45m setback resulting in a 17.22% or 1.55m variation.
- A 12m setback is recommended adjacent to the zone interface at the northern site boundary for those elements of a development up to a height of 25m or between 5 and 8 storeys. The proposal results in the following variations:
- Fourth Floor (habitable rooms): 7.2m setback resulting in a 40% or 4.8m variation.

2.1 DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach (contd)

Whilst these variations are not minor, they are considered acceptable in that the sewer main has been relocated allowing the northern setback to be fully landscaped with large species to provide screening and visual separation to the adjoining site located at No.2 Morris Street and to mitigate any detrimental impacts resulting from the abovementioned variations.

All remaining residential properties located in either West Street or Morris Street are separated from the development site exceeding those guidelines discussed above.

- ***The proposed development will exceed the capacity of existing infrastructure.***

Comment

Local government infrastructure includes water supply, sewage treatment, local roads, stormwater management and parks. As a result of the subject development, infrastructure within the municipality will be improved via s.7.11 and s.7.12 levies and civil works in the roadway adjacent. The existing infrastructure in this location is considered to be adequate for the proposed development.

- ***The proposed development will not maintain the established pedestrian friendly scale of two storey facades facing all streets.***

Comment

Clause 4.2.5.2 of GDCP 2013 identifies a 8.75m height or 2 storey façade applies to the northern and eastern site boundaries of the site in that they interface with a street and common boundary with a residential zone. A 3 storey façade and a 1 storey or 50% variation is proposed to West Street and Morris Street.

The subject lands fall within the "Mainstreet Centre" zone identified in Chapter 2.1 Character of GDCP 2013. In accordance with the "desired character" of the precinct, this area should remain a mixed-use centre that provides a range of services and accommodation for local residents as well as visitors, where the scenic potential of a prominent backdrop to Brisbane Water and the Hawkesbury is enhanced by new development that encourages high levels of street activity as well as achieving improved standards of amenity for the following reasons:

- The proposal includes a mix of uses in the new high quality building that does not significantly impact on the prominent backdrop to Brisbane Water.
- The proposal protects and enhances existing levels of "main-street" activity with a building form that compliments the pedestrian-friendly scale of existing one and two storey shop-front developments.
- The design avoids indoor arcades and incorporates awnings and balconies that will provide sheltered pedestrian settings that encourage pavement dining.

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- The proposal contributes to high levels of visible activity along all streets by surrounding upper storeys with balconies that encourage restaurant dining or residential outdoor recreation.
- The proposal conceals off-street parking through basement parking, and provides unobtrusive vehicle entrances off Morris Street to minimise the disruption of shopfronts and associated pedestrian activity.
- **Residential development with greater than 18 units require on site waste servicing. The proposed development exceeds 18 units, however seeks approval for on street waste servicing. This is unacceptable.**

Comment

Clause 7.2.16.4 of GDCP 2013 identifies that a residential flat building having 18 units or less can be serviced at the kerbside. However, a residential flat building having over 18 units will require on site waste servicing. The proposal comprises 20 units and kerbside collection, resulting in an 11% or 2 unit variation to this requirement, which is supported by Council's Waste Servicing Unit given there is adequate street frontage on Morris Street to accommodate the required residential bin servicing requirements. No waste servicing is proposed from West Street.

The introduction of the larger 360 litre mobile garbage bins (MGB's) under the new Domestic Waste Contract assists in reducing bins at the kerbside. In city centre and town centre locations, additional weekly servicing of recyclables MGB's is permitted to further reduce the number of bins to be presented.

In this instance, the solid waste outcome provides for a maximum of 14m of approved kerbside presentation within Morris Street for the servicing of shared 360 litre mobile waste bins serviced weekly. **Condition 6.14** requires the kerbside collection of bins from Morris Street with the MGB's to be presented no earlier than the evening before collection and be returned to the approved waste bin storage enclosure no later than the evening of the day of collection.

In view of the above considerations, 13 bins will be presented to the Morris Street kerbside for weekly servicing, with an additional green waste bin every fortnight. The following residential waste servicing requirements apply to the development approved under this consent:

- a) 7 X 360 Litre/1 X 240 Litre Mixed waste bulk bins serviced weekly.
- b) 6 X 360 Litre/1 x 240 Litre Recyclable waste bulk bins serviced weekly.
- c) 1 X 240 Litre Green waste MFB's for kerbside collection serviced fortnightly.

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Note: Garden/Landscaping green waste to be removed off-site by the garden/landscaping maintenance contractor as advised in the approved WMP.

Waste generated by the two commercial tenancies will be serviced by a private, commercial waste contractor at a suitable frequency to ensure waste storage is available at all times.

- **Section 4.2.5.2 Building Height in Gosford Development Control Plan 2013 identifies the maximum number of storeys for the site is 4. This development is 5 storeys, resulting in a variance of 25%. The NSW government has stated any variance greater than 10% cannot be approved under delegation. Therefore you need to reject this DA.**

Comment

A maximum height of four storeys is identified in cl.4.2.5.2 in *Gosford Development Control Plan 2013* (GDCP 2013). However, five storeys or a 25% variation is proposed. Whilst this development is contrary to several requirements envisaged for the Umina Village Centre, on balance, the design is supported.

Planning Circular PS 18-003, issued 21 February 2018, states that a delegate of Council may not assume the concurrence of the Secretary when considering exceptions to development standards under cl.4.6 of GLEP 2014 if the development contravenes a development standard by greater than 10%.

Clause 4.2.5.2 in GDCP 2013 is not a development standard. A Development Control Plan (DCP) provides detailed planning and design guidelines to support the planning controls, including development standards contained within a Local Environmental Plan (LEP).

In this instance, the proposed variations to the relevant development standards contained within *Gosford Local Environmental Plan 2014* (GLEP 2014) do not exceed 10%, and the concurrence of the secretary can be assumed. However, the development application is required to be reported to Council in accordance with Council's adopted *Policy for Determining Development Applications Subject to Significant Public Objections* as 25 submissions were received by Council in relation to the proposal.

- **The proposed development fails to comply with Central Coast Council's Community Strategic Plan 2018-2028 'One Central Coast'.**

Comment

Central Coast Council's Community Strategic Plan 2018-2028 'One - Central Coast' is a 10 year plan developed by Council through engagement with the community to help set the proprieties and confirm strategies and activities that best achieve the community's desired outcomes for the future.

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The proposed redevelopment of the site is consistent with all relevant objectives in 'One-Central Coast' in that upon completion the housing mix of the locality will be increased. Furthermore, the development is generally consistent with the village centre locality, provides for additional population accommodation within walking distance of the shops, services and public transport, and will not adversely impact residential amenity nor create additional demands upon public infrastructure further to that envisaged by the B2 Local Centre zone.

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

Comment

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

- ***There is no information at all about the Owner of the development site on the internet, and the ABN register.***

Comment

Council cannot direct/ or restrict any company or organisation from lodging a development application. In any instance, Council is satisfied the subject development has been made by the owner of the land in accordance with cl.49 of the *Environmental Planning and Assessment Regulation 2000*.

- ***How can you have street trees in this location under awnings and how many are there?***

Comment

The proposed street front awning on West Street was amended so as to accommodate the retention of the existing street tree.

Two new street trees are proposed on Morris Street, as well, four planter boxes. Council's Tree Assessment Officer has reviewed the application and supports the proposal subject to conditions. **Conditions 1.3 and 2.9** are recommended requiring compliance with the submitted landscape plan and a minor reduction in the size of the awning on Morris Street to accommodate the future growth of the two street trees proposed. In this regard, no further objection is made.

- ***The seating arrangement of the outdoor dining areas is unusable.***

Comment

The proposed location of outdoor dining areas is indicative only. The establishment of the use of the ground floor commercial tenancies and accompanying outdoor dining areas will be subject to further development consent.

- ***The proposed development will overshadow existing and future homes in Morris Street and West Street.***

Comment

Directly opposite the site on Morris Street, located at No. 209 West Street, Umina, is a vacant site, which is benefitted by consent for a one and two storey, 4 unit residential development approved under DA50258/2016. Whilst this development has not commenced, DA 50258/2016 will not lapse until 2 March 2022.

The shadow diagrams supporting the subject development application indicate that at 3pm on June 21 (midwinter) the proposed development will overshadow the private open space associated with Unit 3 located residential development approved under DA50258/2016 at No. 209 West Street, Umina. No objection is made in this instance in that the affected area on No. 209 West Street will receive adequate solar access at Midday and 3pm on 21 June (midwinter).

The overshadowing associated with the proposal on 21 June (midwinter) will not extend above the existing and future ground floor commercial properties on the opposite side of West Street. No existing or future residential properties will therefore be affected. In this regard no objection is made.

Submissions from Public Authorities

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

Internal Consultation

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

Architect

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

Building

Council's Building Surveyor has reviewed the application and supports the proposal subject to conditions.

Engineering

Council's Development Assessment Engineer has reviewed the application and supports the proposal subject to conditions.

Traffic/ Transport

Council's Traffic and Transport Planner has reviewed the application and supports the proposal without conditions.

Waste Services (Garbage)

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

Water and Sewer

Council's Water and Sewer Officer has reviewed the application and supports the proposal subject to conditions.

Tree Assessment Officer

Council's Tree Assessment Officer has reviewed the application and supports the proposal subject to conditions requiring compliance with the submitted landscape plan and a minor reduction in the size of the awning on Morris Street to accommodate the future growth of the two street trees proposed.

Ecologically Sustainable Principles

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

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

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the development application having regard to the former *Gosford City Council's Climate Change Policy* and the following policy commitment statement:

Prepare, implement and review plans and strategies inclusive of consideration of risk from future sea level rise, and address the issue of, how to beneficially use coastal areas while recognising the long term need to protect, redesign, rebuild, elevate, relocate or retreat as sea levels rise.

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

Assessment

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

Provisions of Relevant Instruments/Plans/Policies

Draft Central Coast Local Environmental Plan 2018

Following a review of the *Draft Central Coast Local Environmental Plan 2018* (Draft CCLEP 2018) which is currently being exhibited until 27 February 2018, the zoning of the subject site remains B2 Local Centre, where shop top housing and commercial premises remain permissible uses with the obtainment of development consent. However, the proposal does result in additional variations to cl. 4.3 (Height of Building) and cl. 4.4 (Floor Space Ratio) of Draft CCLEP 2018.

In accordance with Draft CCLEP 2018, the subject site has a maximum permitted height of 11.5m (cl. 4.3 (2) of Draft CCLEP 2018) and a maximum floor space ratio 1:1 (cl. 4.4 (2) of Draft CCLEP 2018). The bonus height under cl. 4.3 (10) of Draft CCLEP 2014 and bonus FSR under cl.4.4A (11) of Draft CCLEP 2018 cannot be achieved in that cl. 4.6 cannot be utilised in varying these bonus provisions. Whilst, a cl. 4.6 of Draft CCLEP 2018 variation can be utilised in varying cl. 4.3 (2) and cl. 4.4(2) of Draft CCLEP 2014, the development potential of the site is compromised through the application of Draft CCLEP 2018.

Clause 1.8A of Draft CCLEP 2018 (Savings provisions relating to development applications) identifies that if a development application has been made before the commencement of the Plan, and the development application has not been finally determined, the development application must be determined as if this Plan has not commenced.

Notwithstanding the savings provisions identified in cl.1.8A of Draft CCLEP 2018, the findings in *Terrace Tower Holdings Pty Ltd v Sutherland Shire Council* (2003) NSWCA 289, paragraph 6 provides:

- '6. *Notwithstanding 'certainty and imminence', a consent authority may of course grant consent to a development application which does not comply with the draft instrument. The different kinds of planning controls would be entitled to different levels of consideration and of weight in this respect.'*

In this regard, whilst the proposal does result in further variations to development standards to that contained within GLEP 2014, these variations cannot form the basis of any refusal in that the Draft CCLEP 2018 is neither certain or imminent.

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

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

State Environmental Planning Policy 71 – Coastal Protection

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

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

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State Environmental Planning Policy (Coastal Management) 2018

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

State Environmental Planning Policy No 55 – Remediation of Land

The provisions of this *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) apply however, the site has a history of being utilised as a commercial premises and so contamination is not likely to be present. In accordance with cl. 7(2) of the SEPP, no further consideration is required in this regard.

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

The proposal is subject to the requirements of *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65). Subclause 30(2)(b) of SEPP 65 provides that the consent authority should take into consideration the design quality of the proposed development. The Design Verification Statement which accompanies the application demonstrates consistency with the design quality principles.

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

- **Context:** The site is located on West Street, the main commercial thoroughfare of Umina but adjoins the R1 General Residential zone directly to the north. A medium density commercial and residential development is considered appropriate in this location and is supported in principle but it must take into account and respond to the form of existing and likely future development in an adjoining different zone.
- **Built Form and Scale:** The application is 1.4 metres or approximately 10% above the complying height limit. The relocation of the sewer allows the northern setback to be fully landscaped with large species to provide screening and visual separation to the adjoining site and to mitigate visual and acoustic impacts associated with reduced setbacks at this junction.
- **Density:** The permissible density is 1.8: 1. The proposed density has been reduced to 1.98:1 or 10% above the permissible. Previous concerns regarding landscaping to the northern setback and overall height of the proposal have been addressed.

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- **Sustainability:** The NatHERS certificate supporting the development application confirms compliance with mandatory energy efficiency standards. The use of solar hot water and photovoltaic cells or other energy saving options should also be considered.
- **Landscape:** The sewer line in the northern setback has now been removed allowing this area to be fully planted with larger species (10 metres min. mature height) necessary for outlook and screening and to disguise the differences in scale along the zone boundary.

The streetfront awnings have been amended to accommodate the street trees, and screening between the street and on ground parking area has now been provided.

- **Amenity:** The roof top communal area is considered to provide a usable open space with acceptable amenity.

The first floor communal space is surrounded by three and four storeys high walls with overhanging balconies and will be in permanent shade. However, it is accepted that a roof top communal space has also been provided which will permit landscaping to thrive.

- **Safety:** Balconies and windows overlook the street and common areas to provide surveillance.
- **Housing Diversity and Social Interaction:** The application provides 1 and 2 bedroom units, as well adaptable units to cater for a variety of occupants.
- **Aesthetics:** The aesthetics are acceptable. The building is articulated and uses variations in material to disguise bulk and scale.

The Apartment Design Guide: Tools for improving the design of residential apartment development (ADG) provides objectives, design criteria and design guidance on how residential development proposals can meet the Design Quality Principles contained within Schedule 1 of SEPP 65, through good design and planning practice. The proposal is considered acceptable having regard to the requirements of the ADG. For further consideration, refer to the ADG Compliance Table contained within **Attachment 3**.

Central Coast Council's Community Strategic Plan 2018-2028 'One - Central Coast'

Central Coast Council's Community Strategic Plan 2018-2028 'One - Central Coast' is a 10 year plan developed by Council through engagement with the community to help set the priorities and confirm strategies and activities that best achieve the community's desired outcomes for the future.

The proposed redevelopment of the site is consistent with all relevant objectives in 'One-Central Coast' in that upon completion the housing mix of the locality will be increased. Furthermore, the development is generally consistent with the village centre locality, provides for additional population accommodation within walking distance of the shops, services and

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public transport, and will not adversely impact residential amenity nor create additional demands upon public infrastructure further to that envisaged by the B2 Local Centre zone.

Central Coast Regional Plan 2036

The subject site is included in the Central Coast Regional Plan 2036 as an 'urban area' and is located in close proximity to the 'strategic centre' of Woy Woy and the 'regional city' of Gosford (refer to Figure 16).

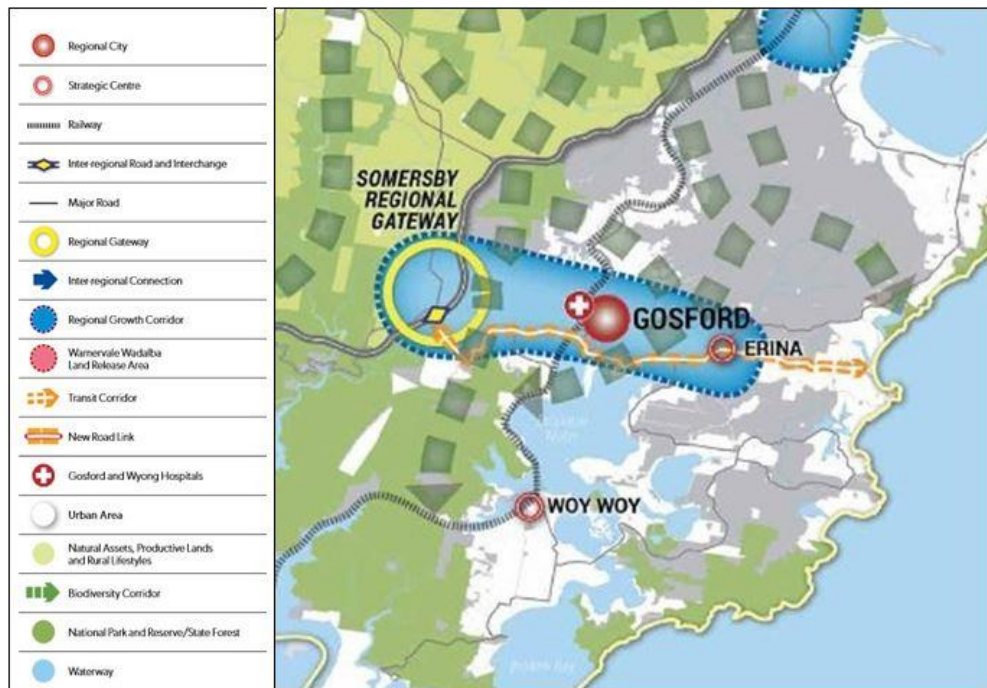


Figure 16 - Central Coast Regional Plan 2036

An assessment of all relevant provisions of the Central Coast Regional Plan 2036 has been carried out to ensure the consent authorities own assessment of the compatibility of the proposed development with the surrounding environment is complete. The proposed redevelopment of the site is consistent with all relevant Directions under the *Central Coast Regional Plan 2036* in that upon completion the housing mix of the locality will be increased. Furthermore, the development is generally consistent with the village centre locality, provides for additional population accommodation within walking distance of the shops, services and public transport, and will not adversely impact residential amenity nor create additional demands upon public infrastructure.

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Gosford Local Environmental Plan 2014

Zoning & Permissibility

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

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

The proposed development provides for ground level retail/ business premises fronting West and Morris Street, which will serve the local community.

- *To encourage employment opportunities in accessible locations.*

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

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

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

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

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

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

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

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

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

- *To ensure that the town centres of Erina and Woy Woy are recognised as providing a higher level, and greater diversity, of services and facilities to serve a wide population*

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catchment from numerous localities and as key public transport nodes, secondary to Gosford City Centre.

This objective is not applicable to the Umina Village Centre.

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

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

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

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

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

The proposed development will provide two commercial tenancies appropriate to the Umina Village Centre's function as a tourist destination.

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

The proposed development will provide for 20 residential units and will result in an increased residential population which will contribute to the vitality of Umina Village Centre.

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

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Development Standards

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

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
cl. 4.3 (Height of Buildings)	14.25m	15.2m	No	6.81%	Yes
Clause 4.3(2A)(a)	1000m ² site area	906.6m ²	No	9.34%	Yes
cl. 4.4 (Floor Space Ratio)	1.8:1	1.98:1	No	10%	Yes
Clause 4.4A(1)	1000m ² site area	906.6m ²	No	9.34%	Yes

Figure 17 - GLEP 2014 Development Standards

4.3 Height of Buildings

The provisions of cl. 4.3 (Height of Buildings) within GLEP 2014 establish a maximum height limit for buildings. The applicable height control indicated on the GLEP Height of Buildings map is 14.25m. The proposed development has a maximum height of 15.2m, resulting in a 0.97m or 10% non-compliance with the development standard.

This variation has been assessed in accordance with cl.4.6 of GLEP 2014.

4.3(2A) Height of Buildings

The provisions of cl. 4.3 (2A) (Height of Buildings) within GLEP 2014 establishes the maximum height of buildings in the Umina Village Centre is reduced to 11.5m if the building is located on a site area of less than 1,000 square metres, or the building has a street frontage of less than 20m. Whilst the frontage of the subject site exceeds 20m, the overall area of the combined sites is less than 1000m² (at 906.6m²), resulting in a 93.4m²m or 9.34% non-compliance with the development standard.

This variation has been assessed in accordance with cl.4.6 of GLEP 2014. The submitted cl.4.6 of GLEP 2014 variation to cl.4.3(2A) of GLEP 2014 is supported by Council staff. As such, a maximum building height of 14.25m (cl. 4.3(2) of GLEP 2014) applies to the subject site.

4.4 Floor Space Ratio

The provisions of cl. 4.4 (Floor Space Ratio) within GLEP 2014 establish a maximum floor space ratio (FSR) for buildings. The applicable FSR control is 1.8:1. The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. The maximum gross floor area permitted on the subject site is 1,632m². The proposed development has a maximum FSR of 1.98:1, representing a 0.18:1 or 6.81% non-compliance

with the development standard. The maximum floor space proposed on the site totals 1,795m², 163m² greater than that permitted.

4.4A Town Centres and Village Centres - Floor Space Ratio

The provisions of cl. 4.4 A (1) (Floor Space Ratio) within GLEP 2014 establishes the FSR in the Umina Village Centre is reduced to 1:1 if the building is located on a site area of less than 1,000 square metres, or the building has a street frontage of less than 20m. Whilst the frontage of the subject site exceeds 20m, the overall area of the combined sites is less than 1000m² (at 906.6m²), resulting in a 93.4m²m or 9.34% non-compliance with the development standard.

The submitted cl.4.6 of GLEP 2014 variation to cl.4.4A (1) of GLEP 2014 is supported by Council staff. As such, a maximum floor space ratio of 1.8:1 (cl. 4.4(2) of GLEP 2014) applies to the subject site.

4.6 Exceptions to Development Standards

Clause 4.6 (Exceptions to Development Standards) variations for the non-compliances associated with building height (cl. 4.3 and 4.3(2A) of GLEP 2014) and floor space ratio (cl 4.4 and cl 4.4A of GLEP 2014) were provided.

In accordance with cl. 4.6(4) of GLEP 2014, development consent must not be granted for a development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated in subclause (3). Subclause 3 provides:

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

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

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

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- *With regards to the question as to whether there are sufficient environmental planning grounds to justify contravening the development standard, it should be noted that the subject site has particular circumstances in relation to its prominent location and surrounding design standards which has triggered the specific design response and variation to the maximum height. The site is located on the prominent entry corner of Morris Street and West Street which is the eastern gateway to the Umina Beach town centre. The entry is currently dominated by the existing three (3) storey (effective 4 storey building height) mixed use development on the southern side of West Street. The recently approved and constructed building regrettably has little architectural merit nor façade articulation and detracts from the streetscape to the point where a high quality response on the northern side was required to offset the existing bland and imposing bulk and scale.*
- *The proposed development has been designed with five (5) levels with the fifth level being setback from the street frontages so as to reduce the apparent bulk and scale. The fifth level represents the upper level of the fourth floor mezzanine units. The fifth (mezzanine) level effectively "disappears" when viewed from the east. The building design (with the additional height) provides retail street activation to both West Street and Morris Street with substantial façade articulation to both frontages. The design response to the existing streetscape conditions and viability of the high quality design and residential unit yield (ie: 20 residential apartments) has necessitated the increase in height beyond the current maximum of 14.25m limit.*

A cl. 4.6 (Exceptions to Development Standards) variation for the non-compliance associated with **site area** (cl. 4.3(2A) of GLEP 2014) was provided. The cl. 4.6 of GLEP 2014 request submitted by the applicant states how strict compliance with the development standards is unreasonable or unnecessary (having regard to the decision in *Wehbe v Pittwater Council [2007] NSW 827*) and how there are sufficient environmental planning grounds to justify the contravention, is summarised below:

- *In relation to the question as to whether compliance with the development standard unreasonable or unnecessary in the circumstances (Clause 4.6 Sub-clause (3)(a)), it is the applicants view that strict compliance with the Minimum Site Area development standard is considered to be unreasonable in this particular case as the proposed variation simply seeks to:-*
 - a) offset the existing poor built form to the south east and west of the site through higher design standards and architectural design;*
 - b) maximise the site outcomes and financial viability of the site; and*
 - c) improve the residential standard of the precinct without any significant impact on the adjoining properties or the streetscape It also proposes a high quality residential interface with the West Street frontage in line with the Gosford Development Control Plan 2013 (Clause 4.2 – Peninsula Centres). It will ensure a more viable development and higher standard of residential yield compared to that which would otherwise be*

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provided should strict adherence to the LEP standard be applied. The proposal is an efficient use of the land which delivers social, economic and environmental benefits to the local community.

- *The proposal seeks a variation to the minimum site area with an area of 906.6m² which is 93.4m² less than the minimum 1,000m² under Clause 4.4A(1) of the Gosford Local Environmental Plan 2014. The extent of the variation to the Minimum Site Area standard is shown on the submitted architectural plans and is considered to be justified due to the design merit of the building, its relationship to the future streetscape and the overall bulk and scale of the building.*

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

- *The floor space ratio variation is considered to be reasonable when considered within the context of the overall streetscape with its primary frontage to West Street and the intent of both the Gosford Local Environmental Plan 2014 and the Gosford Development Control Plan 2013. The building is five storeys (fifth storey set back from the West Street frontage) plus basement car parking and integrates satisfactorily within the future West Street context.*
- *The variation to the Floor Space Ratio requirement will not hinder the proper management and development of the Umina Beach retail catchment and the adjoining residential catchment. The proposal will in fact improve the social and economic welfare of the local community and create a better environment by substantially improving the livability and amenity of the locality by activating the West Street and Morris Street frontages and the provision of good quality accommodation space that encourages people to live within the town centre precinct as well as in the surrounding urban catchment.*
- *With regards to the question as to whether there are sufficient environmental planning grounds to justify contravening the development standard, it should be noted that the subject site has particular circumstances in relation to its prominent location and surrounding design standards which has triggered the specific design response and variation to the maximum FSR. The site is located on the prominent entry corner of Morris Street and West Street which is the eastern gateway to the Umina Beach town centre. The entry is currently dominated by the existing three (3) storey (effective 4 storey building height) mixed use development on the southern side of West Street. The recently approved and constructed building regrettably has little architectural merit nor façade articulation and detracts from the streetscape to the point where a high quality response on the northern side was required to offset the existing bland and imposing bulk and scale.*

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A cl. 4.6 (Exceptions to Development Standards) variation for the non-compliance associated with **site area** (cl 4.4A(1) of GLEP 2014) was provided. The cl. 4.6 of GLEP 2014 request submitted by the applicant states how strict compliance with the development standards is unreasonable or unnecessary (having regard to the decision in *Wehbe v Pittwater Council [2007] NSW 827*) and how there are sufficient environmental planning grounds to justify the contravention, is summarised below:

- *The building designer for the project, AArqm Building Design, has designed the proposed mixed use development in such a manner as to:-*
 - a) *produce a high quality retail/residential development that provides a high level of articulation and effective and efficient floor space;*
 - b) *optimize the development outcomes for the site whilst being mindful of bulk and scale;*
 - c) *establish a high quality streetscape that recognises the future expectations for the Umina Beach town centre;*
 - d) *lift the architectural standard of the eastern end of the Umina Beach town centre entry and offset the poor built quality of the existing building to the south east (on the corner of Rickard Road and West Street); and*
 - e) *improve yields and development viability in line with both Council's and the public expectations for the precinct.*
- *The minimum site area variation is considered to be reasonable when considered within the context of the overall streetscape with its primary frontage to West Street and the intent of both the Gosford Local Environmental Plan 2014 and the Gosford Development Control Plan 2013. The building is five storeys (fifth storey set back from the West Street frontage) plus basement car parking and integrates satisfactorily within the future West Street context.*

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

The consent authority must also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

2.1 DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach (contd)

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

(a) *to establish maximum height limits for buildings*

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

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

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

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

Shadow diagrams for 21 June (midwinter) have been submitted which illustrate the overshadowing generated by the proposal. At 9am on 21 June (midwinter), shadows cast by the proposed development are not dissimilar to a compliant height shadowing impact. However, a minor area of the roof servicing the single storey commercial premises located at No. 206 West Street, Umina is impacted by some additional shadow at this time. In the event No. 206 West Street was redeveloped, any future residential dwellings would retain a minimum of 3 hours of solar access between midday and 3pm. The cumulative impact of this solar access is considered acceptable.

At midday on June 21 (midwinter), overshadowing associated with the proposal on 21 June (midwinter) will generally not extend above the existing and future ground floor commercial properties on the opposite side of West Street. No existing or future residential properties will therefore be affected. Shadows cast by the proposal at midday will impact the foot path directly opposite the site on West Street, however, it is noted this loss of solar access would remain with a height compliant development. Furthermore, the affected footpath servicing No. 204 West Street directly opposite the site on West Street will remain unaffected by solar access at this time for approximately 50% of its area.

Directly opposite the site on Morris Street, located at No. 209 West Street, Umina, is a vacant site, which is benefitted by consent for a one and two storey, 4 unit residential development approved under DA50258/2016. Whilst this development has not commenced, DA 50258/2016 will not lapse until 2 March 2022.

The shadow diagrams supporting the subject development application indicate that at 3pm on June 21 (midwinter) the proposed development will overshadow the private open space associated with Unit 3 located residential development approved under

2.1 DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach (contd)

DA50258/2016 at No. 209 West Street, Umina. No objection is made in this instance in that the affected area on No. 209 West Street will receive adequate solar access at Midday and 3pm on 21 June (midwinter).

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

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

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

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

The subject site has not been identified as being located within a protected view corridor.

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

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

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

In order to demonstrate if the proposal has merit, consideration of the proposed **site area** non-compliance identified within cl.4.3(2A) of GLEP 2014 has been provided with regard to the objectives of cl. 4.3(1) (height of buildings) and cl. 2.3(1)(a) (zone objectives) of GLEP 2014, where no objection is made for the following reasons:

- The maximum development density and intensity of land use in the precinct will not be compromised by the minor variation in site area.
- The minor non-compliance with site area will not result in an unacceptable building density and bulk contrary to the desired future character of the area.
- The minor non-compliance with site area will not create any adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.

2.1 DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach (contd)

The cl.4.6 of GLEP 2014 variation request submitted by the applicant also provides assessment of the proposal against the relevant development standard and zone objectives, and Council is satisfied that the applicant has demonstrated consistency with these objectives such that the proposal is in the public interest. As such, a maximum building height of 14.25m (cl. 4.3(2) of GLEP 2014) applies to the subject site.

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

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

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

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

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

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

The minor non-compliance with floor space ratio does not exacerbate overshadowing. Adequate separation is achieved between developments on adjoining properties and is not considered to have unreasonable impacts on future developments. In light of the above, it is considered that the proposed variation in no way hinders the attainment of this objective.

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

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

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

The provisions of cl. 4.4 (Floor Space Ratio) within GLEP 2014 establish a maximum floor FSR for buildings. The applicable FSR control is 1.8:1. The maximum gross floor area permitted on the subject site is 1,632m². The proposed development has a maximum

FSR of 1.98:1, representing a 0.18:1 or 6.81% variation with the development standard. The maximum floor space proposed on the site totals 1,795m², 163m² greater than that permitted.

The proposed exceedance of the maximum permissible floor space is associated with approximately half of the internal floor area of the residential units located at the uppermost level of the development. However, despite this variation, it is considered the proposed development will maintain an appropriate visual relationship with existing and future development in the locality, without causing unreasonable amenity impacts to adjoining properties.

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

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

Council's Architect has reviewed the amended proposal and raised no objection.

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

This objective is not applicable to the Umina Village Centre.

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

This objective is not applicable to the Umina Village Centre.

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

In order to demonstrate if the proposal has merit, consideration of the proposed **site area** non-compliance identified within cl.4.3(2A) of GLEP 2014 has been provided with regard to the objectives of cl. 4.4 (1) (floor space ratio) and cl. 2.3(1)(a) (zone objectives) of GLEP 2014, where no objection is made for the following reasons:

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

2.1 DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach (contd)

- The minor non-compliance with site area will not exacerbate overshadowing. Adequate separation is achieved between developments on adjoining properties and is not considered to have unreasonable impacts on future developments
- The minor non-compliance with site area does not result in an adverse visual relationship with neighbouring properties and will not result in a visually prominent development when viewed from public spaces in the vicinity of the site.

The cl.4.6 of GLEP 2014 variation request submitted by the applicant also provides assessment of the proposal against the relevant development standard and zone objectives, and Council is satisfied that the applicant has demonstrated consistency with these objectives such that the proposal is in the public interest. As such, a maximum floor space ratio of 1.8:1 (cl. 4.4(2) of GLEP 2014) applies to the subject site.

In accordance with cl. 4.6(4)(b) of GLEP 2014 development consent must not be granted for development that contravenes a development standard unless the concurrence of the Secretary has been obtained.

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

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

1. *Wehbe v Pittwater Council [2007] NSWLEC 827*
2. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*
3. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*
4. *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248*

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

This assessment concludes that the cl. 4.6 (Exceptions to Development Standards) of GLEP 2014 variation provided having regard to cl. 4.3, cl. 4.3(2A), cl. 4.4, and cl. 4.4A (1) of GLEP 2014 are well founded and worthy of support.

2.1 DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach (contd)

5.3 Development Near Zone Boundaries

The provisions of cl. 5.3 of GLEP 2014 require Council to consider the impact of a development near zone boundaries. The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

Clause 5.3 (2) applies to any land that is within 10m of a boundary between any two zones. No. 2 Morris Street is located directly to the north of the site and is relatively narrow (being approximately 11.5m in width) thus the 10m zone interface would encompass approximately two thirds of its site area. Figure 18, indicates that area within the subject site and No. 2 Morris Street relevant to this provision:

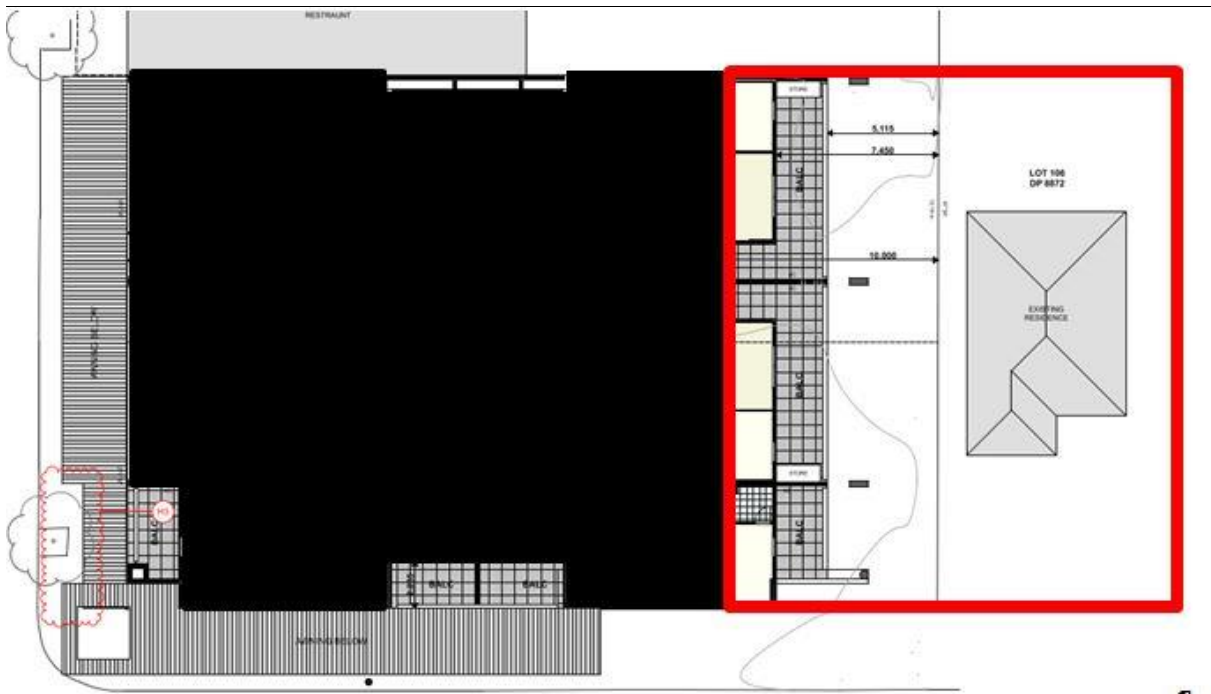


Figure 18 - Applicable area in accordance with cl. 5.3 of GLEP 2014 (edged in red)

Clause 5.3 (4) provides that development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

- (a) *the development is not inconsistent with the objectives for development in both zones, and*
- (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land*

2.1 DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach (contd)

In addition, the Land and Environment Court have developed planning principles to provide guidance regarding appropriate matters to be considered in making a planning decision, including general impacts on neighbouring properties and development at the zone interface established in *Seaside Property Developments Pty Ltd v Wyong Shire Council* [2004] NSWLEC 117 at 25. The principle states:

'25. As a matter of principle, at a zone interface as exists here, any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone.'

In view of the above considerations, any design for a proposed new development, whilst it need not be subservient, it must nevertheless take into account and be sensitive to the existing and likely future character and development on adjoining land zoned R1 General Residential located at No. 2 Morris Street. These matters are considered below:

- No. 2 Morris Street is zoned R1 General Residential under GLEP 2014. Whilst a detached single storey dwelling exists on the site, a variety of higher density uses are permitted on the site (and those adjoining on Morris Street) including but not limited to residential flat buildings, shop top housing, and neighbourhood shops, similar to the subject site.

However, the development yield of No. 2 Morris Street is reduced from that compared to the subject site in that a maximum building height of 8.5m is permitted in accordance with cl. 4.3.(2) of GLEP 2014. Furthermore, in order to obtain higher density to that currently existing on the site, No. 2 Morris Street would likely have to consolidate with another site, which is expected given the age of built forms in this locale and resultant development potential capable of being achieved.

- The proposal has taken into consideration the likely future character of the area and is consistent with the objectives of the R1 General Residential zone.
- The building setbacks are considered appropriate in reducing amenity impacts to No. 2 Morris Street. In addition, the proposal provides landscaping along the northern boundary to minimise visual impact of the development.

Section 3F-1 Visual Privacy of the ADG recommends at the boundary between a change in zone from apartment buildings to a lower density area, a building setback from the interface boundary must be increased by 3m. A 9m setback is recommended adjacent to the zone interface at the northern site boundary for those elements of a development up to a height of 12m or 4 storeys. The proposal results in the following variations:

- First to Third Floor (balconies): 5.12m setback resulting in a 43.17% or 3.88m variation.
- First to Third Floor (habitable rooms): 7.45m setback resulting in a 17.22% or 1.55m variation.

A 12m setback is recommended adjacent to the zone interface at the northern site boundary for those elements of a development up to a height of 25m or between 5 and 8 storeys. The proposal results in the following variations:

- Fourth Floor (habitable rooms): 7.2m setback resulting in a 40% or 4.8m variation.

These setbacks are considered acceptable in that the sewer main has been relocated allowing the northern setback to be fully landscaped with large species to provide screening and visual separation to the adjoining site located at No.2 Morris Street and to mitigate amenity impacts at this junction.

The relevant built environment and amenity impacts at the zone interface include visual and acoustic amenity concern, height, bulk and scale, character, setbacks, noise, traffic, and landscaping. As detailed throughout this report, the proposed development is considered to satisfy the matters of consideration detailed in the planning principle for development at the zone interface. In view of the above considerations, no objection is made.

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 4 Acid Sulfate Soils. In order to assess the risk of actual or potential acid sulfate soils being present at the subject site, and any requirements for future testing **Condition 2.7, 4.10 and 4.11** are recommended for imposition.

Provisions of any Development Control Plan

Gosford Development Control Plan 2013

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

Likely Impacts of the Development

Built Environment

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

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

Natural Environment

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

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.

Social Impacts

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

Suitability of the Site for the Development

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

- Acid Sulfate Soils: This land has been identified as being affected by the Acid Sulfate Soils (class 4) and the matters contained in cl. 7.1 of Gosford Local Environmental Plan 2014 are relevant. In order to assess the risk of actual or potential acid sulfate soils being present at the subject site, **Conditions 2.7, 4.10 and 4.11** are recommended for imposition.

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

The Public Interest

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

Other Matters for Consideration

Section 7.11 and 7.12 Contributions

The subject site is located within Contribution Plan No.'s 31A, 31B, 31C, 31 D and 68. The proposed development is subject to contributions in accordance with Contribution Plan No. 31A, 31B, 31C, and 31 D. The applicable contribution amount was calculated and will be imposed via a condition requiring the contribution to be paid prior to the issue of any Construction Certificate.

Water and Sewer Contributions

The proposed development is subject to Water & Sewer Contributions.

Conclusion

The Development Application has been assessed against the heads of consideration of s4.15 of the EP&A Act and all other relevant instruments and polices and, on balance, the proposed development is considered reasonable and therefore it is recommended that Council grant development consent approval to DA 52563/2017.

Attachments

- | | | |
|----------|--|-----------|
| 1 | Attachment 1 - Draft Conditions of Consent | D13447217 |
| 2 | Attachment 2 Development Plans | D13443434 |
| 3 | Attachment 3 ADG Compliance Table | D13443419 |
| 4 | Attachment 4 GDCP 2013 Compliance Table | D13448490 |

Attachment 1 – Draft Conditions of Consent

1. PARAMETERS OF THIS CONSENT

1.1 Approved Plans and Supporting Documents

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

Architectural Plans:

Drawing	Description	Sheets	Issue	Date
00	Cover Sheet & Drawing Schedule	1	I	22.08.2018
01	NatHERS Certificates	2	I	22.08.2018
02	Existing Conditions Plan	3	I	22.08.2018
04	Site Analysis Diagram	4	I	22.08.2018
05	Site Plan Basement	5	I	22.08.2018
06	Site Plan Ground Floor	6	I	22.08.2018
07	Site Plan First Floor	7	I	22.08.2018
08	Streetscape Elevations	8	I	22.08.2018
09	Floor Plan Basement	9	I	22.08.2018
10	Floor Plan Ground Floors	10	I	22.08.2018
11	Floor Plan First Floor	11	I	22.08.2018
12	Floor Plan Second Floor	12	I	22.08.2018
13	Floor Plan Third Floor	13	I	22.08.2018
14	Floor Plan Fourth Floor	14	I	22.08.2018
15	Floor Plan Roof	15	I	22.08.2018
16	Elevations	16	I	22.08.2018
17	Elevations	17	I	22.08.2018
18	Sections	18	I	22.08.2018
19	Sections	19	I	22.08.2018
21	Adaptable Floor Plans	20	I	22.08.2018

Supporting Documentation:

Title	Prepared by	Date
Statement of Environmental Effects	Wales & Associates Pty Ltd	April 2018
Stormwater Drawings	Australian Consulting Engineers Pty Limited	July 2017
BASIX Certificate Number 834165M	Dartecha Design	27.06.2017
Waste Management Plan	M. Wales	20.08.2018
Landscape Plan	Ray Fuggle Associates	30.07.2018
External Finishes Schedule	CAD3 Pty Limited	22.08.2018
Shadow Diagrams	CAD3 Pty Limited	22.08.2018
Perspective Images (Rendered)	CAD3 Pty Limited	22.08.2018
Draft Report on Geotechnical Investigation	Douglas Partners	August 2017
SEPP 65 Design Verification Statement	CAD3 Pty Limited	28.07.2017
Traffic Impact Assessment	Bitzios Consulting	27.07.2017
Addendum to Traffic Impact Assessment	Bitzios Consulting	20.02.2018
Access Report	AED Group	27.07.2017
National Construction Code of Australia Assessment Report	Barry Johnson & Associates Pty Ltd	25.07.2017

- 1.2 Carry out all building works in accordance with the Building Code of Australia.
- 1.3 Prior to the appointment of any certifying authority, to ensure adequate provision is made for landscaping within and adjacent to the development on Morris Street, a revised Landscape Plan is required to be submitted to Central Coast Council for approval prior to the issue of a Construction Certificate. This Landscape Plan must be prepared by a qualified Landscape Architect or Landscape Designer, clearly identifying the following:
- a) The scale to which they are drawn and the true north point;
 - b) The location of the approved development and boundary lines;
 - c) A reduction in the size of the awning on Morris Street to accommodate the future growth of the two street trees;
 - d) The finished ground levels relative to Australian Height Datum (AHD);

- e) A Planting Schedule including:
 - Botanical and common names of all proposed plant species;
 - Mature height and diameter of all proposed species; and
 - The pot size and number of all proposed species.
- 1.4 Comply with all commitments listed in the BASIX Certificate for the development 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 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 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.centralcoast.nsw.gov.au. Early application is recommended.

- 2.4 Submit engineering details prepared and certified by a practising structural engineer to the Council (Water Authority) for development constructed near or over the sewer main and/or adjacent to Council's water mains. The engineering details must comply with Council's guidelines for "Building Over or Near Council Sewer and Water Mains" and must be approved by Council. The submission of contractor's documentation and sewer inspection fees may apply. Subject to approval of the engineering plans the developer must contact Council's Water and Sewer Quality Inspector a minimum one week prior to commencement of any work involving building over / adjacent to sewer mains.

- 2.5 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 graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in Morris Street;
- b) 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location across the full frontage of the site in Morris Street;
- c) Heavy-duty vehicle crossing that has a width of 6m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom;
- d) All redundant dish crossings and / or damaged kerb and gutter must be removed and replaced with new kerb and gutter.

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.

- 2.6 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.
- 2.7 Submit to the Accredited Certifier an Acid Sulfate Soils Assessment Report and Management Plan prepared in accordance with Acid Sulfate Soils Planning Guidelines (Acid Sulfate Soil Management Advisory Committee, August 1998), by a suitably qualified consultant.

- 2.8 Pay to Council a total contribution amount of **\$205,240.00**, which may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 31A, 31B, 31C & 31D - Peninsula.

Roadwork - Capital	B	(Key No. 789)	\$10,458.00
Open Space - Land	C	(Key No. 791)	\$35,280.00
Open Space - Embellishment	C	(Key No. 790)	\$95,490.00
Community Facilities - Land	D	(Key No. 793)	\$1,728.00
Community Facilities - Capital	D	(Key No. 792)	\$26,784.00
Drainage - Land	A	(Key No. 787)	\$7,320.00
Drainage - Capital	A	(Key No. 788)	\$28,180.00
TOTAL AMOUNT			\$205,240.00

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 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) 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: [Development Contributions - former Gosford LGA](#)

- 2.9 The approved plans must be amended. Any Construction Certificate plans and specification, required to be submitted to the Certifying Authority pursuant to Clause 139 of the Regulation, must detail:
- a) Compliance with the relevant BASIX Certificate. The use of solar hot water and photovoltaic cells or other energy saving options should also be considered;
 - b) In order to accommodate the future growth of the two street trees on Morris Street, the Morris Street awning must be amended in accordance with Condition 1.3 of this consent. The remainder of the street front awnings on West Street and Morris Street must be designed in accordance with cl. 4.2.6.6 of *Gosford Development Control Plan 2013*;

- c) Mail boxes:
 - i. Provide mail boxes for the residential building in one accessible location adjacent to the main entrance to the development;
 - ii. They should be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building;
 - iii. Mail boxes shall be secure and large enough to accommodate articles such as newspapers;
- d) Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures:
 - i. Away from the street frontage;
 - ii. Integrated into the roof-scape design and in a position where such facilities will not become a skyline feature at the top of any building;
 - iii. Adequately setback from the perimeter wall or roof edge of buildings;
- e) A master antenna must be provided for the residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas;
- f) The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%;
- g) Twenty - one (21) residential car parking spaces, including two (2) accessible car parking spaces must be provided on-site;
- h) Two (2) residential visitor car parking spaces must be provided on site. One (1) visitor car parking space must be provided with a drain and water supply for the washing of vehicles. The drain is to be connected to the on-site nutrient control facility;
- i) Eight (8) commercial car parking space, including one (1) accessible car parking space must be provided within the development;
- j) Two (2) apartments must be capable of being modified to create adaptable units;
- k) Storage areas are to be in accordance with the following average rates:
 - i. 7.5m³ for studio and one bedroom units; and
 - ii. 10m³ for two bedroom units;

At least 50% of the required storage areas are to be provided within each dwelling.

- l) Bicycle storage racks capable of accommodating nine (9) bicycles (at a minimum) must be provided in the basement;
- m) One (1) motorcycle parking space must be provided in the basement;
- n) Demonstrate compliance with the External Finishes Schedule approved in Condition 1.1 of this consent.

2.10 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;
- b) A stormwater detention system must be designed in accordance with *Chapter 6.7 - Water Cycle Management* of the *Gosford Development Control Plan 2013* and Council's *Civil Design Guide, Construction Specifications and Standard Drawings*. 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% Annual Exceedance Probability (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 flow paths;
- c) 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;
- d) 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 reuse on the site and an operation and maintenance plan must accompany the design; and
- e) Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system.

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 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*.
- 3.3 Appoint a Principal Certifying Authority for the building work:
- a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences;
 - b) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au.
- 3.4 Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a) The name, address and telephone number of the Principal Certifying Authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited;
 - d) Remove the sign when the work has been completed.
- 3.5 Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at www.centralcoast.nsw.gov.au.
- Contact Council prior to submitting these forms to confirm the relevant fees.
- 3.6 Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for food scraps and papers.

- 3.7 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.
- 3.8 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.
- 3.9 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).
- 3.10 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.
- 3.11 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.

3.12 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*.

3.13 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*.

3.14 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.

3.15 Submit to the Principal Certifying Authority a Traffic and Pedestrian Management Plan prepared by a suitably qualified professional. The Plan must be prepared in consultation with Council, and where required, the approval of Council's Traffic Committee obtained. The Plan must address, but not be limited to, the following matters:

- Ingress and egress of vehicles to the site;
- Loading and unloading, including construction zones predicted traffic volumes, types and routes;
- Pedestrian and traffic management methods;
- Other relevant matters.

The Applicant must submit a copy of the final Plan to Council, prior to the commencement of work.

4. DURING WORKS

- 4.1 All conditions under this section must be met during works.
- 4.2 Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 4.3 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.
- 4.4 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*.
- 4.5 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.

- 4.6 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*.

- 4.7 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 Submit a report prepared by a registered Surveyor to the Principal Certifying Authority at each floor level of construction of the building (prior to the pouring of concrete) indicating that the finished floor level is in accordance with the approved plans.
- 4.9 Incorporate the following Crime Prevention Through Environmental Design (CPTED) principles and strategies to minimize the opportunity for crime:
- a) Provide adequate lighting to common areas as required under *AS1158: Lighting for roads and public spaces*;
 - b) Paint the ceiling of the car park white;
 - c) Design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity;
 - d) Design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises;
 - e) Provide signage within the development to identify all facilities, entry/exit points and direct movement within the development.
- 4.10 Carry out works in accordance with the approved Acid Sulfate Soils Management Plan.
- 4.11 Cease all excavation works if acid sulfate soils are identified until such time as details

of mitigation and treatment measures are submitted to, and approved by, the Principal Certifying Authority.

- 4.12 Demolish all buildings and / or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.13 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.
- 4.14 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*.
- 4.15 Classify all excavated material removed from the site in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal. All excavated material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept on-site.
- 4.16 Design, locate and install underground services to minimise or prevent tree root damage in accordance with Australian Standard AS 4970-2009: *Protection of Trees on Development Sites*.
- 4.17 Action the following when an excavation extends below the level of the base of the footings of any building, structure or work on adjoining land:
 - a) Notify the owner of the adjoining land; and
 - b) Protect and support the building, structure or work from possible damage from the excavation; and
 - c) Underpin the building, structure or work where necessary, to prevent any such damage.

These actions must be undertaken by the person having the benefit of the development consent at their own expense.

- 4.18 Re-use, recycle or dispose of all building materials during the construction phase of the development in accordance with the Waste Management Plan submitted with the subject application.
- 4.19 Implement the requirements of the Waste Management Plan listed as supporting documentation in this development consent.

- 4.20 Implement all recommendations of the geotechnical report 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.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1 All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2 Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.3 Do not occupy the premises until the Occupation Certificate has been issued.
- 5.4 Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.5 Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.6 Provide the Principal Certifying Authority with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.
- 5.7 Provide to the Principal Certifying Authority a design verification statement from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the Design Quality Principles set out in Part 2 of *State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development*.
- 5.8 Construct the car park and access in accordance with Australian Standard AS2890.1-2004: *Parking facilities – Off-street parking*. Certification of the construction of the car park and associated accesses by a suitably qualified consultant must be provided to the Principal Certifying Authority.

- 5.9 Implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:
- a) Provide adequate lighting to common areas as required under Australian Standard AS 1158: *Lighting for roads and public spaces*;
 - b) Paint the ceiling of the car park white;
 - c) Design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity;
 - d) Design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises;
 - e) Provide signage within the development to identify all facilities, entry / exit points and direct movement within the development;
 - f) Install a system of Closed Circuit Television of a type and in locations on the site that will record high-quality images of all public areas within the site.
- 5.10 Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.11 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.
- 5.12 Plant street trees on the road reserve in accordance with the approved landscape plan identified in Condition 1.1.
- 5.13 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.
- 5.14 Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.15 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 listed as supporting documentation in this development consent.

5.16 Amend the Deposited Plan (DP) to:

- a) 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:
 - i. Create a Restriction as to use of land 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,

- b) 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):
 - i. To ensure on any lot containing on-site stormwater detention system and/or a nutrient/pollution facility that:
 - The facility will remain in place and fully operational;
 - The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner;
 - Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost;
 - 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.

6. ONGOING

- 6.1 Operate and maintain all external lights in accordance with the *AS42821997: Control of the obtrusive effects of outdoor lighting*.

- 6.2 Line-mark and maintain the line-marking of all car parking areas and spaces required by this consent. Such spaces are to be made available to all users of the site at all times during trading hours.
- 6.3 Do not store materials, waste matter or products outside the building or the approved waste storage area at any time.
- 6.4 Maintain the installed system of Closed Circuit Television (CCTV) that monitors / records all public areas within the site.
- 6.5 Maintain the external finishes of the building(s), structures, walls and fences for the life of the development and remove any graffiti within seven (7) days.
- 6.6 Operate all mechanical plant equipment and machinery (i.e. air conditioning unit and/or heat pump) in accordance with the *Protection of the Environment Operation Act 1997*.
- 6.7 Maintain all works associated with the approved Landscape Plan for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.8 Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.
- 6.9 Do not give to offensive noise as defined in the *Protection of the Environment Operations Act 1997*.
- 6.10 No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.11 Comply with all commitments as detailed in the Waste Management Plan signed by M. Wales, dated 20 August 2018 Issue "D".
- 6.12 Locate the approved waste storage enclosure / area as indicated on Project / Drawing Number 06, Issue 1, dated 22 August 2018, prepared by CAD3.
- 6.13 Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.

- 6.14 Place the residential 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 the approved waste storage 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.
- 6.15 Commercial waste to be serviced at times that do not conflict with residential waste servicing.
- 6.16 Commercial waste mixed and recyclables mobile garbage bins to be wheeled out on arrival of the private waste contractor for servicing by a side-lift waste collection vehicle and immediately returned to the approved Commercial waste storage enclosure.
- 6.17 Commercial waste to be serviced by a Private, commercial waste collection contractor at a suitable frequency to ensure waste storage availability at all times. Note: Food waste to be serviced at maximum 3 day intervals to minimize odour, nuisance etc.
- 6.18 Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.19 The following residential waste servicing requirements apply to the development approved under this consent:
- X 360 Litre/1 X 240 Litre Mixed waste bulk bins serviced weekly.
 - X 360 Litre/1 x 240 Litre Recyclable waste bulk bins serviced weekly.
 - 1 X 240 Litre Green waste MFB's for kerbside collection serviced fortnightly.

Note: Garden/Landscaping green waste to be removed off-site by the garden/landscaping maintenance contractor as advised in the approved WMP

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 Law 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 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.
Remove only if installation/alteration of plumbing and/or drainage works proposed - excludes stormwater drainage



DA RFI SUBMISSION (I)



LOTS 108&109 DP8872
UMINA NSW 2257

PROPOSED MIXED USE DEVELOPMENT

LOTS 108&109 DP8872
No. 211 & 213 WEST STREET
UMINA NSW 2257

#	DRAWING TITLE	ISSUE	REVISIONS
00	COVER SHEET & DRAWING SCHEDULE	I	
01	NATHERS CERTIFICATES	I	
02	EXISTING CONDITIONS PLAN	I	
03	SITE CONTEXT DIAGRAM	I	
04	SITE ANALYSIS DIAGRAM	I	
05	SITE PLAN - BASEMENT	I	
06	SITE PLAN - GROUND FLOOR	I	11, 12, 13
07	SITE PLAN - FIRST FLOOR	I	
08	STREETSCAPE ELEVATIONS	I	
09	FLOOR PLAN - BASEMENT	I	
10	FLOOR PLAN - GROUND FLOOR	I	
11	FLOOR PLAN - FIRST FLOOR	I	
12	FLOOR PLAN - SECOND FLOOR	I	
13	FLOOR PLAN - THIRD FLOOR	I	
14	FLOOR PLAN - FOURTH FLOOR	I	
15	FLOOR PLAN - ROOF	I	
16	ELEVATIONS	I	
17	ELEVATIONS	I	
18	SECTIONS	I	
19	SECTIONS	I	
20	EXTERNAL FINISHES SCHEDULE	I	
21	ADAPTABLE FLOOR PLANS	I	
22	SHADOW DIAGRAMS (JUNE)	I	
23	CROSS FLOW VENTILATION	I	
24	GFA CALCULATION PLANS	I	
25	GFA CALCULATION PLANS	I	
26	PERSPECTIVE IMAGES	I	
27	PERSPECTIVE IMAGES (BULK & SCALE ANALYSIS)	I	
28	PERSPECTIVE IMAGES (RENDERED)	I	

Issue	Issue Description	Rev	Revision Description	Date
A	ISSUE TO CONSULTANTS			14/01/17
B	ISSUE TO CONSULTANTS			14/01/17
C	ISSUE TO CONSULTANTS			20/01/17
D	DA SUBMISSION			14/01/18
E	DA RFI SUBMISSION			15/01/18
F	DA RFI SUBMISSION	1/06	PERFORM THE UPDATED TO REFLECT CHANGES	04/10
G	DA RFI SUBMISSION			10/01/18
H	DA RFI SUBMISSION			24/01/18
I	DA RFI SUBMISSION			22/01/18

Client Name:

San Filter Pty. Ltd.

Project Name:

PROPOSED MIXED USE DEVELOPMENT

Project Address:

LOTS 108&109 DP8872
No. 211 & 213 WEST STREET
UMINA NSW 2257

Drawing Title:

COVER SHEET & DRAWING SCHEDULE

DATEPLOT: 2018/05/18 10:00:00 AM - 2018/05/18 10:00:00 AM - 2018/05/18 10:00:00 AM - 2018/05/18 10:00:00 AM

Design:	CAD3	
Technician:	CAD3	
Checked:	CAD3	
Project No.:	16-237	
Scale @ A1:		
Commenced:	MAY 2016	
Plot Date:	24/01/18	
Project Status:	DA RFI SUBMISSION	ISSUE: I



SITE LEGEND

- MAJOR CONTOUR LINES (1m INTERVALS)
- MINOR CONTOUR LINES (200mm INTERVALS)
- EXISTING TELSTRA PILLAR
- EXISTING SUMP
- EXISTING ELECTRICAL PILLAR
- EXISTING STORMWATER MAN HOLE
- EXISTING SEWER MAN HOLE
- MOTORCYCLE PARKING
- CLOTHESLINE (SCREENED FROM PUBLIC VIEW)
- U1 NOTATION DENOTES UNIT CARSPACE IS ALLOCATED TO
- V1 NOTATION DENOTES VISITOR CARSPACE TO AS2890.1
- CS1 DENOTES CARSPACE NUMBER TO AS2890.1
- 1.5m HIGH REMODERED FENCE (SEE SHEET 41 FOR DETAILS)
- 1.2m HIGH HORIZONTAL SLAT FENCE (SEE SHEET 41 FOR DETAILS)
- 1.5m HIGH HORIZONTAL SLAT FENCE (SEE SHEET 41 FOR DETAILS)
- 1.8m HIGH HORIZONTAL SLAT FENCE (SEE SHEET 41 FOR DETAILS)
- LETTERBOX IDENTIFIER (SEE SHEET 41 FOR DETAILS)
- WALL MOUNTED 355mm DIA OYSTER LUMINAIRE WITH EYELED VISOR (REFER ELECTRICAL ENGINEERS DRAWINGS FOR DETAILS)
- COLUMN MOUNTED AREA LUMINAIRE (REFER ELECTRICAL ENGINEERS DRAWINGS FOR DETAILS)
- IP65 RATED 1000mm BOLLARD LUMINAIRE (REFER ELECTRICAL ENGINEERS DRAWINGS FOR DETAILS)
- IP67 RATED IN-GROUND LUMINAIRE (REFER ELECTRICAL ENGINEERS DRAWINGS FOR DETAILS)

Issue	Issue Description	Rev	Revision Description	Date
A	ISSUE TO CONSULTANTS			19/6/17
B	ISSUE TO CONSULTANTS			19/6/17
C	ISSUE TO CONSULTANTS			26/6/17
D	DA SUBMISSION			14/2/18
E	DARFI SUBMISSION			15/2/18
F	DARFI SUBMISSION			19/4/18
G	DARFI SUBMISSION			19/6/18
H	DARFI SUBMISSION			24/7/18
I	DARFI SUBMISSION			22/9/18

Client Name:
San Filter Pty. Ltd.

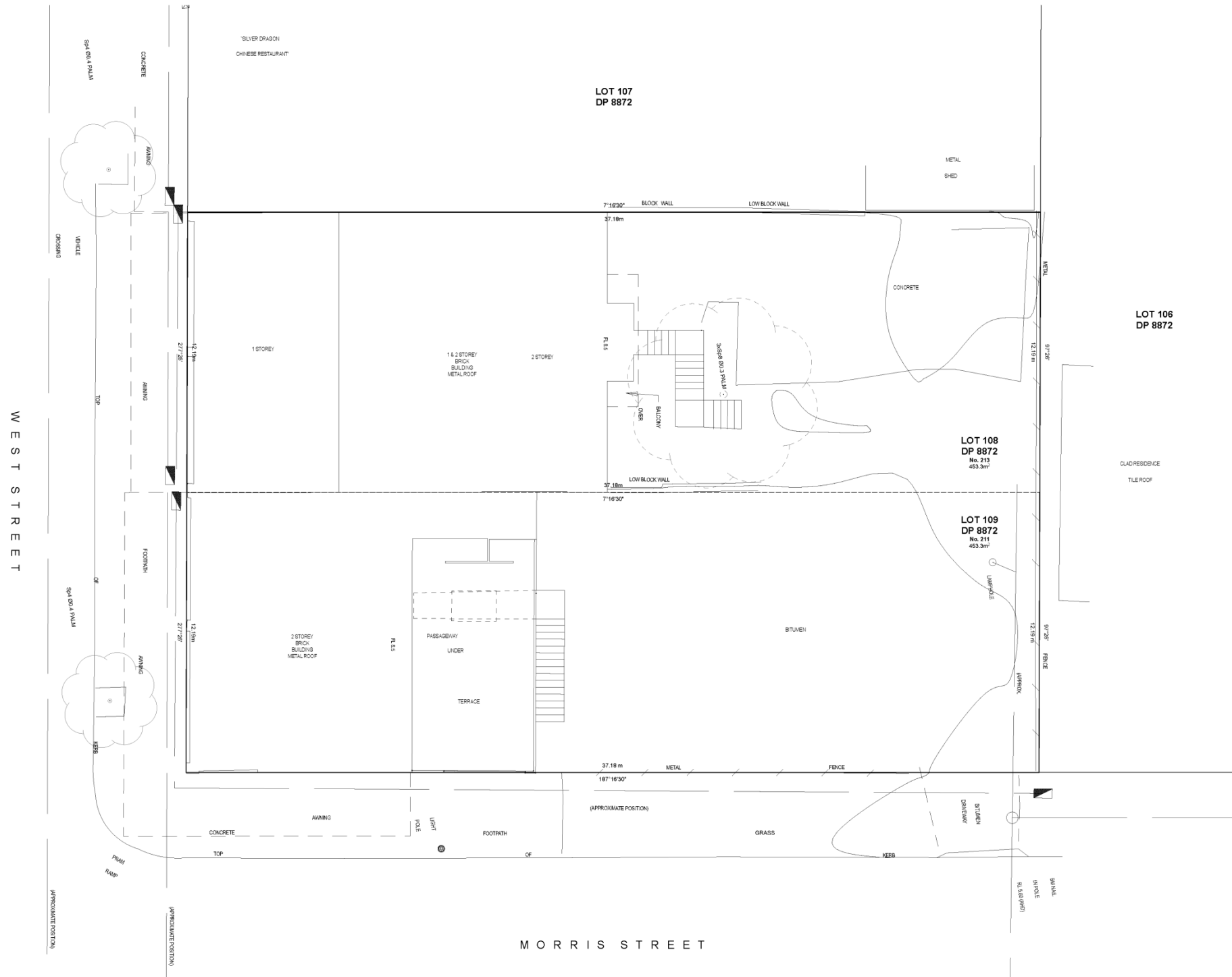
Project Name:
PROPOSED MIXED USE DEVELOPMENT

Project Address:
**LOTS 108&109 DP8872
No. 211 & 213 WEST STREET
UMINA NSW 2257**

Drawing Title:
EXISTING CONDITIONS PLAN

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Design:	CAD3	
Technician:	CAD3	
Checked:	CAD3	
Project No:	16-237	
Scale @ A1:	1:100	02
Commenced:	MAY 2016	
Plot Date:	24/8/18	
Project Status:	DA RFI SUBMISSION	Issue: 1



EXISTING CONDITIONS PLAN
SCALE 1:250





WIDER CONTEXT PLAN
SCALE: NTS



LOCAL CONTEXT PLAN
SCALE: NTS



SITE CONTEXT PLAN STUDY
SCALE: NTS



SITE AERIAL PHOTOGRAPH
SCALE: NTS

Issue	Issue Description	Rev	Revision Description	Date
B	ISSUE TO CONSULTANTS			26/07
C	ISSUE TO CONSULTANTS			26/07
D	DA SUBMISSION			14/08
E	DA REVISION			05/08
F	DA REVISION			24/08
G	DA REVISION			06/09
H	DA REVISION			24/08
I	DA REVISION			25/08

Client Name:
San Filter Pty. Ltd.

Project Name:
PROPOSED MIXED USE DEVELOPMENT

Project Address:
**LOTS 108&109 DP8872
NO. 211 & 213 WEST STREET
UMINA NSW 2257**

Drawing Title:
SITE CONTEXT DIAGRAM

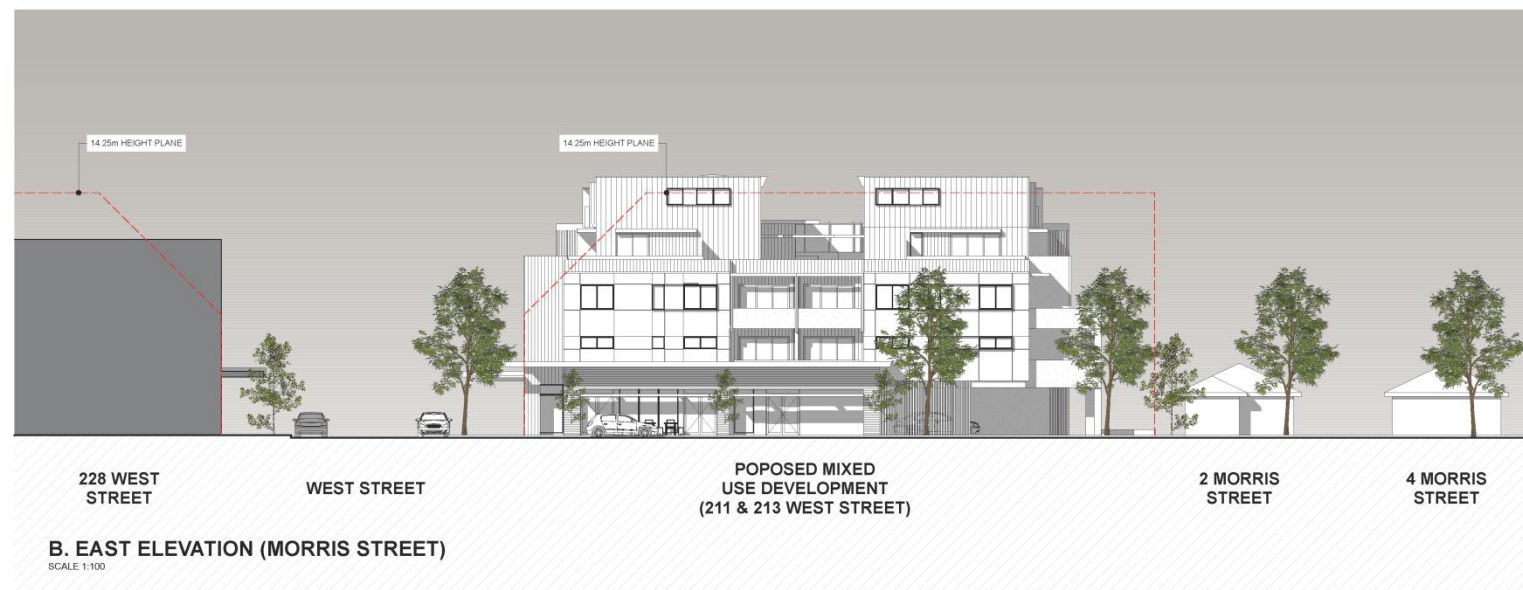
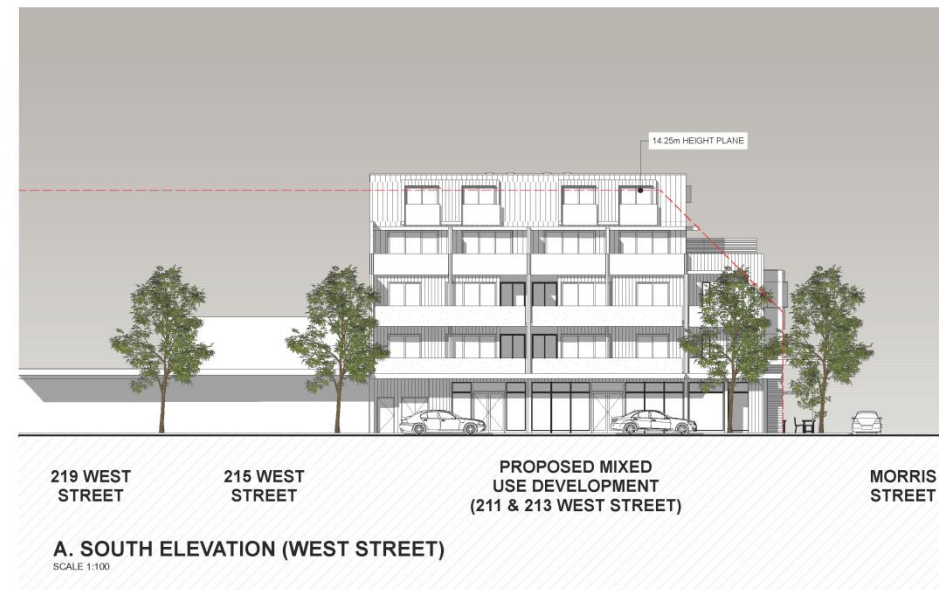
Design:	CAD3	
Technician:	CAD3	
Checked:	CAD3	
Project No:	16-237	
Scale @ A1:	3	
Commenced:	MAY 2016	<div style="font-size: 2em; font-weight: bold; text-align: center;">03</div>
Plot Date:	24/8/18	
Project Status:	DA RFI SUBMISSION	
		Issue: 1



SITE LEGEND

- MAJOR CONTOUR LINES (1m INTERVALS)
- MINOR CONTOUR LINES (200mm INTERVALS)
- EXISTING TELSTRA PILLAR
- EXISTING SUMP
- EXISTING ELECTRICAL PILLAR
- EXISTING STORMWATER MAN HOLE
- EXISTING SEWER MAN HOLE
- MOTORCYCLE PARKING
- CLOTHESLINE (SCREENED FROM PUBLIC VIEW)
- U1 NOTATION DENOTES UNIT CARSPACE IS ALLOCATED TO
- V1 NOTATION DENOTES VISITOR CARSPACE TO AS2880.1
- CS1 DENOTES CARSPACE NUMBER TO AS2890.1
- 1.5m HIGH REMODERED FENCE (SEE SHEET 41 FOR DETAILS)
- 1.2m HIGH HORIZONTAL SLAT FENCE (SEE SHEET 41 FOR DETAILS)
- 1.5m HIGH HORIZONTAL SLAT FENCE (SEE SHEET 41 FOR DETAILS)
- 1.8m HIGH HORIZONTAL SLAT FENCE (SEE SHEET 41 FOR DETAILS)
- LETTERBOX IDENTIFIER (SEE SHEET 41 FOR DETAILS)
- WALL MOUNTED 305mm DIA CYLINDER LUMINAIRE WITH EYELED VISOR (REFER ELECTRICAL ENGINEERS DRAWINGS FOR DETAILS)
- COLUMN MOUNTED AREA LUMINAIRE (REFER ELECTRICAL ENGINEERS DRAWINGS FOR DETAILS)
- IP65 RATED 1000mm BOLLARD LUMINAIRE (REFER ELECTRICAL ENGINEERS DRAWINGS FOR DETAILS)
- IP67 RATED IN-GROUND LUMINAIRE (REFER ELECTRICAL ENGINEERS DRAWINGS FOR DETAILS)

Issue	Issue Description	Rev	Revision Description	Date
A	ISSUE TO CONSULTANTS			19/17
B	ISSUE TO CONSULTANTS			19/17
C	ISSUE TO CONSULTANTS			24/17
D	DA SUBMISSION			14/18
E	DA RFI SUBMISSION	E.04	2ND FLOOR UNITS 17 AND 18 DELETED	18/18
F	DA RFI SUBMISSION	F.03	UPPER FLOOR UNITS MOVED NORTH	30/18
G	DA RFI SUBMISSION			19/18
H	DA RFI SUBMISSION			24/18
I	DA RFI SUBMISSION			22/18



Client Name:

San Filter Pty. Ltd.

Project Name:

PROPOSED MIXED USE DEVELOPMENT

Project Address:

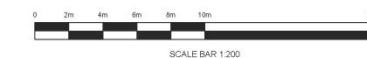
**LOTS 108&109 DP8872
No. 211 & 213 WEST STREET
UMINA NSW 2257**

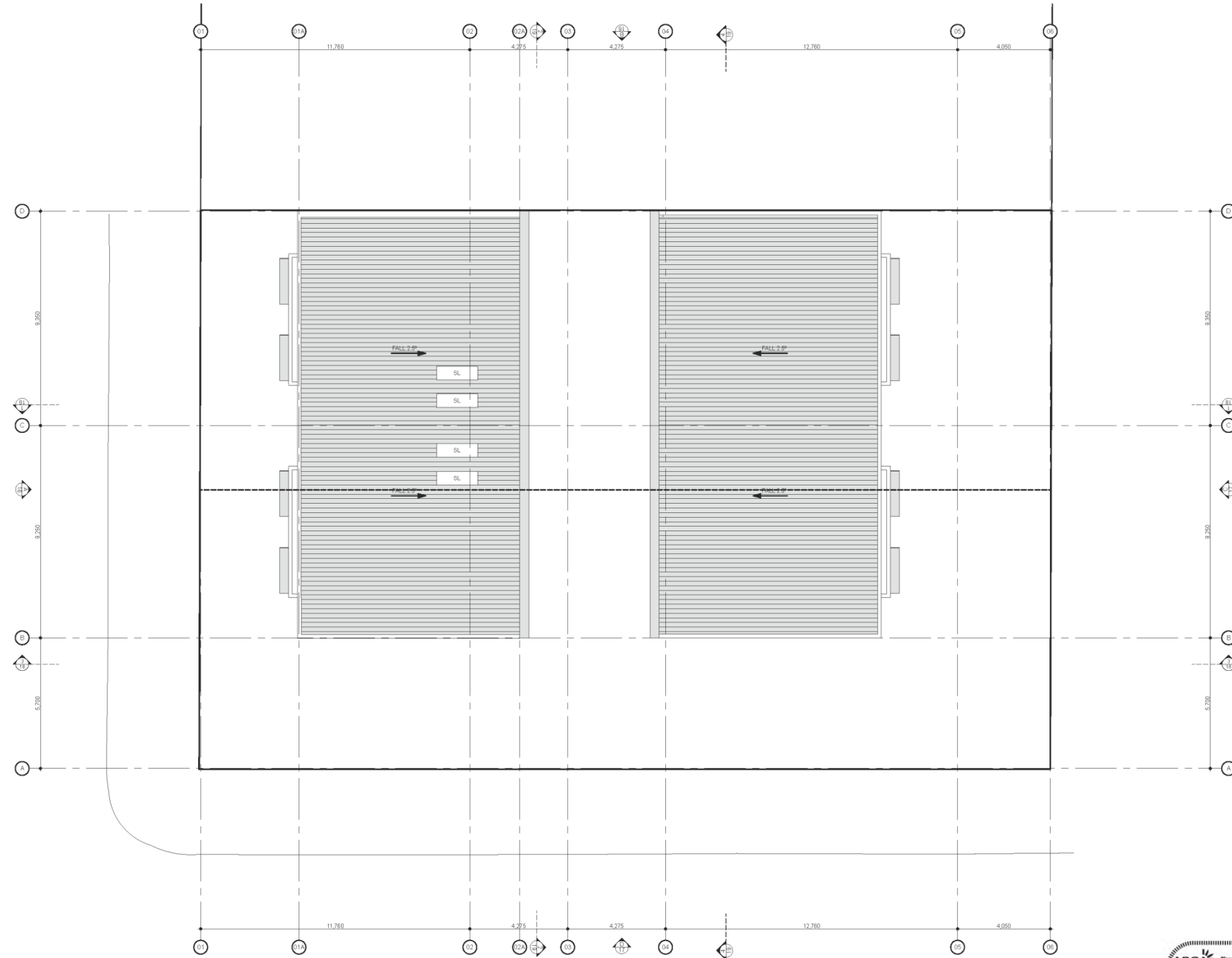
Drawing Title:

STREETSCAPE ELEVATIONS

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Design:	CAD3	
Technician:	CAD3	
Checked:	CAD3	
Project No:	16-237	
Scale @ A1:	1:200	
Commenced:	MAY 2016	<div style="font-size: 2em; font-weight: bold; text-align: center;">08</div>
Plot Date:	24/8/18	
Project Status:	DA RFI SUBMISSION	
		Issue: 1





UNIT AREA SCHEDULE

Unit No.	Unit Type	Area(m ²)	POS(m ²)	Cross Floor	Solar Assess.
U01	2A	77	26	NO	NO
U02	2A	77	26	NO	NO
U03	2B	81	19	YES	YES
U04	2B	81	20	YES	YES
U05	2A	77	26	NO	YES
U06	2A	77	26	NO	YES
U07	2A	77	26	NO	NO
U08	2A	77	26	NO	NO
U09	2B	81	19	YES	YES
U10	2B	81	20	YES	YES
U11	2A	77	26	NO	YES
U12	2A	77	26	NO	NO
U13	2E	76	12	YES	YES
U14	2E	76	12	YES	YES
U15	2E	76	12	YES	YES
U16	2E	76	46	YES	YES
U17	2D	81	46	YES	YES
U18	2D	81	12	YES	YES
U19	2D	81	12	YES	YES
U20	2D	81	12	YES	YES
		1,066 m²	400 m²		

FLOOR PLAN LEGEND

- AWD ALUMINIUM WINDOWS AND DOORS
- BTH BATH TUB
- CFG COLORBOND FASCIA AND GUTTER
- CL CLOTHESLINES/TOWNHOUSES (REFER TO LANDSCAPE ARCHITECT DETAILS)
- CL-A CLOTHESLINES APARTMENTS (REFER DETAILS ON SHEET 61)
- CONC CONCRETE STEEL TROWEL FINISH
- CPT 100% WOOL CARPET ON RUBBER UNDERLAY
- CRD COLORBOND ROLLER DOOR
- CRT CONCRETE ROOF TILES
- CSD CAVITY SLIDING DOOR
- DP DOWNPIPES
- FBK FACE BRICKWORK - SEE FINISHES SCHEDULE
- FGL FINISHED GROUND LINE
- F FIXED GLAZING PANEL
- FW FLOOR WASTE WITH SUITABLE CAMBER
- GAS GAS METER LOCATION
- HB HAND BASIN
- HP HOT PLATE
- HWS HOT WATER SYSTEM
- SS STAINLESS STEEL KITCHEN SINK
- LB LETTERBOX
- MB METER BOARD LOCATION
- NGL NATURAL GROUND LINE
- OHC OVER HEAD CUPBOARDS
- OV OVEN
- PTY PANTRY
- RH RANGEHOOD
- SL SKY LIGHT
- SHR ALUMINIUM AND GLASS SHOWER SCREEN
- SRH RECESSED SOAP HOLDER
- T LAUNDRY TUB
- TAP TAPWARE

Issue	Issue Description	Rev	Revision Description	Date
A	ISSUE TO CONSULTANTS			19/07
B	ISSUE TO CONSULTANTS			19/07
C	ISSUE TO CONSULTANTS			26/07
D	DA SUBMISSION			14/2/18
E	DA RFI SUBMISSION	E.01	GFA AREA ADJUSTED TO REFLECT REDUCTIONS TO UNITS AND COMMERCIAL AREA	19/2/18
F	DA RFI SUBMISSION	F.01	UPPER FLOOR UNITS MOVED NORTH	9/4/18
G	DA RFI SUBMISSION			19/6/18
H	DA RFI SUBMISSION			24/7/18
I	DA RFI SUBMISSION			22/8/18

Client Name:
San Filter Pty. Ltd.

Project Name:
PROPOSED MIXED USE DEVELOPMENT

Project Address:
**LOTS 108&109 DP8872
No. 211 & 213 WEST STREET
UMINA NSW 2257**

Drawing Title:
FLOOR PLAN - ROOF

Design:	CAD3	
Technician:	CAD3	
Checked:	CAD3	<div style="font-size: 2em; font-weight: bold; text-align: center;">15</div>
Project No.:	16-237	
Scale @ A1:	1:100, 1:0.43	Issue: I
Commenced:	MAY 2016	
Plot Date:	24/8/18	
Project Status:	DA RFI SUBMISSION	

FLOOR PLAN - ROOF
SCALE 1:100

ABSA Class 2 Building Multi-Unit

Validation Number: 1511119207

Validation Date: 26/06/2017

Assessor Name: Chad Whittaker

Assessor Number: 55430

Assessor Signature:

www.nathers.gov.au

Average star rating

7.0

NATIONWIDE HOUSE ENERGY RATING SCHEME

www.nathers.gov.au

Certificate no.: 0001624340

Assessor Name: Chad Whittaker

Accreditation no.: 55430

Certificate date: 27 June 2017

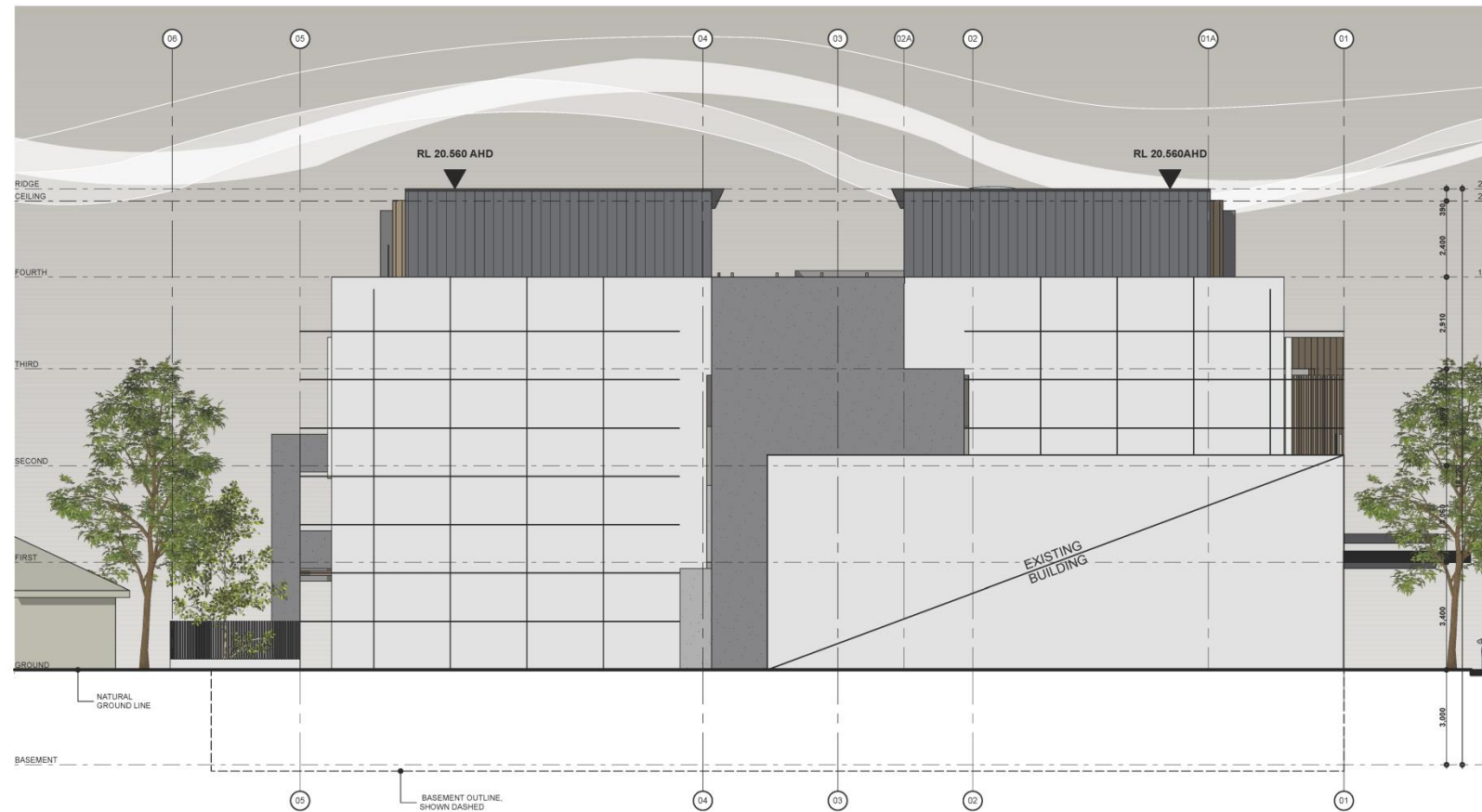
Dwelling Address: 211-213 West St Umina, NSW 2257

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SCALE BAR 1:100



A. SOUTH ELEVATION
SCALE 1:100



B. WEST ELEVATION
SCALE 1:100



ELEVATION LEGEND
(SEE FINISHES SCHEDULE FOR COLOURS)

- AC AC CONDENSOR UNIT - SCREENED FROM PUBLIC VIEW
- AGB CLEAR GLASS AND ALUMINIUM BALUSTRADE
- AWD1 ALUMINIUM FRAMED WINDOWS AND DOORS
- AWD2 ALUMINIUM FRAMED WINDOWS AND DOORS
- CFG1 COLORBOND FASCIA AND BOX GUTTERS
- CFG2 COLORBOND FASCIA AND BOX GUTTERS
- CRD COLORBOND ROLLER DOOR
- CMC COMPOSITE WALL CLADDING
- DP COLORBOND DOWNPIPES & RAINWATER HEADS
- FBK1 FACE-BRICK WALL FINISH
- FBK2 FACE-BRICK WALL FINISH
- FCL FINISHED CEILING LEVEL
- FFL FINISHED FLOOR LEVEL
- FG FIXED GLAZING
- FGL FINISHED GROUND LEVEL
- HWS HOT WATER SYSTEM
- LWC1 LIGHT-WEIGHT WALL CLADDING
- LWC2 LIGHT-WEIGHT WALL CLADDING
- LWC3 LIGHT-WEIGHT WALL CLADDING
- LWC4 LIGHT-WEIGHT WALL CLADDING
- MRS METAL ROOF SHEETING
- NGL NATURAL GROUND LEVEL
- OGB OPAQUE GLASS AND ALUMINIUM BALUSTRADE
- PCP PRE-CAST CONCRETE PANEL
- PGL1 POWDERCOATED METAL PERGOLA
- PGL2 POWDERCOATED METAL PERGOLA
- RWF1 RENDERED & PAINTED EXTERNAL WALL FINISH
- RWF2 RENDERED & PAINTED EXTERNAL WALL FINISH
- RWF3 RENDERED & PAINTED EXTERNAL WALL FINISH

Issue	Issue Description	Rev	Revision Description	Date
A	ISSUE TO CONSULTANTS			19/17
B	ISSUE TO CONSULTANTS			19/17
C	ISSUE TO CONSULTANTS			26/17
D	DA SUBMISSION			14/18
E	DA RFI SUBMISSION	E-04	2ND FLOOR UNITS 17 AND 18 DELETED	19/18
F	DA RFI SUBMISSION	F-03	UPPER FLOOR UNITS MOVED NORTH	
		F-07	CLOCK TOWER DELETED	19/18
		F-11	ROOF PITCH ALTERED PERMITS ADDED	
G	DA RFI SUBMISSION	G-11	Balustrade Set Back from Facade	
		G-3	Zone Setback Increased to 5.1M	19/18
		G-4	Building Height Reduced to 15.000M	
		G-4	Building Height Reduced to 15.000M	
H	DA RFI SUBMISSION	H-0	Foundation Piling Set Back to accommodate Street Tree Canopy	24/18
I	DA RFI SUBMISSION			22/18

Client Name:

San Filter Pty. Ltd.

Project Name:

PROPOSED MIXED USE DEVELOPMENT

Project Address:

**LOTS 108&109 DP8872
NO. 211 & 213 WEST STREET
UMINA NSW 2257**

Drawing Title:

ELEVATIONS

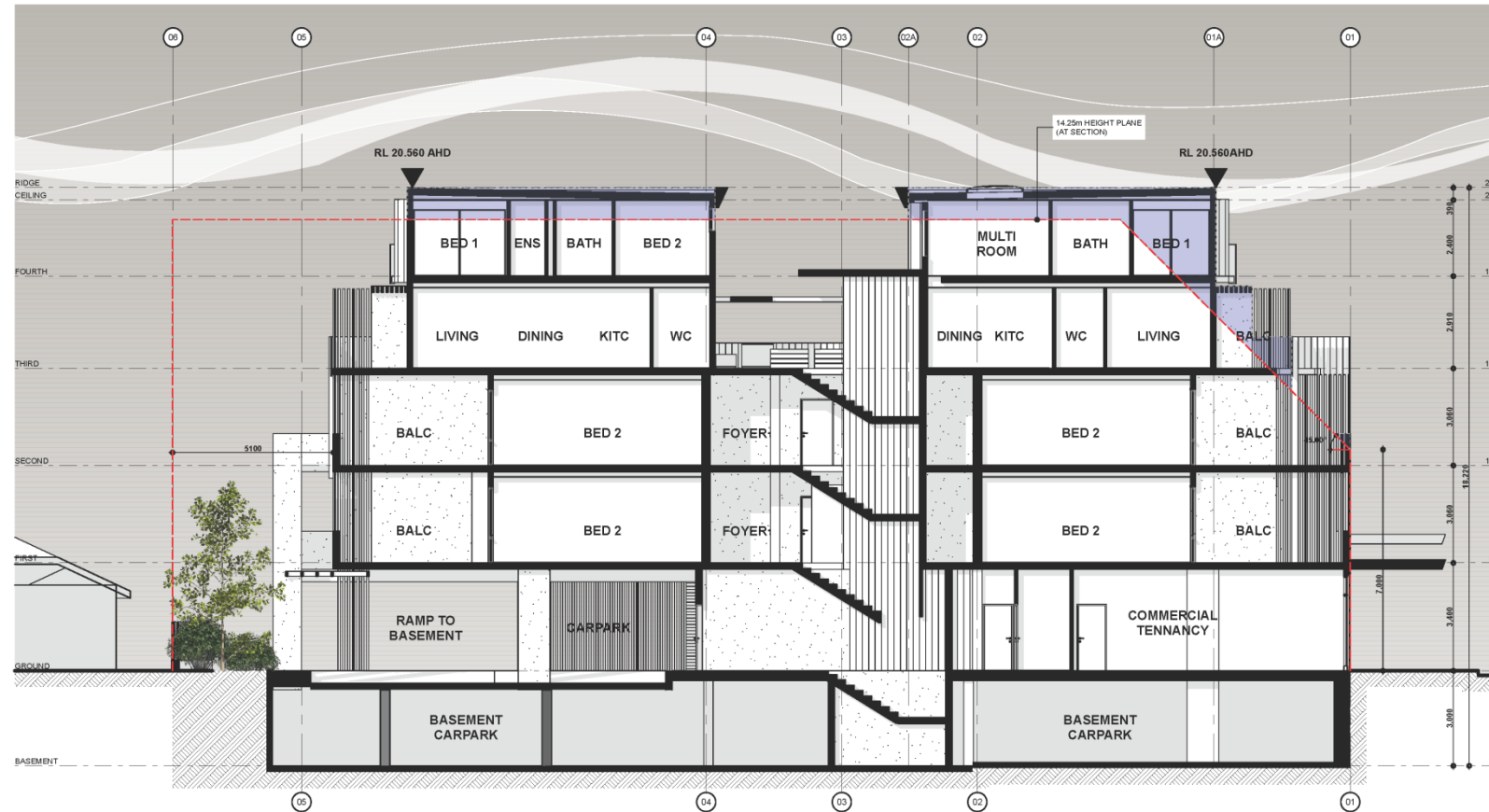
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Design:	CAD3	
Technician:	CAD3	
Checked:	CAD3	
Project No:	16-237	
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Commenced:	MAY 2016	
Plot Date:	24/8/18	16
Project Status:	DA RFI SUBMISSION	

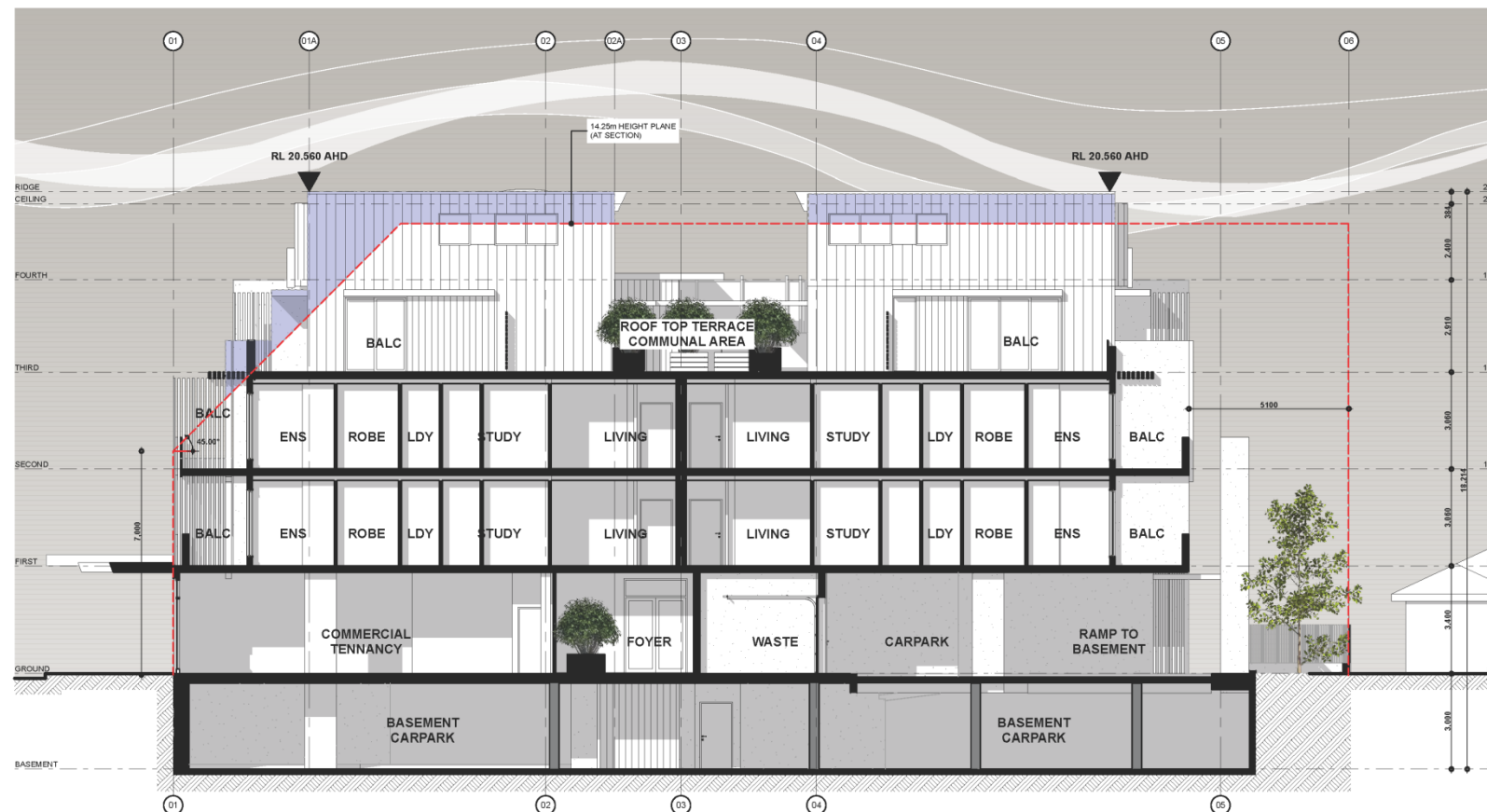


Certificate no.: 0001624340
Assessor Name: Chad Whittaker
Accreditation no.: 55430
Certificate date: 27 June 2017
Dwelling Address: 211-213 West St Umina, NSW 2257
www.nathers.gov.au





SECTION 1-1
SCALE 1:100



SECTION 3-3
SCALE 1:100



ELEVATION LEGEND
(SEE FINISHES SCHEDULE FOR COLOURS)

- AC AC CONDENSOR UNIT - SCREENED FROM PUBLIC VIEW
- AGB CLEAR GLASS AND ALUMINIUM BALUSTRADE
- AWD1 ALUMINIUM FRAMED WINDOWS AND DOORS
- AWD2 ALUMINIUM FRAMED WINDOWS AND DOORS
- CFG1 COLORBOND FASCIA AND BOX GUTTERS
- CFG2 COLORBOND FASCIA AND BOX GUTTERS
- CRD COLORBOND ROLLER DOOR
- CMC COMPOSITE WALL CLADDING
- DP COLORBOND DOWNPIPES & RAINWATER HEADS
- FBK1 FACE-BRICK WALL FINISH
- FBK2 FACE-BRICK WALL FINISH
- FCL FINISHED CEILING LEVEL
- FFL FINISHED FLOOR LEVEL
- FG FIXED GLAZING
- FGL FINISHED GROUND LEVEL
- HWS HOT WATER SYSTEM
- LWC1 LIGHT-WEIGHT WALL CLADDING
- LWC2 LIGHT-WEIGHT WALL CLADDING
- LWC3 LIGHT-WEIGHT WALL CLADDING
- LWC4 LIGHT-WEIGHT WALL CLADDING
- MRS METAL ROOF SHEETING
- NGL NATURAL GROUND LEVEL
- OGB OPAQUE GLASS AND ALUMINIUM BALUSTRADE
- PCP PRE-CAST CONCRETE PANEL
- PSL1 POWDER COATED METAL PERGOLA
- PGL1 POWDER COATED METAL PERGOLA
- RWF1 RENDERED & PAINTED EXTERNAL WALL FINISH
- RWF2 RENDERED & PAINTED EXTERNAL WALL FINISH
- RWF3 RENDERED & PAINTED EXTERNAL WALL FINISH

Issue	Issue Description	Rev	Revision Description	Date
A	ISSUE TO CONSULTANTS			19/07
B	ISSUE TO CONSULTANTS			19/07
C	ISSUE TO CONSULTANTS			26/07
D	DA SUBMISSION			14/07/18
E	DA RFI SUBMISSION	E 01	LOPE WIDTH INCREASED TO 3.00M	19/07/18
		E 02	ROOF TOP TERRACE ACCESS PLACE OF UNITS 17 AND 18 ON 2ND FLOOR	
F	DA RFI SUBMISSION	F 01	STAIR & LIFT CORE ALTERED	19/07/18
		F 03	UPPER FLOOR UNITS MOVED NORTH	
G	DA RFI SUBMISSION	G 01	Balustrade Set Back from Facade	19/07/18
		G 03	Zone Setback Increased to 5.0M	
		G 04	Building Height Reduced to RL 20.560 AHD	20/07/18
H	DA RFI SUBMISSION			20/07/18
I	DA RFI SUBMISSION			22/07/18

Client Name:
San Filter Pty. Ltd.

Project Name:
PROPOSED MIXED USE DEVELOPMENT

Project Address:
**LOTS 108&109 DP8872
No. 211 & 213 WEST STREET
UMINA NSW 2257**

Drawing Title:
SECTIONS



Certificate no.: 0001624340
Assessor Name: Chad Whittaker
Accreditation no.: 55430
Certificate date: 27 June 2017
Dwelling Address: 211-213 West St Umina, NSW 2257
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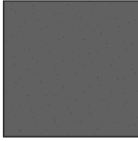






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Technician:	CAD3	
Checked:	CAD3	
Project No:	16-237	
Scale @ A1:	1:100, 1:0.43	
Commenced:	MAY 2016	
Plot Date:	24/8/18	
Project Status:	DA RFI SUBMISSION	



ELEVATION LEGEND
(SEE FINISHES SCHEDULE FOR COLOURS)

- AC AC CONDENSOR UNIT - SCREENED FROM PUBLIC VIEW
- AGB CLEAR GLASS AND ALUMINIUM BALUSTRADE
- AWD1 ALUMINIUM FRAMED WINDOWS AND DOORS
- AWD2 ALUMINIUM FRAMED WINDOWS AND DOORS
- CFG1 COLORBOND FASCIA AND BOX GUTTERS
- CFG2 COLORBOND FASCIA AND BOX GUTTERS
- CRD COLORBOND ROLLER DOOR
- CMC COMPOSITE WALL CLADDING
- DP COLORBOND DOWNPIPES & RAINWATER HEADS
- FBK1 FACE-BRICK WALL FINISH
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- FFL FINISHED FLOOR LEVEL
- FG FIXED GLAZING
- FGL FINISHED GROUND LEVEL
- HWS HOT WATER SYSTEM
- LWC1 LIGHT-WEIGHT WALL CLADDING
- LWC2 LIGHT-WEIGHT WALL CLADDING
- LWC3 LIGHT-WEIGHT WALL CLADDING
- LWC4 LIGHT-WEIGHT WALL CLADDING
- MRS METAL ROOF SHEETING
- NGL NATURAL GROUND LEVEL
- OGB OPAQUE GLASS AND ALUMINIUM BALUSTRADE
- PCP PRE-CAST CONCRETE PANEL
- PGL1 POWDERCOATED METAL PERGOLA
- PGL2 POWDERCOATED METAL PERGOLA
- RWF1 RENDERED & PAINTED EXTERNAL WALL FINISH
- RWF2 RENDERED & PAINTED EXTERNAL WALL FINISH
- RWF3 RENDERED & PAINTED EXTERNAL WALL FINISH

Issue	Issue Description	Rev	Revision Description	Date
A	ISSUE TO CONSULTANTS			19/17
B	ISSUE TO CONSULTANTS			19/17
C	ISSUE TO CONSULTANTS			26/17
D	DA SUBMISSION			14/18
E	DA RFI SUBMISSION			19/18
F	DA RFI SUBMISSION	F01	FINISHES AND COLOURS ALTERED	19/18
G	DA RFI SUBMISSION			19/18
H	DA RFI SUBMISSION			24/18
I	DA RFI SUBMISSION			22/18

 <p>STONE FACING WALL FINISH (FBK2) Face Brickwork: PGH Opaline Colour: Tiger Eye</p> <p>R na G na B na</p>	 <p>LIGHTWEIGHT WALL CLADDING (LWC2) James Hardie 'Scyon Axon' Wall Cladding (Horizontal) Colour: Leadman SG6F7</p> <p>R 74 G 74 B 80</p>	 <p>C'BOND FASCIA & GUTTERS (CFG1) BlueScope Steel Colorbond Colour: 'Basalt'</p>	 <p>COLORBOND ROLLER DOORS (CRD) BlueScope Steel Colorbond Colour: 'Basalt'</p>
 <p>RENDERED WALL FINISH (RWF1) Rendered & Painted Wall Finish Colour: Dulux 'White Duck' S16B1</p> <p>R 207 G 202 B 187</p>	 <p>LIGHTWEIGHT WALL CLADDING (LWC3) Urban Line 'Euro Clad' (or similar) Colour: 'Dark Cedar' EC 155X18C</p> <p>R NA G NA B NA</p>	 <p>DOWNPIPES & RAIN HEADS (DP) BlueScope Steel Colorbond Colour: 'Basalt'</p>	 <p>ALUMINIUM WINDOWS & DOORS (AWD) Dulux Powdercoat Finish Colour: Dulux 'Zeus Black' Matt Finish</p> <p>R NA G NA B NA</p>
 <p>RENDERED WALL FINISH (RWF3) Rendered & Painted Wall Finish Colour: Dulux 'Raku' PN2E8</p> <p>R 90 G 88 B 88</p>	 <p>LIGHTWEIGHT WALL CLADDING (LWC4) James Hardie 'Scyon Matrix' Wall Cladding Colour: Dulux 'White Duck' S16B1</p> <p>R 207 G 202 B 187</p>	 <p>METAL PERGOLAS (PGL) Dulux Powdercoat Pergola Members Colour: 'Surfmist'</p> <p>R 215 G 214 B 203</p>	 <p>AWNING EDGE & SOFFIT BlueScope Steel Colorbond Colour: 'Basalt'</p>
 <p>LIGHTWEIGHT WALL CLADDING (LWC1) LYSAGHT ZENITH 'ENSEAM' PROFILE COLORBOND CLADDING Vertical Colour: COLORBOND 'Basalt'</p>	 <p>METAL ROOF SHEETING (MRS) BlueScope Steel Colorbond Colour: 'Slate Grey'</p> <p>R 180 G 181 B 178</p>	 <p>CLEAR GLASS BALUSTRADE (AGB) Dulux Powdercoat to Handrail Colour: Dulux 'Pearl White' Matt Finish with clear glass infill panels</p> <p>R 240 G 244 B 243</p>	



Certificate no.: 0001624340
Assessor Name: Chad Whittaker
Accreditation no.: 55430
Certificate date: 27 June 2017
Dwelling Address: 211-213 West St Umina, NSW 2257

7.0
Average star rating
NATIONWIDE HOUSE ENERGY RATING SCHEME
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SCALE BAR 1:100

Client Name:
San Filter Pty. Ltd.

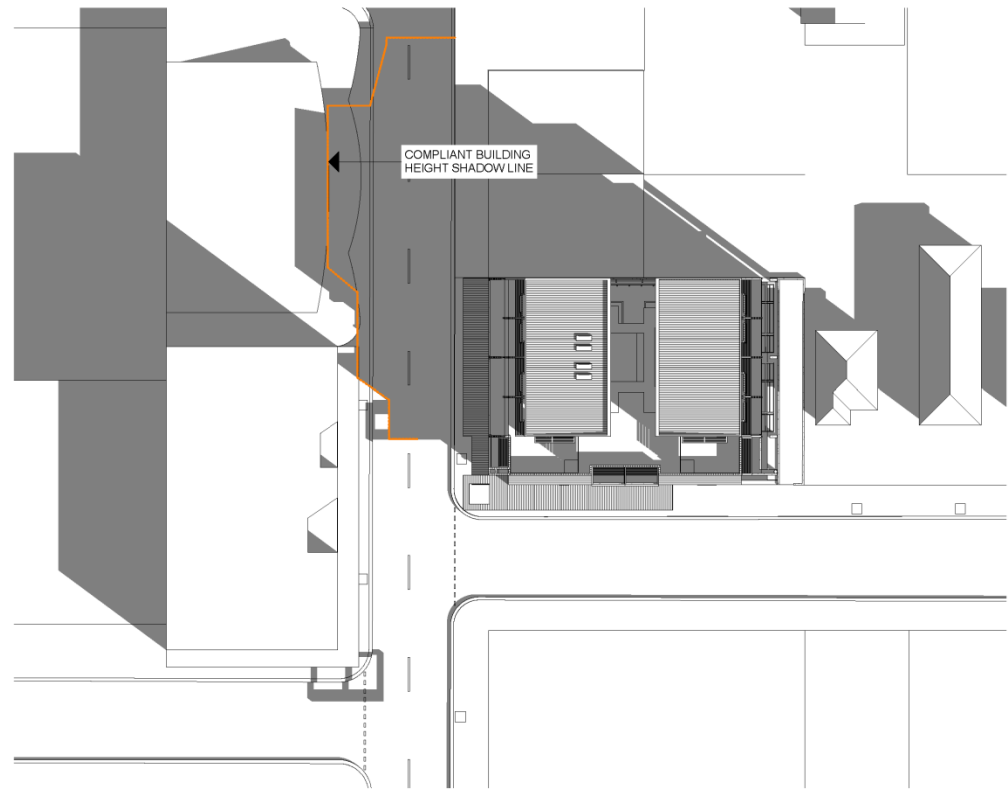
Project Name:
PROPOSED MIXED USE DEVELOPMENT

Project Address:
**LOTS 108&109 DP8872
No. 211 & 213 WEST STREET
UMINA NSW 2257**

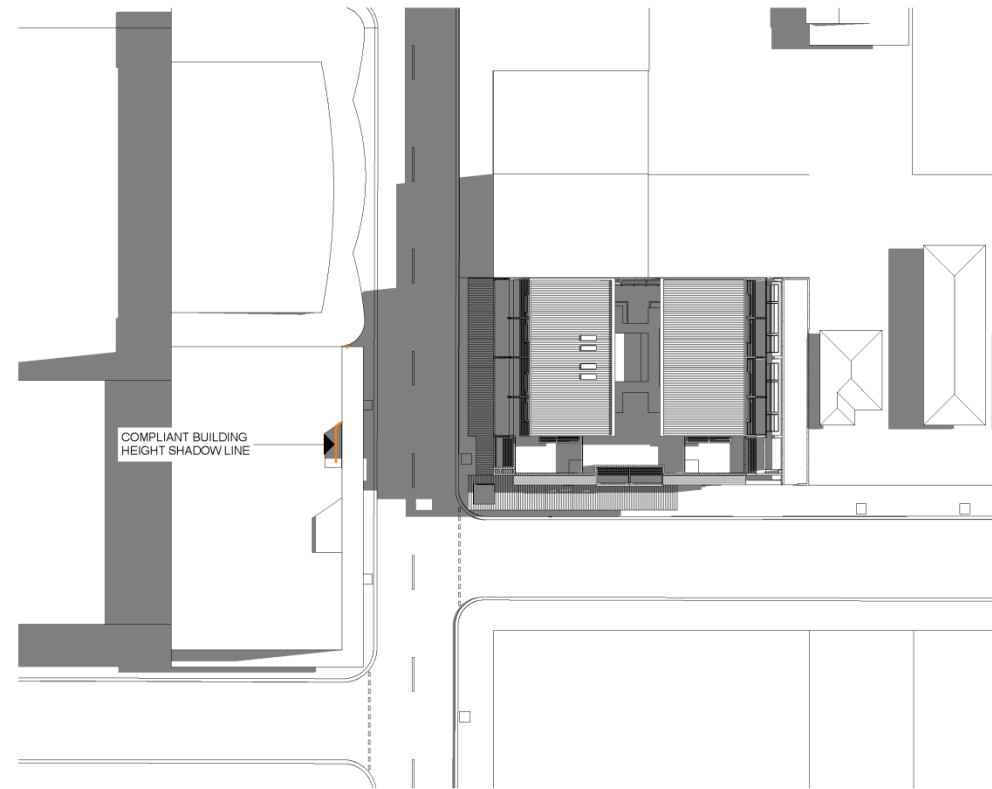
Drawing Title:
EXTERNAL FINISHES SCHEDULE

Design: CAD3
Technician: CAD3
Checked: CAD3
Project No: 16-237
Scale @ A1:
Commenced: MAY 2016
Plot Date: 24/8/18
Project Status: DA RFI SUBMISSION

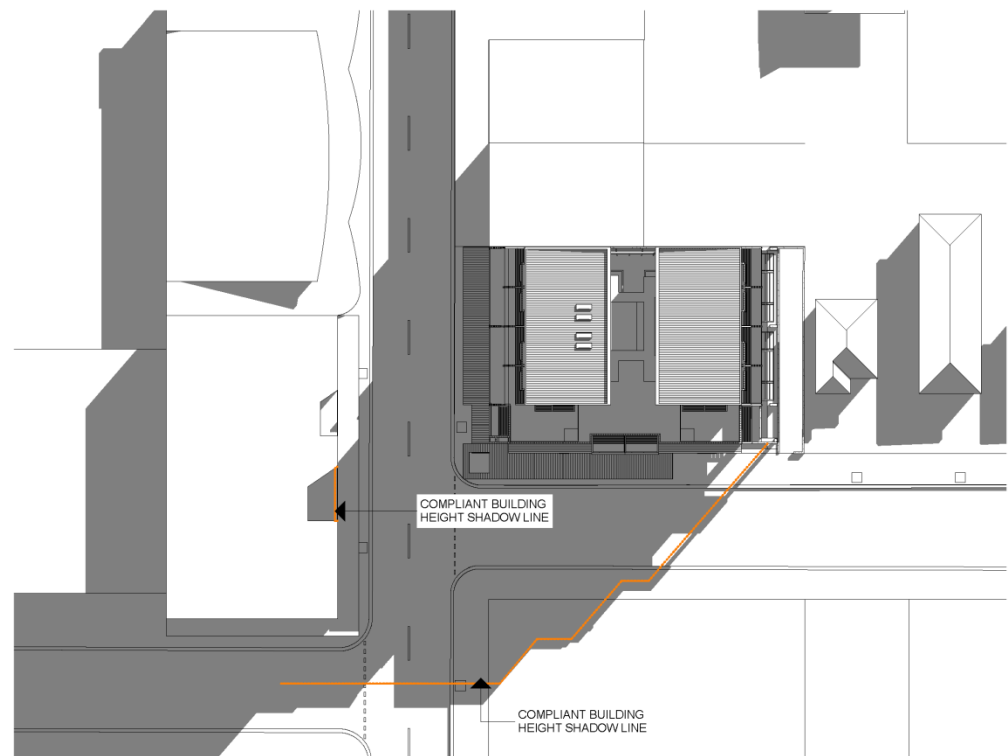
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Issue: 1



SUN SHADOW DIAGRAM - JUNE 21 @ 9AM
SCALE 1:400



SUN SHADOW DIAGRAM - JUNE 21 @ 12NOON
SCALE 1:400



SUN SHADOW DIAGRAM - JUNE 21 @ 3PM
SCALE 1:400



SITE LEGEND

- MAJOR CONTOUR LINES (1m INTERVALS)
- MINOR CONTOUR LINES (200mm INTERVALS)
- EXISTING TELSTRA PILLAR
- EXISTING SUMP
- EXISTING ELECTRICAL PILLAR
- EXISTING STORMWATER MAN HOLE
- EXISTING SEWER MAN HOLE
- ⊠ MOTORCYCLE PARKING
- ▨ CLOTHESLINE (SCREENED FROM PUBLIC VIEW)
- U1 NOTATION DENOTES UNIT CARSPACE IS ALLOCATED TO
- V1 NOTATION DENOTES VISITOR CARSPACE TO AS2890.1
- CS1 DENOTES CARSPACE NUMBER TO AS2890.1
- ① 1.5m HIGH REMODERED FENCE (SEE SHEET 41 FOR DETAILS)
- ② 1.2m HIGH HORIZONTAL SLAT FENCE (SEE SHEET 41 FOR DETAILS)
- ③ 1.5m HIGH HORIZONTAL SLAT FENCE (SEE SHEET 41 FOR DETAILS)
- ④ 1.8m HIGH HORIZONTAL SLAT FENCE (SEE SHEET 41 FOR DETAILS)
- ⑤ LETTERBOX IDENTIFIER (SEE SHEET 41 FOR DETAILS)
- ⦿ WALL MOUNTED 355mm DIA OYSTER LUMINAIRE WITH EYELED VISION (REFER ELECTRICAL ENGINEERS DRAWINGS FOR DETAILS)
- ⦿ COLUMN MOUNTED AREA LUMINAIRE (REFER ELECTRICAL ENGINEERS DRAWINGS FOR DETAILS)
- ⦿ IP65 RATED 1000mm BOLLARD LUMINAIRE (REFER ELECTRICAL ENGINEERS DRAWINGS FOR DETAILS)
- ⦿ IP67 RATED IN-GROUND LUMINAIRE (REFER ELECTRICAL ENGINEERS DRAWINGS FOR DETAILS)

Issue	Issue Description	Rev	Revision Description	Date
A	ISSUE TO CONSULTANTS			19/17
B	ISSUE TO CONSULTANTS			19/17
C	ISSUE TO CONSULTANTS			26/17
D	DA SUBMISSION			14/218
E	DA RFI SUBMISSION			16/218
F	DA RFI SUBMISSION			19/18
G	DA RFI SUBMISSION	01	Shadow Diagrams Revised to Reflect Changes in Height	19/18
H	DA RFI SUBMISSION			24/718
I	DA RFI SUBMISSION			22/18

Client Name:

San Filter Pty. Ltd.

Project Name:

PROPOSED MIXED USE DEVELOPMENT

Project Address:

**LOTS 108&109 DP8872
No. 211 & 213 WEST STREET
UMINA NSW 2257**

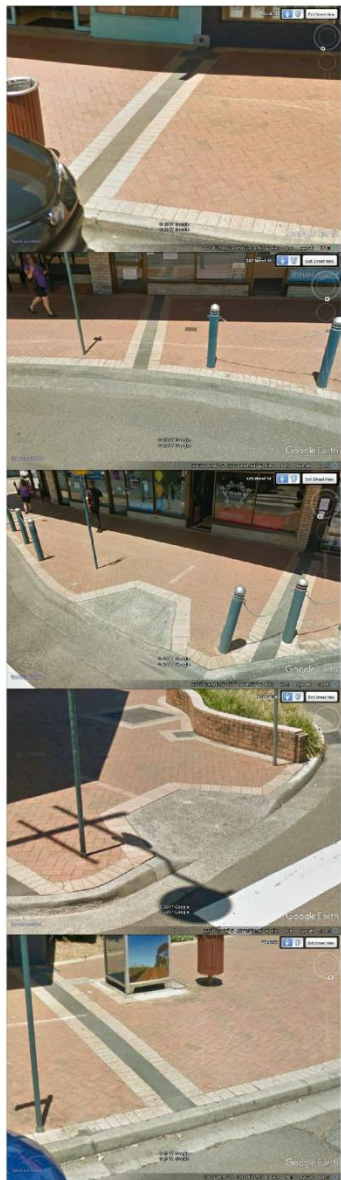
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SHADOW DIAGRAMS (JUNE)

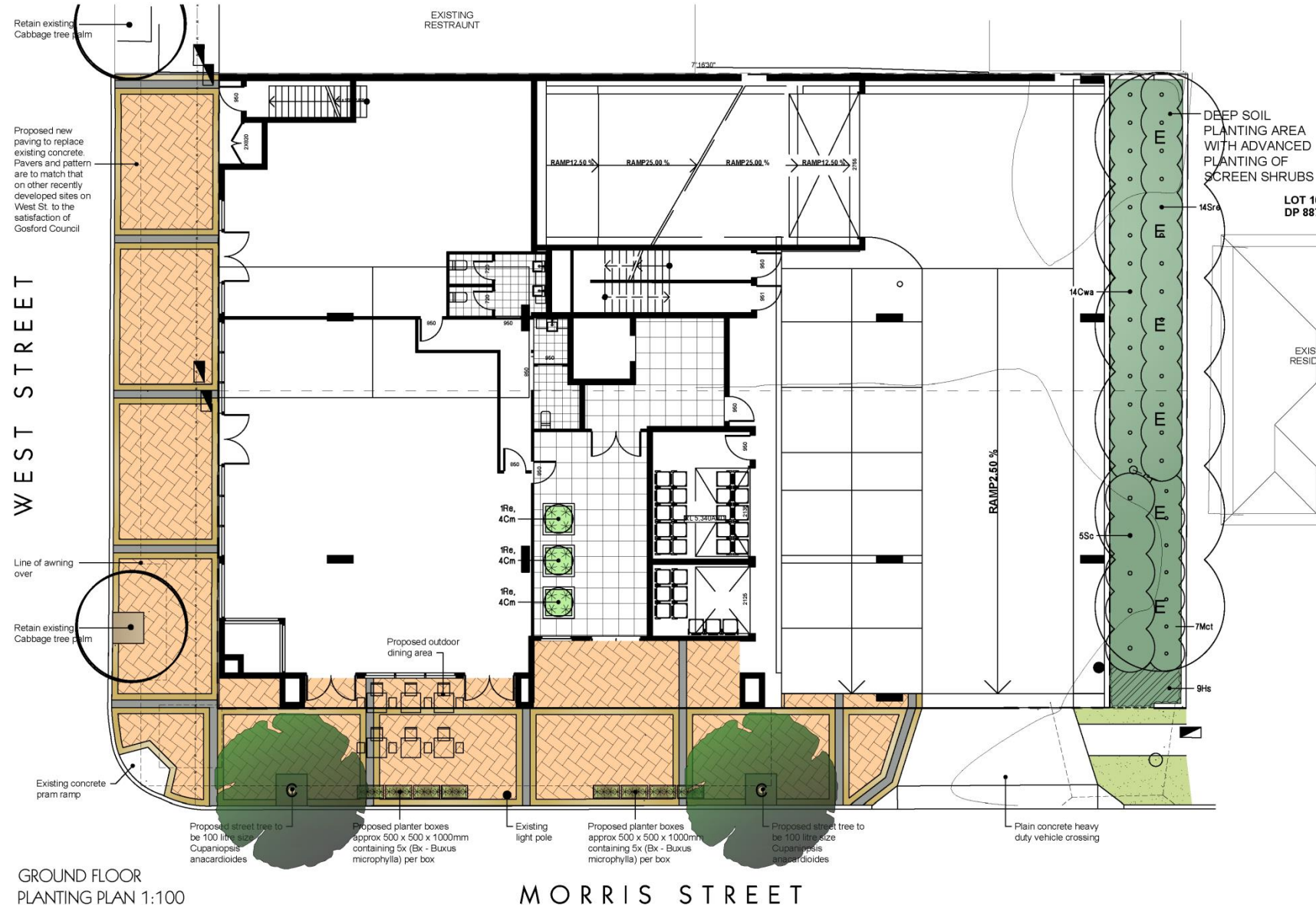
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Checked:	CAD3	
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Commenced:	MAY 2016	
Plot Date:	24/8/18	
Project Status:	DA RFI SUBMISSION	



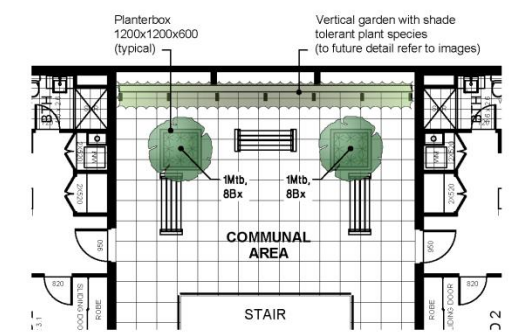


PROPOSED PUBLIC DOMAIN PAVING

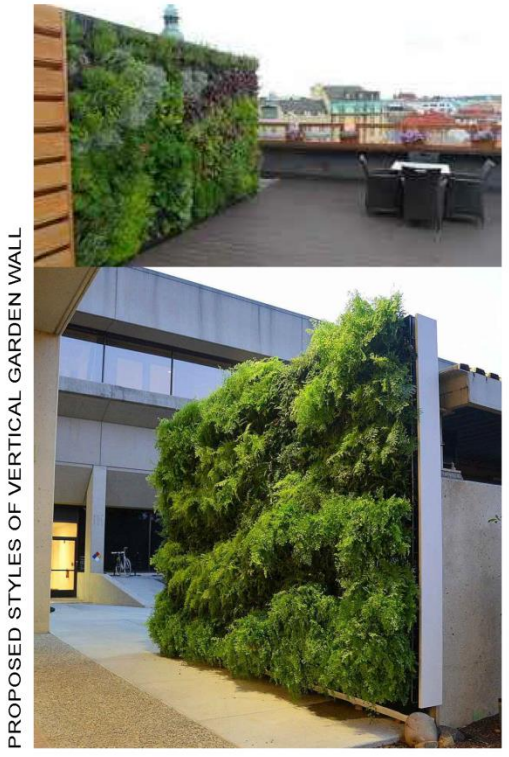


GROUND FLOOR PLANTING PLAN 1:100

MORRIS STREET



SECOND FLOOR PLANTERBOX PLAN 1:100

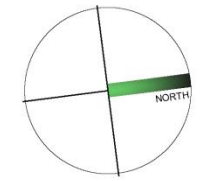


PROPOSED STYLES OF VERTICAL GARDEN WALL

LEGEND

- Proposed Public Domain Paving**
All public domain works are to be designed and constructed in accordance with the requirements of Gosford City Council. In general all proposed pavers, paving patterns, construction details etc are to match the recently completed public domain works on other sites along West Street. The body of the paving is to be clay pavers (to match other nearby sites) laid in a 45 degree herringbone pattern, with a contrasting header course around the perimeter (to match other nearby sites), and a single banding course of grey concrete pavers (300 x 300 square) at intervals as shown on the plan. (refer to the images of paving types existing in West Street)
- Vertical Garden Wall**
The central common courtyard on level two will include a vertical garden wall on the eastern facade extending from level two through to level three. The vertical garden will comprise of a matrix which will host a series of horizontal planting channels. Each planting channel will be filled with soil and selected plants (to future detail - refer to typical images). The vertical garden will also be covered by an automatic irrigation system.
- existing trees to be retained
- proposed street tree planting
- proposed street planterbox
approx 500 x 500 x 1000mm containing 5x (Bx - Buxus microphylla) per box
- proposed planterbox
approx 1200 x 1200 x 600mm containing 1x Mt, 8x Bx per box
- planting areas
Ensure that the mass planting areas have been excavated to 300mm below finished levels. Rip to a further depth of 150mm. Supply and install 300mm soil mix. Soil mix to comprise of one part approved compost to three parts topsoil. Topsoil shall be either imported topsoil or stockpiled site topsoil (if suitable ie: No clay). Install 75mm depth of selected mulch.
- maintenance
All landscape works are to be maintained for a period of three months from the date of practical completion. This includes all watering, weeding, spraying and re-mulching necessary to achieve vigorous growth. Any defects which arise during this period are to be rectified immediately. Any plants or areas of turf which fail during this period are to be replaced at no additional cost.

LANDSCAPE PLAN 1 : 100



PLANT SCHEDULE

Code	Latin Name (Common Name - Mature Height)	Qty	Size	Stake
Trees				
C	Cupaniopsis anacardioides (Tuckeroo - 12m)	2	100 litre	yes
E	Elaeocarpus reticulatus 'Prima donna' (Blue berry ash - 9m)	6	75 litre	yes
Shrubs				
Bx	Buxus microphylla 'Aponica' (Box - 1m)	56	5 litre	-
Cwa	Callistemon 'White Anzac' (White Bottlebrush - 1.5m)	14	5 litre	-
Mct	Melaleuca 'Claret Tops' (Paperbark - 1.2m)	7	5 litre	-
Mtb	Magnolia grandiflora 'Teddy Bear' (Dwarf Magnolia - 3m)	2	5 litre	-
Sc	Syzygium 'Cascade' (Syzygium - 3.5m)	5	75 litre	-
Sre	Syzygium australe 'Resilience' (Lilly Pilly - 3m)	14	5 litre	-
Re	Raphis excelsa (Parlour palm - 1.5m)	3	5 litre	-
Groundcovers				
Cm	Cleome miniata (Kaffir lily - 0.5m)	12	150mm pot	-
Hs	Hibbertia scandens (Guinea flower - climber)	9	150mm pot	-

NOTES
Irrigation:
All planting areas on the landscape plan are to be covered by a fully automatic drip irrigation system. All pipework is to be PVC to satisfy AS 1477. All installation is to satisfy the Sydney Water Code and AS 3500. The system is to be installed by a suitable licenced contractor. All equipment and workmanship is to be guaranteed for a minimum period of 12 months.

fencing:
For all fencing types and materials refer to the Architects plans.



Tall 'Lilly pilly' boundary screen planting and foliage



30.07.18 Revised DA to include additional comments C
18.06.18 Revised DA issue B
18.07.17 DA issue A
DATE AMENDMENT ISSUE



Project:
PROPOSED MIXED USE DEVELOPMENT
LOTS 108 & 109 DP 8872
UMINA

Client:
Emicon

Drawing Title:
LANDSCAPE PLAN

Issue:	rev. DA	date:	30/07/18	Issue No:	C
file name:				drawing No:	C\
drawn:	HK	scale:	1:100 @ A1		
checked:	RF	project No:	4236c		L-01

ATTACHMENT 3: ADG Compliance Table

Design Criteria	Required	Proposed	Compliance
3D-1 Communal Open Space	Minimum communal open space area 25% of the site	<p>226m² or 25% of the site area is required as communal open space.</p> <p>Two (2) communal open space areas are proposed, being a communal courtyard on Level 1 and a communal roof terrace on Level 3, totalling 135m².</p> <p>135m² or 15% communal open space is proposed, resulting in a 10% variation. Despite this, no objection is made for the following reasons:-</p> <ul style="list-style-type: none"> Given the location of the subject site in the Umina Village Centre, there are adequate public open spaces in close proximity to the site that will remain available for the use of the residents throughout the year. Open space is an important component of residential development. Open space includes private gardens, balconies, communal areas and places to dry washing. These spaces provide private places for residents and they are used for entertaining, play and relaxation. Landscaping in open spaces improves residential amenity and providing shade trees and other vegetation make the space comfortable, attractive and useable. <p>The proposed development comprises 20 apartments, all of which include private open space areas in accordance with this policy. As an infill site in a medium dense urban environment, this is considered acceptable.</p>	No , however no objection is raised.
3E-1 Deep Soil Zone	Minimum 7% of the site, with minimum dimension 3m for a site less than 1,500m ²	<p>Section 3E-1 Deep Soil Zone identifies at least 7% of the site or 63.5m² (with minimum dimension 3m for a site less than 1,500m²) must be provided as deep soil zones.</p> <p>A deep soil zone is proposed on site directly adjacent to the northern site boundary with dimensions of 3.2m in width and 24.3m in length, totalling 78m². The existing sewer currently located in the proposed deep soil zone will be capped at the Morris Street</p>	Yes

Design Criteria	Required	Proposed	Compliance
		boundary to ensure the entire deep soil zone can be planted with trees with a minimum mature height of nine (9) metres.	
3F-1 Visual Privacy	<p>Separation from boundaries (habitable rooms and balconies):</p> <ul style="list-style-type: none"> • 6m (up to 12m in height) • 9m (up to 25m in height) <p>Note: Section 3F-1 Visual Privacy of the ADG recommends 'at the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m'</p>	<p>The site is located on West Street, the main commercial thoroughfare of Umina but adjoins an R1 General Residential zone, directly to the north. A medium density commercial and residential development is considered appropriate in this location and is supported in principle but it must take into account and respond to the form of existing and likely future development in an adjoining different zone.</p> <p>Section 3F-1 Visual Privacy of the ADG recommends '<i>at the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m</i>'. Adherence to these guidelines are discussed below:</p> <ul style="list-style-type: none"> - A 9m setback is required adjacent to the zone interface at the northern site boundary for those elements of a development up to a height of 12m or 4 storeys. The proposal results in the following variations: <ul style="list-style-type: none"> • First to Third Floor (balconies): 5.115m setback resulting in a 43.17% or 3.885m variation. • First to Third Floor (habitable rooms): 7.45m setback resulting in a 17.22% or 1.55m variation. - A 12m setback is required adjacent to the zone interface at the northern site boundary for those elements of a development up to a height of 25m or between 5 and 8 storeys. The proposal results in the following variations: <ul style="list-style-type: none"> • Fourth Floor (habitable rooms): 7.2m setback resulting in a 40% or 4.8m variation. <p>Whilst these variations are not minor, they are considered acceptable in that the sewer main has been relocated allowing the northern setback to be fully landscaped with large species to provide screening and visual</p>	No , however no objection is raised.

Design Criteria	Required	Proposed	Compliance
		<p>separation to the adjoining site located at No.2 Morris Street and to mitigate any detrimental impacts resulting from the abovementioned variations.</p> <p>All remaining residential properties located in either West Street or Morris Street are separated from the development site exceeding those guidelines discussed above.</p>	
3J-1 Bicycle and Car Parking	On site Car Parking	Car parking proposed on site is compliant with <i>Gosford Development Control Plan 2013</i> .	Yes
	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas	<p>The ADG, the RMS Guide to Traffic Generating Development, and GDCP 2014 identify bicycle parking is required however no specific rates are given. For the purposes as this assessment, the bicycle parking rate applicable to the Gosford City Centre as a guide:</p> <ul style="list-style-type: none"> 1 resident's space per 3 dwellings + 1 visitor space/12 dwellings (or part thereof): 9 spaces. <p>Bicycle parking is capable of being provided at basement level adjacent to the stormwater detention tank and motorcycle park. In view of the above consideration, the provision of nine (9) bicycle parking spaces is required via Condition 2.9.</p> <p>It is noted that the area is proposed as storage areas associated with residential units. The loss of these storage areas can be accommodated elsewhere in the basement and will be confirmed via Condition 2.9.</p>	Yes, via condition
	Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces	<p>Complies, however it is noted that a car wash and loading bay are not proposed.</p> <p>The RMS Guidelines, the ADG and GDCP 2013 do not identify a requirement for car wash bays in residential flat developments. However, Objective 3J- 3 of the ADG states that a car wash bay is a supporting facility within a car park.</p> <p>It is acknowledged that commercial car washing is widely available in the area, however, failure to provide facilities results in on street car washing and pollution entering the stormwater. Therefore, the omission of this facility is not supported. It is considered</p>	No , however considered acceptable via condition

Design Criteria	Required	Proposed	Compliance
		<p>appropriate that one (1) car wash bay be provided. In this regard, Condition 2.9 is recommended requiring an additional visitor car parking space within the basement to be provided with a drain and water supply for the washing of vehicles. The drain is to be connected to the onsite nutrient control facility. The loss of one residential car parking space will be required in order to comply with this requirement. However, no objection is made in that the proposal provides residential car parking in excess of that required.</p> <p>An area for a delivery or service vehicle has not been provided (RMS Guidelines identify 1 space per 50 flats). In this instance, the omission of a loading bay is acceptable given to proximity of the developments main lobby area to the unrestricted parking in Morris Street.</p>	
4A-1 Solar and Daylight Access	Living rooms and private open space of at least 70% of apartments receive a minimum of 3hr sun between 9am and 3pm mid-winter	>70% of apartments receive minimum 3 hours direct sunlight on the 21 June between 9am and 3pm when assessing the building form.	Yes
	Maximum of 15% of apartments receive no direct sun between 9am and 3pm mid-winter	Complies.	Yes
4B-3 Natural Ventilation	Min 60% of apartments cross ventilated	Complies.	Yes
4C-1 Ceiling Heights	Minimum 2.7m	Complies.	Yes
4D-1 Apartment Size	1 bedroom: 50m ² 2 bedroom: 70m ² (5m ² per additional bathroom)	Complies.	Yes
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.	All habitable rooms have a window within an external wall.	Yes

Design Criteria	Required	Proposed	Compliance
	Daylight and air may not be borrowed from other rooms		
4D-2 Room depths	Habitable room depths and maximum 8m depth for open plan layouts.	Sixteen (16) of the twenty (20) apartments (80%) have a depths in excess of 8 metres for their open plan layout. Whilst not desirable, the internal amenity of the affected apartments will not be unreasonably impacted in that adequate solar access and cross ventilation is provided. Furthermore, internal living space in excess of the required minimum is provided for all units in the development.	No , however no objection is made in this instance.
4D – 3 Layout	Bedroom and living room sizes –10m ² bedrooms with min 3m width, 3.6m-4m width living rooms	Complies.	Yes
4E-1 Balconies	1 bedroom: 8m ² , min 2m depth 2 bedroom: 10m ² , min 2m depth	All primary balconies comply with this requirement.	Yes
	Podium/ground level private open space minimum 15m ² , minimum depth 3m	No dwellings are proposed at ground level.	Yes
4F-1 Common Circulation	Maximum of 8 apartments off a circulation core (although design guidance allows up to 12 apartments)	The proposed development complies with this requirement in that the maximum number of apartments sharing a circulation zone is does not exceed 8.	Yes
4G-1 Storage	1 bedroom: 6m ³ 2 bedroom: 8m ³	Storage areas are proposed in both the basement areas and individual dwellings. Compliance to be confirmed via the imposition of Condition 2.9 .	Yes, via condition.
4H Acoustic Privacy	Noise transfer is limited through the siting of the buildings and building layout	It is considered apartments have been orientated so as to minimise noise from living areas and outdoor terraces.	Yes
4J Noise and Pollution	The impact of external noise transfer and pollution are minimised through the siting and layout of the building.	Wet areas and utility rooms have been located adjoining stair cores and lift wells.	Yes
4K Apartment Mix	A range of apartment types are provided to cater for different	Complies.	Yes

Design Criteria	Required	Proposed	Compliance
	household types, and distributed throughout the building.		
4L Ground Floor Apartments	Maximise street frontage activation and amenity.	Complies.	Yes
4M Facades	Provide visual interest whilst respecting the character of the area.	Complies.	Yes
4N Roof Design	Roof features are incorporated in the roof design, response to the street and provide sustainability features.	Complies.	Yes
4O Landscape Design	Landscape design is viable, sustainable, contributes to the streetscape and amenity.	Complies.	Yes
4P Planting on Structures	Appropriate soil depths are provided	Complies.	Yes
4V Water	Water Management and Conservation is achieved.	Complies.	Yes
4W Waste	Waste storage facilities are provided to minimise impacts on the streetscape, building entry an amenity of residents.	Complies.	Yes

ATTACHMENT 4: GDCP 2013 Compliance Table

Development Control	Required	Proposed	Compliance
2.1 Character	The desired character of the Umina 13: Mainstreet Centre.	<p>The subject site is within the Umina Character Statement No. 13 Mainstreet Centre. The proposed development is consistent with the desired character of the Umina Village Centre for the following reasons:</p> <ul style="list-style-type: none"> • The development will provide a range of services and accommodation for local residents as well as visitors. • The provision of the commercial premises will enhance existing levels of "main-street" activity. • The desired character identifies the current level of midday sunlight along all footpaths and laneway frontages are to be maintained. <p>At midday on June 21 (midwinter), overshadowing associated with the proposal on 21 June (midwinter) will generally not extend above the existing and future ground floor commercial properties on the opposite side of West Street. No existing or future residential properties will therefore be affected. Shadows cast by the proposal at midday will impact the footpath directly opposite the site on West Street, however, it is noted this loss of solar access would remain with a height compliant development. Furthermore, the affected footpath adjacent to No. 204 West Street will retain unaffected by solar access at this time for approximately 50% of its area. On balance, the overshadowing to the directly adjacent footpath on West Street is reasonable having regard to the built form proposed.</p> <ul style="list-style-type: none"> • The desired character identifies that high levels of on street activity is to be maximised through along all streets by surrounding upper storeys with balconies that encourage restaurant 	<p>Yes</p> <p>Yes</p> <p>No, however the variation is supported.</p> <p>Yes</p>

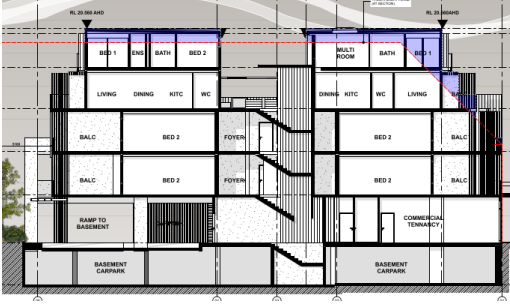
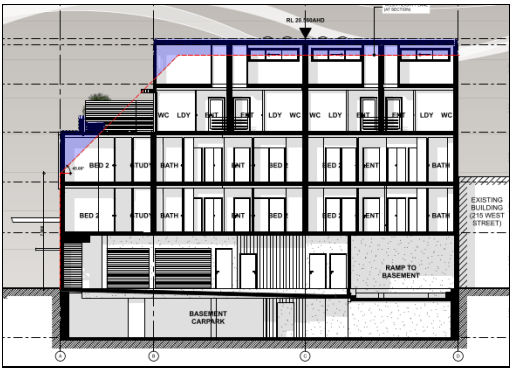
Development Control	Required	Proposed	Compliance
		<p>dining or residents outdoor recreation. Above the ground floor commercial tenancies, the residential levels of the development are capable of residential outdoor recreation.</p> <ul style="list-style-type: none"> • The uppermost storeys are setback behind wide roof terraces. • Street corners should be emphasised by taller forms. • Off-street parking has been concealed and unobtrusive vehicle entrances on Morris Street are proposed so as to minimise disruption of shopfronts and their associated pedestrian activity on West Street. 	<p>Yes</p> <p>Yes</p> <p>Yes</p>
2.2 Scenic Quality	The subject site is located within the Peninsula Geographic Unit and encompasses the Woy Woy/ Umina Landscape Unit and the Woy Woy Bays Landscape Units	<p>The proposal is subject to the provisions of GDCP 2013 Chapter 2.2 – Scenic Quality.</p> <p>The development includes a density of residential development envisaged for the area. It is considered the transition between neighbouring development and the proposed development is acceptable. The use of landscaping enhances the scenic quality of the area.</p> <p>Overall the development does not propose a bulk and scale that will adversely affect the scenic quality of the area. It is considered the physical constraints of the site have been adequately addressed.</p> <p>The proposal is consistent with the stated objectives of GDCP 2013 Chapter 2.2 - Scenic Quality.</p>	Yes

Development Control	Required	Proposed	Compliance
4.2 Peninsula Centres (General Controls)	4.3.4.1 Objectives	<p>It is considered the proposed development is generally consistent with the objectives of the Umina Village Centre for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development provides a mix of commercial/ retail and residential uses. • The proposal requires the amalgamation of two lots to create a redevelopment site of 906.6m² a rear boundary of 24.38m, a frontage to Morris Street of 37.18m, and a frontage to West Street of 24.38m. • The proposed development does not dominate the coastal setting nor unreasonably intrude onto coastal ocean views available from surrounding residential areas. • A proposed awing over the West Street and Morris Street footpaths will ensure weather protection for residents. • The proposed development will enable continuous pedestrian activity along the two street frontages of the site. • The proposed development has been designed so as to maximise natural ventilation and solar access to assist cooling in summer and heating in winter. • The proposed development does not involve the discharge of any contaminated stormwater to Brisbane Water and Broken Bay. 	Yes

Development Control	Required	Proposed	Compliance
4.2.4	Future Development within Peninsula Centres – Vision:	<p>It is considered the proposed development is generally consistent with the vision for Umina Village Centre for the following reasons:</p> <ul style="list-style-type: none"> • The development will provide lower level retail and commercial services to the local population and tourists as well as to the residents of the villages of Patonga and Pearl Beach. • The residential component of the development will enable the creation of a community in the centre that can support local business and take ownership of the centre through their use of the centres services 'after hours'. • The Umina Beach Village Centre will not only perform a commercial role for local residents and tourists but provide for improved cultural facilities through the possible development of a new library, civic square and related facilities. To achieve the vision it is important that the urban design of the centre is improved as redevelopment occurs. The proposed development is considered to adequately address pedestrian amenity, public/private domain interface, residential amenity and architectural quality. 	Yes
4.2.5 Street Frontage	Objectives	<ul style="list-style-type: none"> • Car parking and delivery areas are located behind the West Street frontage of the development. • The two street frontages of the development are sufficient to accommodate building services and corridor access for above-ground storeys. • The proposed development comprises the consolidation of two sites that have narrow frontages in order to facilitate the efficient use of land. 	Yes
4.2.5.1	Controls – Wider frontages for development bonus	Where street frontages are 20m or more wide, Gosford LEP 2014 provides for additional building height in accordance	Yes

Development Control	Required	Proposed	Compliance
		with clause 4.3 of Gosford LEP 2014. The proposed development provides a frontage to West Street of 24.38m and satisfies the 20m frontage requirement for additional building height up to 14.25m.	
4.2.5.2 Building Height	<p>Controls - Maximum Heights (RL on Height Map):</p> <ul style="list-style-type: none"> • Max. height in storeys: 4 • Max. External Wall height: 12.75m • Max. street/ lane wall height: 2 storeys/ 8.75m 	<p>The development proposes the following:</p> <ul style="list-style-type: none"> • Five storey development, where a maximum of 4 storeys is permitted, resulting in a one storey or 25% variation. • An external wall height of 15.22m is proposed, resulting in a 2.47m or 19% variation. • A 8.75m height/ 2 storey façade applies to the northern and eastern site boundaries in that they interface with a street and common boundary with a residential zone: A 3 storey façade or 50% variation is proposed to Morris Street. • A 4 storey façade or 100% variation is proposed to R1 zoned properties located directly north of the site. <p>It is considered the proposed development is not without merit despite the above variations, for the following reasons:</p> <ul style="list-style-type: none"> • It is considered the visual impact of the development upon the scenic quality of this coastal setting is limited as a result of the variations identified above. • The established pedestrian-friendly scale facades' facing all streets has been maintained. • The proposed variations do not adversely impact the amount of sunlight to existing and future dwellings surrounding the site. Whilst exterior walling and balconies extend beyond the above-mentioned 	No , however the variations are supported

Development Control	Required	Proposed	Compliance
		building envelope, no objection is made given the limited amenity implications associated with these encroachments. Furthermore, it is considered the development responds appropriately in achieving a pedestrian envelope.	
4.2.5.3 Building Setbacks and Envelopes	Control – Street Setbacks: a. Setbacks to directly adjoining properties.	Morris and West Street: Courtyard Setback of 3m recommended. Zero setback is proposed, resulting in a 100% variation. This variation is supported. The provision of a mixed use development and the provision of zero setbacks at the principal street frontages requiring commercial activation at a pedestrian scale is consistent with similar setbacks existing in the locale. A 4m setback is recommended to No.2 Morris Street, Umina. The proposed development complies with this requirement.	No , however the variation is supported. Yes
	b. Existing levels of midwinter sun along public footpaths between the hours of at least 10am and 2pm.	Shadows cast by the proposal between 10am and 2pm will impact the foot path directly opposite the site on West Street, however, it is noted this loss of solar access would remain with a height compliant development. Furthermore, the affected footpath servicing No. 204 West Street directly opposite the site on West Street will retain unaffected by solar access at this time for approximately 50% of its area. On balance, the overshadowing to the directly adjacent footpath on West Street is reasonable having regard to the built form proposed.	No , however the variation is supported.
	c. Any part of a building that is above 7m is to be set back in accordance with a pedestrian envelope that is projected at 45° from the façade that has a frontage to a public right of way such as a street or lane.	Any part of a building that is above 7m is to be set back in accordance with a pedestrian envelope that is projected at 45° from the façade that has a frontage to a public right of way such as a street or lane. The proposal results in the following variations (highlighted in purple):	No , however the variation is supported.

Development Control	Required	Proposed	Compliance
		 <p>Section 1-1 – West Street</p>  <p>Section 4-4 - Morris Street</p> <p>A maximum variation of 3.9m or 44.29% is proposed adjacent to West Street and Morris Street. The intent of this provision is to maintain the pedestrian friendly scale of existing low rise buildings in the Umina Village Centre. It is considered the proposed development achieves this intent of this provision for the following reasons:</p> <ul style="list-style-type: none"> • At the third and fourth levels of the development on the West Street façade (Section 1-1), the dividing walls of balconies encroach into the pedestrian envelope with the main building alignment setback outside of this envelope. These minor encroachments are not considered to detract from the two storey pedestrian scale of existing low rise buildings in Umina. • At the fifth level of the development on the West Street façade (Section 1-1), those proposed built elements encroaching within the pedestrian envelope are setback 4.2m from the 	

Development Control	Required	Proposed	Compliance
		<p>West Street boundary. This setback is considered sufficient in maintaining appropriate bulk and scale at this junction.</p> <ul style="list-style-type: none"> At the third level of the development on the Morris Street façade (Section 4-4), the dividing walls of balconies and the built form associated with two (2) units encroach into the pedestrian envelope. At the fourth level of the development on the Morris Street façade (Section 4-4), the dividing walls of balconies and the communal outdoor space encroach into the pedestrian envelope. These minor encroachments are not considered to detract from the two storey pedestrian scale of existing low rise buildings in Umina in that the development is well articulated at this junction with varying setbacks and materials being utilised. At the fifth level of the development on the Morris Street façade (Section 4-4), those proposed built elements encroaching within the pedestrian envelope are setback 5.7m from the Morris Street boundary. This setback is considered sufficient in maintaining appropriate bulk and scale at this junction. <p>As per cl.4.2.5.3, minor variations of building envelopes are desirable in certain situations in order to avoid the appearance of a continuous horizontal built form. One of these is at street corners where a vertical emphasis or landmark location is appropriate, and to allow reasonable potential for the redevelopment of corner properties.</p> <p>The subject site is located at the principal eastern entry/ exit location of the Umina Village Centre. It is considered the proposed development, and the variations noted above, are acceptable when considering this landmark location and the boundary of the Umina Village Centre.</p>	

Development Control	Required	Proposed	Compliance
4.2.5.4 Building Separation	The minimum separation between windows and balconies of a residential building and any neighbouring building either on site or adjoining sites.	Building separation has been addressed under Section 3F-1 Visual Privacy of the ADG and considered acceptable.	Yes
4.2.5.5 Building Depth	Maximum room depths identified for both commercial and residential development.	Residential: Complies with the maximum building depth requirements. Commercial: cl. 4.2.5.5 identifies that single aspect commercial tenancies are to have a maximum depth of 10m. The maximum depth of commercial tenancy 1 is 11.76m, resulting in a 1.76m or 17.6% variation. This minor variation is considered acceptable in that over 60m ² of the 100m ² tenancy demonstrates compliance with the maximum depth requirements. The area exceeding the maximum depth of 10m is directly adjacent to the entry to the tenancy, and is benefitted by adequate ventilation and daylight. In this regard, no objection is made.	Yes No , however variation is supported.
4.2.6.1 Building Facades	Objectives: <ul style="list-style-type: none"> • To ensure that buildings are of a high architectural quality that contributes to the desired character of the centre. • To ensure that building facades are of an appropriate scale, rhythm and proportion that respond to the desired character of the centre. • To ensure building elements are integrated into the overall building form and design. • To employ a variety of architectural design techniques that disguises the scale and bulk of 	The controls within this provision are discussed below: <ol style="list-style-type: none"> a. Modulation and articulation at varying levels of the development. Pavilion structures at the upper level are separated by roofing and terraces. b. Whilst flat roofs are proposed, it is considered the bulk and scale generally associated with cubic forms and flat roofs is addressed by the use of two pavilion structures at the uppermost levels of the development. c. Street level facades are divided into a series of vertical panels that vary in width. d. The width of any part of a single building above 2 storeys does not exceed 30m on any on any elevation facing the street. 	Yes Yes Yes Yes

Development Control	Required	Proposed	Compliance
	multi storey buildings.	The reminder of the controls in this provision relating to the width of balconies, passive surveillance, awnings, and location of plant and equipment are adequately addressed and compliant.	Yes
4.2.6.2 Top Floor Design and Roof Forms	Objectives: <ul style="list-style-type: none"> • Ensure that roof design responds to the desired character and contributes to the overall design and environmental performance of buildings. • Ensure that the design of the top storey of buildings minimises visual bulk, provides articulation and prevents any increased overshadowing. 	The proposed development demonstrated compliance with the requirements of this section so as to disguise the bulk and scale of multi – storey buildings.	Yes
4.2.6.3 Corner Building Articulation	Objective: <ul style="list-style-type: none"> • To reinforce the built form of the street block and enhance the public domain and the meeting of streets. 	The proposed development is compliant with the requirements of this provision in that the proposed development is located on a corner site and addresses both street frontages with variations in building articulation, materials and colour proposed.	Yes
4.2.6.4 Active Street & Active Laneway Frontages	Objectives: <ul style="list-style-type: none"> • To have ground floor facades that enhances the public domain, amenity and safety. • Co-ordinate the design of shopfronts, business signs and the landscaping of public areas according to "main street" principles. • To have street frontages suitable for active business uses. • To promote pedestrian activity in 	It is considered the requirements of this section demonstrate compliance with "main street" retail environment, particularly by concentrating pedestrian activity along existing retail frontages. The proposed development includes the provision of awnings on both Morris Street and West Street as required by this provision.	Yes

Development Control	Required	Proposed	Compliance
	<p>the public domain.</p> <ul style="list-style-type: none"> Conceal on-site parking and services from street frontages. 		
4.2.6.5 Building Entries	<p>Objectives:</p> <ul style="list-style-type: none"> Ensure that building entries contribute positively to the streetscape and building façade design. To create building entrances that are a clear and identifiable element of the building in the street and are accessible to all. 	<p>The proposed development demonstrates compliance with the requirements of this section in that the main residential entrance to the lift lobby is accessible, visible and separated from the commercial tenancies.</p>	Yes
4.2.6.6 Awnings	<p>Prescriptive requirements.</p>	<p>The proposed development demonstrates compliance with the requirements of this section. Notwithstanding, compliance will be further enforced via the imposition of Condition 2.9.</p>	Yes, via the imposition of Condition 2.9.
4.2.6.7 Materials and Finishes	<p>Objectives:</p> <ul style="list-style-type: none"> Buildings that are consistent with the palette of materials and finishes within the area to achieve a coherent streetscape. Use of materials and finishes that contribute to the articulation of overall façade design. 	<p>The proposed development demonstrates compliance with the requirements of this section.</p> <p>Compliance with the submitted External Finishes Schedule will be further enforced via the imposition of Condition 2.9.</p>	Yes, via the imposition of Condition 2.9.
4.2.7 Internal and External Amenity	<p>Prescriptive requirements.</p>	<p>These matters have been considered in accordance with the ADG and are considered acceptable.</p>	Yes
4.2.9 Housing Choice and Mix	<p>Prescriptive requirements.</p>	<p>No more than one third of the dwellings, being 7, should be the same type. Dwelling Type 2A is proposed in 8 dwellings, resulting in a variation of 1 or 14.29%. This minor variation is supported as the development will still allow people</p>	No , however the variation is supported.

Development Control	Required	Proposed	Compliance
		<p>to stay in their home as their needs change due to aging or disability.</p> <p>In developments with more than ten dwellings: at least 10% must be "accessible" designed to accommodate residents with impaired mobility according to AS 1428. Two (2) dwellings are proposed addressing this requirement. Compliance with this requirement is achieved via the imposition of Condition 2.9.</p>	Yes
4.2.11 Vehicle Access & Car Parking	Prescriptive requirements.	Complies.	Yes
4.2.12 Environment Planning & Natural Hazards	Prescriptive requirements.	Complies.	Yes
4.2.13 Centre Improvement	Prescriptive requirements.	Complies.	Yes
4.2.14 Precinct Controls	Umina Village Centre Expansion Plan – Structure Plan	<p>In response to the stated objectives of the structure plan, the proposed development is supported for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development promotes the efficient use of land by encouraging the redevelopment of existing properties to achieve a mix of residential and business uses. • The proposed development amalgamates two commercial sites enabling the maximisation of the development potential of the precinct. • The proposed development encourages neighbourhood longevity by catering for all ages through a mix of housing types. • The proposed development will provide a safe public realm function for a wide cross section of the community. • The proposed development will 	Yes

Development Control	Required	Proposed	Compliance
		<p>promote the vitality, community life and social interaction of the precinct.</p> <ul style="list-style-type: none"> The proposed development will assist in the efficiency and economic performance of the local business community. The proposed development will improve the relationship between public and private spaces to the benefit of the public and business community. 	
6.3 Erosion and Sediment Control	Plans required	Complies.	Yes, via condition.
6.4 Geotechnical Requirement	Investigations	The subject site is not identified as being in a landslip area.	Yes
6.7 Water Cycle Management	Minimise the impact of the development on the natural predevelopment water cycle.	The proposal is consistent with Chapter 6.7 – Water Cycle Management. Appropriate conditions have been recommended by Council's Development Engineer.	Yes
7.1 Car Parking	<p><u>Required Car Parking</u></p> <ul style="list-style-type: none"> 1 spaces per dwelling = 20 Visitor Spaces/0.2 spaces per dwelling = 4 200m² GFA commercial uses/ 1 space per 30m² = 7 <p>Note: Where car parking is provided in excess of 5 spaces, the provision of parking for person with a disability must be provided at the rate of 1 per 100 or part thereof= 1</p>	<p><u>Proposed Car Parking</u></p> <p>Residential= 22 (including 2 x adaptable spaces)(complies)</p> <p>Visitor: 1, 3 off street (complies)</p> <p>Commercial: 8 (complies)</p> <p>In total 31 car parking space are proposed, compliant with these requirements. However, it is noted that a car wash and loading bay are not proposed.</p> <p>The RMS Guidelines GDCP 2013 do not identify a requirement for car wash bays in residential flat developments. Whilst, it is acknowledged that commercial car washing is widely available in the area, failure to provide facilities results in on street car washing and pollution entering the stormwater. Therefore, the omission of this facility is not supported. It is considered appropriate that one (1) car</p>	Yes

Development Control	Required	Proposed	Compliance
		wash bay be provided. In this regard, Condition 2.9 is recommended requiring an additional visitor car parking space within the basement to be provided with a drain and water supply for the washing of vehicles. The drain is to be connected to the onsite nutrient control facility. The loss of one residential car parking space will be required in order to comply with this requirement. However no objection is made in that the proposal provides residential car parking in excess of that required.	
7.2 Waste Management	To provide sustainable waste management	Waste Management has been reviewed by Council's Waste Servicing Unit. No objection has been raised subject to the imposition of appropriate conditions.	Yes



Item No: 3.1
Title: Deferred Item - Town Centre Review - Additional Information
Department: Connected Communities

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13447492

Author: Ashlee Abbott, Section Manager, Place Activation

Manager: Glenn Cannard, Unit Manager, Community Partnerships

Executive: Julie Vaughan, Director, Connected Communities

Summary

Council, at its meeting on 29 January 2019 resolved:

48/19 That Council defer the following items to the Ordinary Meeting to be held 11 February 2019:

Item 3.8 - Town Centre Review – Additional Information

Item 4.1 - Reports Due to Council

Item 6.2 - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection

Recommendation

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

Attachments

- 1 Deferred Item 3.8 Town Centre Review - Additional Information D13447521**



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

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13434793

Author: Ashlee Abbott, Section Manager, Place Activation

Manager: Glenn Cannard, Unit Manager, Community Partnerships

Executive: Julie Vaughan, Director, Connected Communities

Summary

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

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

Recommendation

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

Background

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

The purpose of the review was to consider the following;

- Our present situation (operational model).
- The relationship of our current operational model with the Central Coast Regional Plan 2036, the Central Coast Destination Management Plan, the objectives of One – Central Coast, Community Strategic Plan 2018-2028 and other relevant documents.
- What we might aspire to – better / best practice principles and models.
- Recommendations for a preferred town centre management model.

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

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

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

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

Report

Roles to be undertaken by Council:

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

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

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

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

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

Proposed role of a regional board:

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

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

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

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

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

- Central Coast Council's major projects which contribute to employment and economic development, employment generation and suggesting new ideas for projects.
- Planning and infrastructure which contributes to the Central Coast's economic development.
- Ensuring the employment and economic development of the Central Coast Council aligns with the Central Coast Community Strategic Plan.
- Meeting with community groups, Central Coast business groups and various levels of government to seek feedback and suggestions on how to enhance the local economy and provide a diversity of new employment opportunities.

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

An Oversight Committee of interested Councillors:

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

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

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

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

Local and place focus:

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

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

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

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

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

Specific initiatives to ensure this occurs will include:

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

Regional Approach

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

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

Link to Community Strategic Plan

Theme 1: Belonging

Goal A: Our community spirit is our strength

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

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

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

Goal B: Creativity connection and local identity

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

B4: Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community and visitors.

Theme 2: Smart

Goal C: A growing and competitive region

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

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

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

C4: Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly.

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

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

Attachments

Nil.



Item No: 3.2
Title: Conduct of the 2020 Local Government Elections
Department: Governance

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13428096

Author: Kathy Bragg, Acting Section Manager, Governance

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

Executive: Shane Sullivan, Acting Director Governance

Report Purpose

To allow Council to determine how the September 2020 Local Government election is to be administered.

It is recommended that Council resolve to engage the NSW Electoral Commission (NSWEC) to administer Central Coast Council Elections and the recommendation is in the form provided by the NSW Electoral Commission.

Recommendation

- 1 That Council resolves pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW) (the Act) that an Election arrangement be entered into by contract for the NSW Electoral Commissioner to administer all Elections of the Council.**
- 2 That Council resolves pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a council poll arrangement be entered into by contract for the NSW Electoral Commissioner to administer all Council polls of the Council.**
- 3 That Council resolves pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the NSW Electoral Commissioner to administer all constitutional referenda of the Council.**
- 4 That Council request the Chief Executive Officer to advise the NSWEC before 12 March 2019 that Council has resolved to enter into an Election arrangement with the NSW Electoral Commissioner to administer all Council's Elections, polls and constitutional referenda.**
- 5 That Council requests the Chief Executive Officer to advise NSW Regional Procurement before 28 February 2019 that Council has resolved not to enter into an agreement with the Australian Election Company.**
- 6 That Central Council resolves, pursuant to s.11(3) of the Local Government Act 1993, that the attachments to this report remain confidential as the attachments include "commercial information of a confidential manner".**

Context

Section 296AA of the *NSW Local Government Act 1993* (the Act) states that:

- (1) *At least 18 months before the next ordinary election of councillors for a council, the council must resolve:*
 - (a) *to enter into an arrangement with the Electoral Commissioner, by contract or otherwise, for the Electoral Commissioner to administer elections of the council (as provided by section 296), or*
 - (b) *that the elections of the council are to be administered by the general manager of the council.*
- (2) *A resolution referred to in subsection (1) (b) must include the following information:*
 - (a) *whether the general manager intends to administer elections personally or to engage an electoral services provider,*
 - (b) *if the general manager intends to administer elections personally, whether the general manager has identified any persons to be appointed as the returning officer and substitute returning officer for the next ordinary election of councillors and, if so, the names of those persons,*
 - (c) *if the general manager intends to engage an electoral services provider, whether the general manager has identified an electoral services provider to be engaged for the next ordinary election of councillors and, if so, the name of that provider,*
 - (d) *any other information required by the regulations.*
- (3) *As soon as practicable after the making of a resolution referred to in subsection (1) (b), the general manager of the council must publish a copy of the resolution on the council's website.*
- (4) *If a council fails to comply with subsection (1), the general manager of the council must publish a notice of that failure on the council's website.*

As a result, for the 2020 Local Government Election (the Election) a resolution regarding the administration of the Election needs to be made by Council before 12 March 2019. Council will need to determine whether to engage the NSW Electoral Commission (NSWEC), administer the Election internally, or appoint an agent to administer the Election on behalf of Council.

If Council fails to make a decision on the administration of its Elections, polls and referenda by 11 March 2019, it will not be able to engage the NSWEC to administer its ordinary Election and it will be required to make its own arrangements for the administration of its Elections.

Further, if Council does not make a decision on the administration of its Elections by 11 March 2019, Council will also be required to publish a notice of that failure on the Council's website.

Alternate Provider – tender process

In July 2018 Council was given the opportunity to participate in an "administration of Elections tender process" run by [NSW Regional Procurement](#) (the tender process). There were no 'upfront costs' for Council to participate in the proposed tender process and Council was able to cease to participate in the tender process at any time without penalty.

In order to allow Council to make an informed decision regarding the 2020 Election the decision was made to take part in the tender process. The tender covered the period 1 August 2018 through to 31 July 2023 (five years) with provision for a one time two year extension option.

As a result of the tender process, only one tender submission was received, which was from the Australian Election Company, a private company. The tender offering from the Australian Election Company will remain valid until **28 February 2019** and is discussed further below as part of the consideration of options..

Options

The following options are available to Council:

Option One: Resolve to enter into an arrangement with the NSW Electoral Commissioner to administer all Elections of Council (recommended) in the form recommended by the NSWEC.

Option Two: Resolve that the Election be administered by the Chief Executive Officer of Council personally and the Elections be run in house by Council.

Option Three: Resolve that the Election be administered by the Chief Executive Officer of Council and the Australian Election Company be awarded the tender as the Single Source provider of Election services.

The three options are discussed below.

Option One - Enter into an arrangement with the NSW Electoral Commissioner to administer all Elections of Council (recommended).

The NSWEC has been conducting local government Elections and Referendums since 1987 and has the experience, size and reputation to deal with the issues surrounding the Elections in one of the largest councils in Australia. The NSWEC successfully ran the first Election of the Central Coast Council and effectively sets the standard of openness, transparency and accountability that Council should expect from a service provider in the conduct of elections.

While the NSWEC may not represent the lowest cost provider, it is important that any savings achievable in the cost of the conduct of the Election do not come at the expense of the principles of openness, transparency, community confidence and accountability that underpin the arrangements of Elections.

The Election arrangement with the NSWEC is a standardised contract for all councils. The service schedule and costs schedule of the standardised contract will vary between councils given their respective size and requirement. These variations are made by the NSWEC in consultation with each council.

Where a council resolves to engage the NSWEC to administer its Elections, Polls and Referenda, the Election arrangement with the NSWEC will apply to the 2020 Ordinary Election and every Election, Poll and Referendum including any By-Election or countback Election until the contract is automatically terminated 18 months before the next Ordinary Election of Councillors.

Election arrangements with the NSWEC can be terminated, but only after Council's Ordinary Election in 2020. An Election arrangement for the NSWEC to administer all Elections, Polls and Referenda of Council can be terminated by Council or the NSWEC at any time after the Ordinary Election by giving written notice of termination and in accordance with any notification requirements set out in the contract.

The Chief Executive Officer and key staff met with representatives from the NSWEC in late 2018. The NSWEC undertook to provide budget estimates for the cost of the conduct of the 2020 local government election for Central Coast Council by the end of 2018. This information was not provided and the NSWEC subsequently undertook to provide the information by 25 January 2019. The information had not been provided at the time of preparing this report. Should it be received subsequently, it will be provided to Council under separate cover.

The cost of conducting the 2017 election for Central Coast Council was \$1,604,722.

Resolution wording should Council accept the recommendation to engage the NSWEC has been provided by the NSWEC.

Option Two: The Election be administered by the Chief Executive Officer of Council personally.

Council also has the ability to resolve to appoint the Chief Executive Officer to essentially run the Election in house.

Under section 296AA of the Act, where a Council resolves to administer its own Elections, it must include the information specified below in the resolution:

- If the Chief Executive Officer intends to administer Elections personally, whether the Chief Executive Officer has identified any persons to be appointed as the Returning Officer and substitute Returning Officer and, if so, their names.

As soon as practicable after the resolution is made, the Chief Executive Officer must publish a copy of the resolution on Council's website.

The Chief Executive Officer must ensure that the persons they identify for appointment as the Returning Officer and substitute Returning Officer (who exercises the functions of the Returning Officer in that person's absence), is suitably qualified and independent. To ensure the conduct of an Election is seen to be at arms' length from the Council, an employee of Council cannot be appointed as a Returning Officer or substitute Returning Officer for a particular area (section 296A(4) of the Act).

It is also important that electoral officials, including the Returning Officer are, and are seen to be, politically neutral. For example, they must not have current or recent political affiliations with any political party, candidate, councillor or mayor.

Councils conducting their own Elections are required to provide certain information to the NSWEC to support it in the exercise of its statutory functions in connection with the administration of candidate registration and other electoral funding and disclosure requirements and the enforcement of the failure to vote provisions of the Act and Regulation.

Within six months of the Election, the Chief Executive Officer must also prepare a report for the Minister for Local Government on the conduct of each Election. Full and transparent costings for each Election must be disclosed in this report.

The conduct of an election is a specialist area and very few staff have recent, direct experience in the conduct of an election. Council Staff are not confident that there exists within the organization the resources or experience to administer Council's Elections to the same level of service expected from the NSWEC.

A key consideration is the level of community confidence in the conduct of the election.

It is also not possible to give a realistic estimate of the costs that would be associated with the conduct of the election were Council to resolve that the election be administered by the Chief Executive Officer. It is possible that due to Council having to fully fund the sunk costs associated with the conduct of an election that this would represent the most expensive option.

The recommended wording of the resolution wording should Council resolved to pursue Option Two would be as follows:

- 1 *That the 2020 Local Government Elections of Central Coast Council be administered by the Chief Executive Officer of the Council.*

3.2 Conduct of the 2020 Local Government Elections (contd)

- 2 *That Council provide the NSWEC with formal notification of its intention to have the 2020 Local Government Elections administered by the Chief Executive Officer.*
- 3 *That Council requests the Chief Executive Officer undertake all necessary tasks to prepare for the 2020 Local Government Elections.*

Option Three - The Election be administered by the Chief Executive Officer of Council and the Australian Election Company be awarded the tender as the Single Source provider of Election services.

Under section 296AA of the Act, where a Council resolves to administer its own Elections, it must include the information specified below in the resolution:

- Whether the Chief Executive Officer intends to administer Elections personally or to engage an electoral services provider;

In July 2018 [NSW Regional Procurement](#) undertook a tender process for the administration of Elections. The following Councils, including Central Coast Council, joined the tender process: Maitland City, Singleton, Clarence Valley, Richmond Valley, Port Stephens, Kempsey Shire, Nambucca Shire, Coffs Harbour City, Norfolk Island Regional, Wingecarribee Shire, Lismore City, Dungog Shire, Lake Macquarie City, Port Macquarie-Hastings and MidCoast.

As a result of the tender process, only one tender submission was provided, being the [Australian Election Company](#) (AEC).

The tender price matrix for the AEC to administer the Ordinary Election for Council is contained in Confidential Attachments 1 to this report. The AEC reserves the right to increase prices in accordance with potential legislative and regulatory amendments, wage increases, payroll tax, superannuation, postage and other significant cost rises from the time of submitting the tender.

It is important to note that while the Act permits the use of such commercial electoral services providers as the AEC, the Chief Executive Officer would still retain overall responsibility for the administration of the Elections. The Office of Local Government has provided advice that in negotiating arrangements for the administration of their Elections with commercial electoral services providers, Councils need to ensure that:

- there will be an appropriate number of pre-poll and polling places;
- there will be adequate staffing levels;
- the provider uses counting software that is able to undertake counts using the newly prescribed weighted inclusive [Gregory method](#);
- the potential need for the contractor to administer countback Elections in the 18 months following the ordinary Election; and
- that the provider is able to meet the new requirements recommended by the NSW Parliament's [Joint Standing Committee on Electoral Matters](#).

3.2 Conduct of the 2020 Local Government Elections (contd)

As part of the tender submission, three reference checks were provided and these are contained in Confidential Attachment 2 to this report. Whilst it is acknowledged that the reference checks scored highly, it is noted that only one reference is from a local government entity, being a significantly smaller council than Central Coast Council.

Upon review of this evaluation there is low confidence that the AEC offers the identical level of service to that of the NSWEC. There is also no evidence that the provider has experience providing election services for a Council the size of Central Coast.

The following is the recommended wording of the resolution wording should Council resolve to pursue Option Three:

- 1 *That the Australian Election Company be awarded this tender as the Single Source provider of Election Services for the period 1 April 2019 to 31 March 2024.*
- 2 *That provision be made for a two year contract extension based on satisfactory supplier performance which may take the contract through to 31 March 2026 to allow for the 2024 Local Government Election process to be undertaken by this contractor including any By-Elections that may be conducted during this period.*
- 3 *That the Elections of the Central Coast Council will be administered by the Chief Executive Officer of Council for the periods mentioned above under Parts 1 and 2 of this resolution.*
- 4 *That Council provide the NSW Electoral Commissioner with formal notification of its intention to have the 2020 and 2024 Local Government Elections administered by the Chief Executive Officer of Central Coast Council.*

Risk Assessment

Provision of services by NSWEC

It is important to note that any savings in the conduct of the Election should not come at the expense of the principles of openness, transparency, community confidence and accountability that underpin the arrangements of Elections.

In previous Elections the NSW Electoral Commissioner has highlighted that should Council resolve not to contract the NSWEC to administer the Election, then no services or advice would be made available by them, beyond those required by legislation. This is due to the fact that the Commissioner will take full responsibility for the conduct of the Election if the NSWEC administers the Election. However the Commissioner will take partial responsibility should Council administer the Election itself.

The NSWEC has advised that its returning officer training program is customised specifically to complement the NSWEC's own business processes, procedures and IT systems. It combines on-line and face to face training and is centred around training the Returning

Officers in using the NSWEC's computer applications. As such, this training program is not transferable to the differing operating environments of individual councils. Similar constraints apply to any manuals or handbooks prepared by the NSWEC.

Council would also not have the benefit of having the NSWEC staffing the hotline used by the public to address a range of elections questions and issues. It is difficult to place a value on this service, which is included when NSWEC is engaged.

The only services the NSWEC would provide to Councils that administer their own Election are enrolment services. This includes the provision of authorised rolls, candidates rolls, an online look-up facility for non-residential electors, a list of general postal voters and enrolment declaration envelopes. These products and services will be provided at cost to Council.

It is noted that were Council to engage the NSWEC we would be one of many Councils engaging the NSWEC and as such may not receive focused service or priority. To mitigate this, staff would actively engage with the provider to ensure the best possible outcomes for the Central Coast and would advocate for the highest level of service for Council's elections.

Countback Election

Recent amendments to the [Local Government \(General\) Regulation 2005](#) (the Regulation) have given effect to the 2014 amendments to the [Local Government Act 1993](#) (the Act) to give Councils the option of holding a countback Election to fill casual vacancies in the first 18 months of their terms instead of holding a costly by-Election and have prescribed the administrative requirements for countback Elections.

A countback Election to fill a casual vacancy must be conducted by the Returning Officer who conducted the Election at which the person whose departure created the casual vacancy was elected. If that is not possible, the countback Election must be conducted by the substitute Returning Officer at that Election and if that is not possible, by another Returning Officer appointed in accordance with the Act.

If a Council appoints a Returning Officer and substitute Returning Officer who are employees of a commercial electoral services provider, the Council's option to resolve to enter into an Election arrangement with the NSWEC for the administration of a particular countback Election may be limited by both the Act as well as the contractual arrangements agreed to between the Council and the commercial electoral services provider.

For example, the NSWEC would not be able to administer a countback Election for a Council where it did not administer its ordinary Election if the NSWEC does not have access to the electoral material, data and other information held by the Council or a commercial electoral services provider in relation to the ordinary Election.

3.2 Conduct of the 2020 Local Government Elections (contd)

To retain the option to engage the NSWEC to conduct a particular countback Election, Councils must ensure (amongst other things) that any contractual arrangement they enter into with commercial electoral services providers to manage their ordinary Election allows them to retain or to have ongoing access to ballots cast and other electoral material, information and data relating to the ordinary Election.

Even where contractual arrangements between the Council and a commercial electoral services provider make provision for the retention of electoral material, information and data, it may still not be possible for the NSWEC to undertake a particular countback Election for a Council because the provider's systems and procedures with respect to electoral material, information and data may not be compatible with the NSWEC systems and procedures.

To exercise the option of filling casual vacancies in the first 18 months using a countback Election, Councils must resolve at their first meeting following the ordinary Election to fill vacancies using countback Elections. A further report to Council will be provided addressing this issue and any further guidance provided by the Office of Local Government closer to the relevant time.

Given the recent amendments, it is considered a significant risk should Council resolve not to engage the NSWEC

Conclusion

Central Coast Council is one of the largest councils in the NSW and in Australia. The Election process is one of the cornerstones of the Council and every attempt must be made to ensure that the principles of openness, transparency, community confidence and accountability are maintained.

Given the potential risks in relation to the conduct of Elections, it is recommended that Council determine to engage the NSWEC to conduct the 2020 Local Government Election.

In addition, the NSWEC has the ability to successfully meet the new requirements in the Regulation regarding counts using the [Gregory method](#), as well as having the ability to administer any potential countback Election in the 18 months following the Election. The NSWEC is also able to meet the new requirements recommended by the NSW Parliament's [Joint Standing Committee on Electoral Matters](#).

Financial Impact

Funds for the conduct of the 2020 Local Government Election will be included in the 2020/21 Budget.

Specific discussion of the financial impact of the conduct of the election is included in the consideration of the options within this report.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Critical Dates or Timeframes

- 28 February 2019** Date the tender from the Australian Election Company is valid to.
- 11 March 2019** Council must make a decision on how the September 2020 Local Government Elections are to be administered.
- 12 March 2019** Council must advise the NSWEC if Council has resolved to enter into an Election arrangement with the NSW Electoral Commissioner to administer all Council's Elections, polls and constitutional referenda.
- 11 June 2019** Should Council resolve to enter into an Election arrangement with the NSWEC, the contract with the NSWEC must be finalised.
- 12 September 2020** NSW Local Government Elections

Attachments

- 1** CONFIDENTIAL: Tender Price Matrix - Australian Election Company - D13429835
- 2** CONFIDENTIAL: Reference Checks - Australian Election Company - D13429832



Item No: 3.3
Title: Unsolicited Proposals Policy
Department: Governance

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13414919
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Report Purpose

To adopt the *Unsolicited Proposals Policy* set out in Attachment 1 to this report and note the supporting Procedures.

Recommendation

That Council adopt the Central Coast Council Unsolicited Proposals Policy as set out in Attachment 1 to this report.

Background

In August 2017, the Department of Premier and Cabinet issued an Unsolicited Proposals Guide that incorporated recommendations from the Audit Office of NSW as a result of their report, *Managing Unsolicited Proposals in NSW (2016)*.

As a significant local government authority representing an important region in NSW, it is considered appropriate that Central Coast Council adopt a similar policy.

The proposed policy is based comprehensively upon the NSW State policy with the inclusion of references to Council's Community Strategic Plan.

Context

An Unsolicited Proposal is an approach to Council from a proponent with a proposal to deal directly with Council over a commercial proposition, where Council has not requested the proposal. This may include proposals to build and/or finance infrastructure, provide goods or services, or undertake a major commercial transaction.

The Unsolicited Proposals process is not a substitute for routine competitive procurement by Council. The focus of unsolicited proposals is on unique and innovative projects or services.

Similarly, the Unsolicited Proposals process is not designed to replace applicable environmental planning assessment processes. If Council decides to progress an Unsolicited Proposal, that should not be interpreted as any form of explicit or tacit support for planning approvals.

3.3 Unsolicited Proposals Policy (contd)

While direct negotiation with a proponent in response to an Unsolicited Proposal may be pursued in justifying circumstances, Council's usual procurement approach is to test the market. This generally results in the demonstrable achievement of value-for-money outcomes and provides fair and equal opportunities for private sector participants to do business with Council.

Council will generally only consider proposals where both the proposal and its proponent have unique attributes such that others could not deliver a similar proposal with the same value-for-money outcome. Council will consider directly negotiating with an individual or organisation that presents an Unsolicited Proposal where circumstances justify this approach and at Council's absolute discretion.

The attached Unsolicited Proposal Policy (the Policy) (Attachment 1) and associated Unsolicited Proposal Procedures (Attachment 2) set out the processes to be followed by both Council and proponents in developing Unsolicited Proposals. It represents commitment by Council to the allocation of resources to meet its responsibilities as set out in the Policy.

Proposals will be evaluated against the Assessment Criteria outlined in the Policy. A four stage assessment process has been developed to guide the evaluation of proposals:

- Pre-Submission Concept Review;
- Stage 1:
 - a) Initial Submission and Preliminary Assessment
 - b) Strategic Assessment of the Initial Submission;
- Stage 2: Detailed Proposal; and
- Stage 3: Negotiation of Final Binding Offer.

These stages are described in detail in the attached Policy and Procedures.

Where Council assesses a proposal as not meeting the criteria, including uniqueness, Council reserves its usual right to go to market.

The proponent will be provided with the opportunity to participate in the procurement process should the concept be offered to the market, but will have no additional rights beyond those afforded to other market participants. If Council elects to go to market in such circumstances, Council will respect any Intellectual Property owned by the proponent.

Consultation

The Policy and Procedures have been based on the NSW Department of Premier and Cabinet's [Unsolicited Proposals: Guide for Submission and Assessment](#). No public consultation is required nor recommended.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

- 1** Draft Unsolicited Proposals Policy D13414958
- 2** Draft Unsolicited Proposals Procedure D13414959



POLICY NO: CCC038

UNSOLICITED PROPOSALS POLICY

January 2019

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Unsolicited Proposals Policy

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Unsolicited Proposals Policy

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Unsolicited Proposals Policy

POLICY SUMMARY

1. An Unsolicited Proposal is an approach to Council from a Proponent with a proposal to deal directly with Council over a commercial proposition, where Council has not requested the proposal. This may include proposals to build and/or finance infrastructure, provide goods or services, or undertake a major commercial transaction.

PURPOSE OF THE POLICY

2. Central Coast Council is continually seeking to capture value, and unique and innovative ideas from industry that provide real and tangible benefits to the people of the Central Coast. In order to achieve this it procures projects, goods and services by two broad means.
 - a. Council initiated procurement processes. This is the predominant form of procurement and is based on competition through tendering in order to achieve value for money in a fair and transparent manner. Such procurement is driven by the Council's strategic and operational planning processes and allows efficient and timely delivery of Council services. This form of procurement is not covered by this Policy.
 - b. Non-Government sector initiated proposals, not solicited by Council through the process described above. The non-Government sector includes private individuals, companies, not-for-profit entities and Local Authorities such as councils. Such proposals are by definition outside the normal planning and procurement processes of Council but may offer opportunities for real value for Council. These proposals are administered under this Policy for Submission and Assessment of Unsolicited Proposals.
3. The unsolicited proposals process is not a substitute for routine competitive procurement by Council. The focus of unsolicited proposals is on unique and innovative projects or services. Similarly, the unsolicited proposals process is not designed to replace applicable environmental and planning assessment processes. If Council decides to progress an unsolicited proposal, that should not be interpreted as any form of explicit or tacit support for planning approvals.
4. While direct negotiation with a proponent in response to an Unsolicited Proposal may be pursued in justifying circumstances, Council's usual procurement approach is to test the market. This generally results in the demonstrable achievement of value-for-money outcomes and provides fair and equal opportunities for private sector participants to do business with Council.



Unsolicited Proposals Policy

5. Council will generally only consider proposals where both the proposal and its proponent have unique attributes such that others could not deliver a similar proposal with the same value-for-money outcome. Council will consider directly negotiating with an individual or organisation that presents an Unsolicited Proposal where circumstances justify this approach and at its absolute discretion.
6. Council will generally only consider proposals that have direct alignment to the Community Strategic Plan and progress its outcomes and have the capacity to influence the Community Strategic Plan key indicators positively.
7. Council will at all times meet its obligations under the relevant legislation, including but not limited to section 55 of the Local Government Act 1993 – Tender requirements.

GENERAL

GUIDING PRINCIPLES

8. Optimise Outcomes

By their nature, Unsolicited Proposals are unlikely to be the current focus of Council's strategic planning or identified in the Community Strategic Plan. Proposals must therefore be considered in light of the wider benefits and strategic outcomes that may be derived. In order to proceed however, proposals must be broadly consistent with Local Government Area (LGA) objectives and plans, and offer some unique attributes that justify departing from a competitive tender process. Outcomes must always be in the best interest of the LGA.

In order to demonstrate that optimal Value for Money will be achieved, an "open book" approach to negotiations is to be adopted once the proposal has progressed to Stage 2 assessment. Council will also consider whole-of-Council impact and cost. The approach to demonstrating Value for Money is outlined Clause 10 of this Policy.

In order to guide the Proponent, Council will provide an early indication of an acceptable return on investment and other requirements to be achieved by the Proponent in the delivery of its proposal.

9. Uniqueness

Proposal and Proponent to be uniquely able to deliver proposed service

For unsolicited proposals to progress through the assessment process, the uniqueness needs to apply to both the proposal and the proponent. The essential questions to be addressed in any Unsolicited Proposal are:



Unsolicited Proposals Policy

- Can this proposal be readily delivered by competitors? If the answer is yes, then what, if any, justification would Council have to the public for not seeking best value through a competitive tender process? What benefit(s) would Council gain?
- Does the proponent own something that would limit Council from contracting with other parties if Council went to tender? This would include IP, real property and other unique assets.
- Are there other attributes which may not necessarily stand alone as unique but, when combined, create a "unique" proposal? This may include genuinely innovative ideas, including financial arrangements or solutions that are otherwise unlikely to be defined and put to market (e.g. alternatives to providing a Council service or substantive processes, products or methods for delivering a service that is not offered by other service providers and constitute a significant departure from traditional service delivery).

Types of proposals that are NOT considered unique and/or proposals that are unlikely to be progressed

- Proponents seeking to directly purchase or acquire a Council owned entity or property. Unless the proposal presents a unique opportunity to Council, Council is unlikely to enter into such an arrangement without an open tender process.
- Proponents with an existing government license to provide goods or services seeking to bypass a future tender process.
- Proposals for significant extensions/variations to existing contracts/leases, or the next stage of a staged project on the basis that the contractor is already "on-site" or has some other claimed advantages, absent of other "uniqueness" criteria.
- Proposals seeking to develop land that is not owned by Council or the proponent.
- Proposals that identify the proponent's skills or workforce capability as the only unique characteristic are unlikely to progress to Stage 2. A proponent with personnel holding superior expertise or experience in a particular field is not sufficient for Council to justify bypassing an open tender.
- Proposals to provide widely available goods or services to Council. This includes proposals for Council to purchase standard office administration products, software development and other readily available services.
- Proposals seeking only to change Council policy that have no associated project.
- Proposals for consultancy services.



Unsolicited Proposals Policy

- Proposals for projects where the tender process has formally commenced, whether published or not.
- Proposals that are early concepts or lack detail.
- Proposals seeking grants (e.g. scientific research), loans or bank guarantees etc.
- Proposals whose claim to uniqueness is trivial e.g. a 'unique' view from particular site.
- Proposals seeking Council support for a 'pilot' program.
- Proposals seeking to stop or suspend another Council process (e.g. compulsory acquisition).
- Proposals seeking an exclusive mandate, or exclusive rights over a Council asset, for a period of time so the Proponent can develop a feasibility study

10. Assessment Criteria

Proposals will be initially assessed against the Assessment Criteria as set out in the Unsolicited Proposals Procedure. Assessment will be based on the proposal satisfactorily meeting each of the criteria. Additional Criteria relevant to a particular proposal may also be applied at later stages. If so, the Proponent will be informed of the criteria in order for these to be addressed in its Detailed Proposal during Stage 2.

The Criteria are:

- Uniqueness
- Value for money
- Whole of Council impact
- Return on investment
- Capability and capacity to deliver and carry out
- Affordability
- Risk allocation – who is bearing the risk



Unsolicited Proposals Policy

<p>Uniqueness</p>	<p>Demonstration of unique benefits of the proposal and the unique ability of the proponent to deliver the proposal. In particular the following are to be demonstrated:</p> <ul style="list-style-type: none"> • Can this proposal be readily delivered by competitors? If the answer is yes, then what, if any justification would Council have to the public for not seeking best value through a competitive tender process? What benefit(s) would Council gain? Are the benefits and outcomes of the proposal unlikely to be obtained via a standard competitive procurement process? • Does the proponent own something that would limit Council from contracting with other parties if Council went to tender? This would include intellectual property, real property and other unique assets. • Are there other attributes which may not necessarily stand alone as unique but, when combined, create a “unique” proposal? This may include genuinely innovative ideas, including financial arrangements or a unique ability to deliver a strategic outcome. It is possible that Council might agree to initiate market testing of a new proposal that has merit, but is not unique. <p>Note that while a proposal may contain unique characteristics such as design or technology, this may represent one option among a range of technologies or solutions available to Council.</p>
<p>Value for Money</p>	<p>Does the proposal deliver Value for Money to Council?</p> <p>What are the net economic benefits of the proposal (the status quo should be defined)?</p> <p>Is the proposal seeking to purchase a Council asset at less than its value in exchange for other services?</p> <p>Does the proposal provide time and/or financial benefits/savings that would not otherwise be achieved?</p> <p>A proposal is Value for Money if it achieves the required project outcomes and objectives in an efficient, high quality, innovative and cost- effective way with appropriate regard to the allocation, management and mitigation of risks.</p> <p>While Value for Money will be tested appropriately in the context of each specific proposal, factors that will be given consideration are likely to include:</p>



Unsolicited Proposals Policy

	<ul style="list-style-type: none"> • Quality of all aspects of the proposal, including: achievable timetable, clearly stated proposal objectives and outcomes, design, community impacts, detailed proposal documentation and appropriate commercial and/or contractual agreements (including any key performance targets), and a clearly set- out process for obtaining any planning or other required approvals. • Innovation in service delivery, infrastructure design, construction methodologies, and maintenance. • Competitively tendering aspects of the proposal where feasible or likely to yield value for money. • Cost efficient delivery of Council policy targets. • Optimal risk allocation (refer to criterion below). • Evaluation of Value for Money may also include, but not be limited to the following quantitative analysis: • Interrogation of the Proponent’s financial models to determine the reasonableness of any capital, land acquisition, service and maintenance cost estimates and, if relevant, revenue estimates (including the appropriateness of any user fees or prices and estimates of quantity levels). • This evaluation may include the use of independent experts or valuers, benchmarking analysis, sensitivity testing, and where appropriate, the use of comparative financial models like Public Sector Comparators or Shadow Bid Models, based on a Reference Project. • Return on Investment (refer to criterion below). <p>Note: A high level indicative Value for Money assessment will occur at Stage 1. A more detailed assessment of Value for Money will occur at Stage 2 and beyond.</p>
<p>Whole of Council Impact</p>	<p>Does the proposal meet a project or service need?</p> <p>What is the overall strategic merit of the proposal?</p> <p>What is the opportunity cost for Council if it were to proceed with the proposal?</p> <p>Is the proposal consistent with the Council’s plans and priorities?</p> <p>Does the proposal have the potential to achieve planning approval, taking into account relevant planning and environmental controls?</p> <p>Does the proposal contribute to meeting the objectives of District</p>



Unsolicited Proposals Policy

	<p>Plans, Regional Plans and Metropolitan Plans, and delivering on housing targets?</p> <p>Consideration will be given to whether the proposal would require Council to reprioritise and reallocate funding.</p>
Return on Investment	<p>Is the proposed Return on Investment to the proponent proportionate to the proponent's risks, and industry standards? Where feasible, the proposed rate of return may be subject to independent review or benchmarking.</p>
Capability and Capacity	<p>Does the proponent have the experience, capability and capacity to carry out the proposal? What reliance is there on third parties?</p> <p>Where appropriate, the Proponent should provide referees in relation to working with government (e.g. NSW or other Australian governments).</p>
Affordability	<p>Does the proposal require Council funding, or for Council to purchase proposed services? Does Council have these funds available or budgeted and if not what source would be proposed?</p> <p>Where State funding is required, Council may undertake or require the Proponent to undertake a (Preliminary) Business Case and/or an economic appraisal at Stage 2 (where appropriate). Regardless of the outcome of the Business Case/economic appraisal, the proposal still needs to be affordable in the context of the Council's other priorities, and to be considered as part of Council's Budget process.</p>
Risk Allocation	<p>What risks are to be borne by the proponent and by Council? Appropriate risk allocation and quantification may also be considered under the Value for Money criterion.</p> <p>Does the proposal require Environmental and Planning Approvals? If so, has the process been appropriately considered, including whether Council or Proponent bears the risks associated in obtaining the approvals.</p>



Unsolicited Proposals Policy

11. Interactive Process

Council will manage an interactive process with the proponent at all formal stages of assessment, commencing with the formal pre-lodgement meeting set out in the Procedure. During both the pre-lodgement meeting and the Stage 1 Assessment this interaction will be limited to clarification of the proposal by Council in order to effectively carry out the assessment. It will not be an opportunity to negotiate the details of the proposal. This opportunity will arise in later stages if the proposal proceeds past the Stage 1 Assessment.

12. Probity

Council seeks to conduct its commercial dealings with integrity. The assessment of Unsolicited Proposals must be fair, open and demonstrate the highest levels of probity consistent with the public interest. The assessment of Unsolicited Proposals will be conducted through the application of established probity principles that aim to assure all parties of the integrity of the decision making processes. These principles are outlined as below:

(a) Maintaining impartiality

Fair and impartial treatment will be a feature of each stage of the assessment process. The process will feature a clearly defined separation of duties and personnel between the assessment and approval functions.

(b) Maintaining accountability and transparency

Accountability and transparency are related concepts. The demonstration of both is crucial to the integrity of the assessment.

Accountability requires that all participants be held accountable for their actions. The assessment process will identify responsibilities, provide feedback mechanisms and require that all activities and decision making be appropriately documented.

Transparency refers to the preparedness to open a project and its processes to scrutiny, debate and possible criticism. This also involves providing reasons for all decisions taken and the provision of appropriate information to relevant stakeholders. Relevant summary information regarding proposals under consideration at Stage 2 will be made publicly available. Further information may be published as appropriate.

(c) Managing conflicts of interest

In support of the public interest, transparency and accountability, Council requires the identification, management and monitoring of conflicts of interest. Participants will be required to disclose any current or past relationships or connections that may unfairly influence or be seen to unfairly influence the integrity of the assessment process.



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(d) Maintaining confidentiality

In the assessment of Unsolicited Proposals there is need for high levels of accountability and transparency. However, there is also a need for some information to be kept confidential, at least for a specified period of time. This is important to provide participants with confidence in the integrity of the process. All proposals submitted will be kept confidential at Stage 1 of the assessment process.

(e) Obtaining value for money

Obtaining optimal value for money is a fundamental principle of public sector work. This is achieved by fostering an environment in which Proponents can make attractive, innovative proposals with the confidence that they will be assessed on their merits and where Council appropriately considers value. At Stage 2 of the assessment process, the approach to assessing Value for Money will be confirmed. Where a probity advisor has been appointed, their role is to monitor the evaluation process and ensure that Value for Money has been optimally considered. It is not the role of the probity advisor to determine whether the proposal meets the required Value for Money criterion.

13. Resource Commitments

In order for an Unsolicited Proposal to progress, Council and the Proponent will be required to commit resources. The staged approach to assessment as detailed in the Procedure seeks to balance resource input at each stage in order to reduce the potential for unnecessary expenditure.

While this Policy sets out information and processes to minimise costs for Proponents, Council will not normally reimburse costs associated with Unsolicited Proposals.

14. Governance Arrangements

Formal Stage 1 submissions will be reported to Council for consideration.

Once a proposal reaches Stage 2 of the assessment process by way of Council resolution, Council will establish appropriate governance arrangements that will detail the make-up and responsibilities of the Steering Committee and assessment/technical panels, management of confidentiality and conflict of interest, and provide details of the appointed Proposal Manager and probity advisor.

Unsolicited Proposals will take into account relevant processes and approval requirements as provided in the *Local Government Act 1993* and other relevant legislation.

The Stage 2 Participation Agreement will outline whether the proposal will be subject to an approval process outlined in another procurement policy document and/or a project assurance mechanism.



Unsolicited Proposals Policy

15. Participation Agreement

A Participation Agreement provides an agreed framework for Stage 2 which will be entered into by both Council and the Proponent in order to ensure the alignment of expectations regarding participation in the process.

The Participation Agreement will contain:

- Acknowledgement that a Value for Money outcome is a requirement for the proposal to proceed
- Assessment Criteria and other relevant Council requirements
- Communication channels, including a prohibition on lobbying
- Agreement regarding cost arrangements
- Resource commitments
- Conflict of interest management arrangements
- Confidentiality requirements
- Commitment to following an open book approach to discussions
- Timeframe – including gateway determination dates and reports for Council
- Approval requirements, including planning and environmental approvals.

16. Stage 3 Agreement

- A Stage 3 Agreement provides an agreed framework for participation in Stage 3 which will be entered into by both Council and the Proponent in order to ensure alignment of expectations. The Stage 3 Agreement will contain (but not limited to):
- Communication channels, including a prohibition on lobbying.
- Agreement regarding cost arrangements.
- Resource commitments.
- Conflict of interest management arrangements.
- Confidentiality requirements.
- Timeframe.
- Approval requirements, including planning and environmental matters where relevant. Except where otherwise approved, Council will require projects to have secured relevant planning consents as part of the unsolicited proposal agreement.



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- Outline of any conditions arising from Council's consideration of the Detailed Proposal.
- Schedule of items and issues to be negotiated (this may be provided separately to the Stage 3 Agreement).

DEFINITIONS

The following definitions are used in this policy:

- (a) **Assessment Criteria** means the criteria upon which Unsolicited Proposals will be assessed.
- (b) **Assessment Panel** means a panel of Council representatives established to assess an Unsolicited Proposal (this may include specialist advisers).
- (c) **Council** means Central Coast Council.
- (d) **Detailed Proposal** means a submission by a Proponent to Council at the conclusion of Stage 2.
- (e) **Final Binding Offer** means a formal proposal submitted by the Proponent at the conclusion of Stage 3 which is capable of acceptance by Council.
- (f) **Council Website** means www.centralcoast.nsw.gov.au
- (g) **Initial Submission** means a submission by the Proponent during Stage 1 which briefly describes the Unsolicited Proposal (in accordance with the Schedule of Information Requirements).
- (h) **Initial Schedule of Information Requirements** means information to be prepared by Proponent in preparation for pre-lodgement meeting with Council.
- (i) **Intellectual Property** means inventions, original designs and practical applications of good ideas protected by statute law through copyright, patents, registered designs, circuit layout rights and trademarks; also trade secrets, proprietary know-how and other confidential information protected against unlawful disclosure by common law and through additional contractual obligations such as Confidentiality Agreements.
- (j) **Participation Agreement** means a signed by Council and the Proponent at the commencement of Stage 2.
- (k) **Proponent** means the person or organisation that submits an Unsolicited Proposal.
- (l) **Proposal Manager** means the person with responsibility for coordinating Council input for the receipt and assessment of an Unsolicited Proposal.
- (m) **Public Sector Comparator (PSC)** means an estimate of the net present value of a project's whole life costs and revenues using the most efficient and likely form of Council delivery.



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- (n) **Reference Project** means the basis for calculating the PSC, reflecting Council delivery of the project by traditional means.
- (o) **Shadow Bid Model** means the Council's best estimate of a private party bid price.
- (p) **Stage 3 Agreement** means an agreement signed by Council and the Proponent at the commencement of Stage 3.
- (q) **Steering Committee** means a committee of senior Council representatives with responsibility for oversight of Council consideration of Unsolicited Proposals (this may include independent chair/members).
- (r) **Unsolicited Proposal** means an approach to Council from a Proponent with a proposal to deal directly with Council over a commercial proposition, where Council has not requested the proposal. This may include proposals to build and/or finance infrastructure, provide goods or services, or undertake a major commercial transaction.
- (s) **Value for Money** means the overall value of a proposal to Council (refer to Clause 10 for further details).

REVIEW

- 17. Council will establish a structured periodic review to assess the effectiveness of the approach to dealing with Unsolicited Proposals and Direct Approaches.

RELATED RESOURCES

- 18. Legislation:
 - (a) [Local Government Act 1993](#)
- 19. Associated Council Documents:
 - (a) Unsolicited Proposals Procedure
 - (b) [Code of Conduct](#)
 - (c) [Procedures for the Administration of the Code of Conduct](#)
 - (d) [Procurement or Sale of Goods, Services and Materials](#)



PROCEDURE NO: CCC038

UNSOLICITED PROPOSALS PROCEDURES

January 2019

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Unsolicited Proposals Procedure

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Unsolicited Proposals Procedure**1. PURPOSE OF THE PROCEDURES**

- 1.1. The purpose of the Procedures is to set out the processes to be followed by both Council and Proponents in developing Unsolicited Proposals.
- 1.2. It represents a commitment that may be made by Council to the allocation of resources to meet its responsibilities as outlined in these Procedures.
- 1.3. The Procedures sets out that proposals will be evaluated against Assessment Criteria outlined in Clause 4.2 of these Procedures and Clause 10 of the Unsolicited Proposals Policy.
- 1.4. The Procedures provide for a clear process being a four stage assessment process to guide the evaluation of proposals:
 - Pre-Submission Concept Review
 - Stage 1:
 - a) Initial Submission and Preliminary Assessment
 - b) Strategic Assessment of the Initial Submission
 - Stage 2: Detailed Proposal
 - Stage 3: Negotiation of Final Binding Offer
- 1.5. The Procedures recognise that a Proponent will be entitled to a fair rate of return for its involvement in a project and that outcomes should be mutually beneficial for the Proponent and Council. Further, Council recognises the right of Proponents to derive benefit from unique ideas. The approach to the identification, recognition and protection of intellectual property rights will be addressed and agreed with the Proponent during Stage 1 of the process as set out below.
- 1.6. Where Council assesses a proposal as not meeting the criteria, including uniqueness, Council reserves its usual right to go to market. The Proponent will be provided with the opportunity to participate in any procurement process should the concept be offered to the market, but will have no additional rights beyond those afforded to other market participants. If Council elects to go to market in such circumstances, it will respect any Intellectual Property (IP) owned by the Proponent.
- 1.7. The unsolicited proposals assessment process is separate to other Council statutory approvals processes e.g. environmental and planning. However, where appropriate, the assessment of unsolicited proposals will give consideration to the potential consistency of the proposal with relevant planning and environmental controls, and approvals processes.

2. CONTACT DETAILS AND LODGEMENT

- 2.1. Enquiries and requests for 'pre-lodgement' meetings should be submitted to the Chief Executive Officer.

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- 2.2. Once a proposal has been submitted, Council will formally acknowledge receipt of the proposal and provide contact details of the Proposal Manager (refer Clause 3.5 of these Procedures). Council's Proposal Manager is the Unit Manager, Procurement and Projects. The Proposal Manager will be the Proponent's only point of contact in Council regarding the proposal. Once lodged, the proposal is subject to a formal assessment process. Proponents must not contact Councillors, or Council staff, in regard to the submitted proposal, outside of the formal assessment process. This includes organisations authorised to act on the Proponent's behalf.

3. ROLES AND RESPONSIBILITIES**3.1. Proponent**

The Proponent is required to:

- Prepare an outline Submission and meet with Council to discuss its unique characteristics and other key principles, prior to lodgement of a formal submission. This involves the Proponent completing an initial Schedule of Information Requirements.
- Prepare and lodge with Council an Initial Submission for Preliminary or Stage 1 Assessment. This involves the Proponent completing the Schedule of Information Requirements and attaching any other relevant information.
- Enter into a Participation Agreement if recommended to proceed to Stage 2.
- Provide a Detailed Proposal at the conclusion of Stage 2.
- Provide a Binding Offer at the conclusion of Stage 3.

3.2. Council

Proposals will be submitted to Council for approval prior to any progression of a proposal to Stage 2 or 3, prior to the signing of any agreement, and prior to provision of any Council funding.

The required approval process will be described to the proponent.

Additional Council approvals may be required for any changes to previously approved commercial terms or Council funding.

3.3. Steering Committees**Unsolicited Proposals Steering Committee**

An overarching Unsolicited Proposals Steering Committee may be convened including representatives from Council and local State agencies as appropriate.

Representatives of other agencies may be required to provide resources and input to assist in Steering Committee decision-making. Membership of the Steering Committee may change from time to time.

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Proposal Specific Steering Committees

For certain proposals the Council may direct a Proposal Specific Steering Committee be established to oversee assessment of that proposal. This would normally be the case for proposals proceeding to Stage 2 of the assessment process.

Responsibilities

Unsolicited Proposals Steering Committee
Consider recommendations made by the Proposal Manager or Assessment Panel at Stage 1 and agree on proposed course of action
Confirm the unique elements of the proposal and agree on the approach to managing IP
Approve the makeup of the Assessment Panel for Stage 1.b
Agree on feedback to be provided to Proponents at Stage 1
Provide policy and inter-agency input to deliberations
Monitor progress of assessments
Make recommendations to Council at Stage 1
Proposal Specific Steering Committee
Approve the Governance Plan to be applied to Stages 2 and 3
Approve the makeup of the Assessment Panel (and commercial/technical teams) at Stages 2 and 3
Confirm the approach to assessing Value for Money
Ensure relevant policy and project assurance processes are adhered to, where appropriate
Provide policy and inter-agency input to deliberations
Consider recommendations from the Assessment Panel at Stages 2 and 3
Endorse negotiation conditions prior to Stage 3
Make recommendations to Council
Agree feedback to be provided to Proponents

3.5. Proposal Manager

Council's Proposal Manager will be appointed by Council in order to receive and progress consideration of the Unsolicited Proposal. The Proposal Manager has the following responsibilities, unless otherwise documented in the Governance Plan:

Unsolicited Proposals Procedure

- Receive the Unsolicited Proposal
- Undertake an initial compliance check
- Facilitate the Assessment Panel and/or Steering Committee/Proposal Specific Steering Committee (as appropriate)
- Act as contact point for Proponents
- Facilitate interactions between the Proponent and Council
- Facilitate the preparation of information provided to the Proponent
- Coordinate assessment, including input from advisers
- Coordinate preparation of Assessment Reports
- Provide assistance to Council agencies with a responsibility for assessing Unsolicited Proposals.

If a proposal is referred to another agency at Stage 2 to lead the assessment, then a Proposal Manager from that agency will be appointed.

3.6. Assessment Panel

An Assessment Panel comprising appropriately qualified representatives will be established to undertake the assessment. The involvement of the Assessment Panel during Stages 1 and 2 will vary depending on the nature of the proposal.

The Assessment Panel will:

- Report to the Steering Committee or Proposal Specific Steering Committee (as appropriate).
- Participate in meetings with the Proponent, where appropriate
- Assess the Initial Submission and Detailed Proposal against the Assessment Criteria
- Prepare recommendations to be made to the Steering Committee or Proposal Specific Steering Committee (as appropriate)
- Prepare Assessment Reports as required by the Steering Committee or Proposal Specific Steering Committee (as appropriate)
- Consider issues raised by the Steering Committee or Proposal Specific Steering Committee (as appropriate). Prepare a proposed schedule of items for negotiation during Stage 3 (to be approved by the Steering Committee/Project Specific Steering Committee (as appropriate) and/or Council, if required).

3.7. Advisers

Advisers may provide expert advice to the Assessment Panel and Steering Committee or Proposal Specific Steering Committee (as appropriate). The following key advisers may be appointed to provide specialist expertise to assist in project scoping and assessment:

- Legal
- Financial
- Technical
- Environmental

Other advisers may be appointed where specialist input is required.

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A specialist Project Director may be appointed from Stage 2, particularly for large and/or complex projects.

Advisers are to follow all project governance and probity requirements.

3.8. Probity Adviser

At Stage 1, a probity adviser will be appointed for projects where the Steering Committee considers probity risk is sufficient to warrant appointment or for large-scale projects. Probity advisers will be appointed at Stages 2 and 3 of the assessment process.

The role of the probity adviser is to monitor and report on the application of the probity fundamentals during the assessment process. The probity adviser will:

- Assist in the development of a Governance Plan (where applicable).
- Provide a probity report at the end of each stage to be considered by the Steering Committee or Proposal Specific Steering Committee (as appropriate) before the decision to proceed to the next stage (or otherwise). The probity adviser may provide interim reports at key milestones of the assessment or at the behest of the Steering Committee or Proposal Specific Steering Committee (as appropriate).
- Report to the chair of the Steering Committee or Proposal Specific Steering Committee (as appropriate) and will be available to Proponents to discuss probity related matters.

An escalation contact point is provided by Council and the Proponent at Stages 2 and 3.

In the absence of a probity adviser, this role will be undertaken by the Proposal Manager.

Proponents are able to request the appointment of a probity adviser.

4. WORKFLOW AND STAGES**4.1. Pre-Submission Concept Review State**

For the Proponent to meet with Council (which may at its discretion include relevant agencies, and/or advisers), in order to formally explore whether the proposal is likely to meet the Stage 1 assessment criteria and to guide Proponents in their decision regarding whether to lodge their proposal. A key part of this meeting will be the demonstration of the unique attributes of both the proposal and the Proponent in order to progress through the process. The key attributes, benefits, requirements and assumptions underlying the potential proposal may also be discussed. Council may provide feedback at this stage as to whether it considers that the proposal, as presented, is consistent with the Council's Policy. Notwithstanding this feedback, it is the Proponent's decision as to whether it proceeds with making a formal Stage 1 submission.

This is not a compulsory stage, but Proponents planning to formally submit an unsolicited proposal are strongly advised to arrange such a meeting with Council, prior to committing substantial resources for the development of the proposal.

Unsolicited Proposals Procedure

Timing

It is recognised that there may be numerous discussions at many levels between the proponent and Council stakeholders in order to ascertain Council needs and to better understand the business environment. These are informal discussions and are outside the realm of the Policy.

This initial meeting represents the first formal step in assessing the merits of each Unsolicited Proposal and may be before or after lodgement of the full proposal. Council's strong preference is that this occurs before formal lodging of any proposal and commencement of Stage 1.

Proponent responsibilities

In order for this meeting to be helpful, the proposal needs to be developed to a stage where the key inputs and outcomes have been identified, key assumptions and requirements of Council are clear, and other key elements have been identified. In particular, the unique ability of the proponent to deliver the proposal should be demonstrated and documented. Irrespective of the outcomes of this meeting, proponents may lodge their proposal formally.

Council responsibilities

Where Council is of the view that there is little prospect of the uniqueness criteria being met, it will communicate this to the proponent. In such circumstances, Council reserves the right not to advance assessment of the proposals to Stage 1 assessment as set out below.

4.2. Stage 1 A – Initial Submission and Preliminary Assessment

For Council to undertake a Preliminary Assessment of the proposal in conjunction with the relevant agencies to determine if the submission constitutes an unsolicited proposal and if sufficient justification exists to justify direct dealing and therefore undertake a Stage 1 assessment. Council reserves the right to further consider, or not consider, Unsolicited Proposals beyond this stage at its absolute discretion. The Unsolicited Proposals Steering Committee approves progression to Stage 1: b).

Assessment criteria

Below are the relevant assessment criteria. Additional Criteria relevant to a particular proposal may also be applied at later stages.

Proponent responsibilities

During Stage 1: a), the Proponent is responsible for:

- Preparing an Initial Submission using the *Schedule of Information Requirements Form* attached to these Procedures.
- Identification of unique elements of the proposal
- Responding to requests for further information. The information to be provided will depend on the size and complexity of the proposed project.

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Council responsibilities

During Stage 1: a), Council is responsible for:

- Promptly acknowledging receipt of the initial submission.
- Undertaking an initial compliance check to ensure the required information has been provided.
- Requesting further information from the Proponent if required. This may involve clarification meetings with the Proponent in order to promote clarity of Council requirements.
- Undertaking a Preliminary Assessment that will be based on the potential for the proposal to satisfactorily meet the Assessment Criteria.
- Preparing a Preliminary Assessment Report for review and approval by the Steering Committee.
- Steering Committee approval to progress to Stage 1.b), if warranted.
- Notification of the Preliminary Assessment outcome to the Proponent

Outcomes

The following outcomes may result from this stage:

- The Submission is not considered suitable for further consideration. In this case, the Steering Committee will recommend a course of action, for example:
 - Inform Proponent that the submission will not be considered further.
 - Refer Proponent to another procurement process.
 - Refer submission to the relevant agency for consideration under an alternative framework or scheme (e.g. Voluntary Planning Agreement).
 - Refer proponents seeking financial support to the relevant application scheme (e.g. Jobs for NSW: <http://www.jobsforNSW.com.au/>).
 - Refer to relevant agency to investigate the opportunity and/or undertake a procurement process.

Feedback

Proponents will be provided with written feedback on whether their Submission has progressed to Stage 1.b) or reasons for a decision not to proceed with a proposal. In the event that the proposal is referred to an alternative process, as described above, details will be provided.

4.3. Stage 1 B – Strategic Assessment of Initial Submission

For Council to undertake a comprehensive initial assessment of the proposal to identify the potential benefit to Council of further consideration and development with the Proponent.

Proponent responsibilities

During Stage 1: b), the Proponent is responsible for:

- Responding to requests for further information. The information to be provided will depend on the size and complexity of the proposed project

Unsolicited Proposals Procedure**Council responsibilities**

During Stage 1: b), Council is responsible for:

- Establishment of the Assessment Panel.
- Requesting further information from the Proponent if required. This may involve clarification meetings with the Proponent in order to promote clarity of Council requirements.
- Undertaking a formal assessment. The assessment will be based on the potential for a subsequent Detailed Proposal to satisfactorily meet each of the Assessment Criteria if progressed to Stage 2.
- Preparing an Assessment Report for review and approval by the Steering Committee.
- Preparing a draft Participation Agreement for all proposals deemed appropriate to progress to Stage 2.
- Notification of the initial assessment outcome to the Proponent.
- Council approval to progress to Stage 2, if warranted.

Outcomes

The following outcomes may result from this stage:

- The proposal is considered suitable for progression to Stage 2. The proposal, in concept form, is deemed of sufficient interest to Council to warrant further development and progression to a more defined project either with the original Proponent or with a view to bringing a project to market.
- The proposal is not sufficiently unique to justify direct negotiations with the Proponent. In this case, the Steering Committee will agree a recommended course of action such as those outlined above in Stage 1.a).
- The proposal is considered suitable for referral to the relevant agency for further consideration if the project appears to have merit, requires a relatively low resource commitment by Council, is low risk, affects a single agency only and does not conflict with a whole of Council initiative.
- The Submission is not considered suitable for further consideration.

Feedback

Proponents with proposals considered suitable to proceed to Stage 2 or referral to an agency for further consideration will be provided with the following information:

- A summary of the assessment findings.
- The proposed process for the further development and consideration of a Detailed Proposal, including governance arrangements.
- Guidance regarding: value, scope, appropriate target return on investment parameters, timing, risk and other limitations affecting the Detailed Proposal in order to avoid unnecessary costs for the Proponent.
- A Draft Participation Agreement.
- Written feedback providing reasons for a decision not to proceed with a proposal will be provided.

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Disclosure

Information on all Unsolicited Proposals that progress to Stage 2 will be published on Council's website. This may include details of the proponent and proposal, the governance structure for Stage 2, the probity advisor appointed and reasons why the proposal has progressed to Stage 2. Further information may be published as appropriate. Council will consult with the Proponent before any information is disclosed to ensure that commercially sensitive information remains confidential.

Generally, Council seeks to disclose all proposals in this stage. In some cases, Proponents may request that proposals are not listed, if this would pose significant risks to commercial negotiations or IP. Council considers each request and may agree not to disclose a proposal. The ability to undertake an assessment in confidence is considered essential to creating a receptive environment to elicit innovative private sector proposals.

4.4. Stage 2 – Detailed Proposal

For the Proponent and Council to work cooperatively in the development and assessment of a Detailed Proposal, which may require a degree of preliminary negotiation on key issues, subject to the nature of the proposal.

Proponent responsibilities

During Stage 2, the Proponent will:

- Enter into a Participation Agreement
- Attend the Establishment Meeting
- Participate in Proposal Development Workshops
- Prepare and submit a Detailed Proposal in a form previously agreed with Council that addresses each of Council's Assessment Criteria. This may include (where appropriate):
 - draft commercial terms for Council's consideration
 - a (Preliminary) Business Case and/or economic appraisal.

Council responsibilities

During Stage 2, Council will:

- Establish a Proposal Specific Steering Committee, Assessment Panel and associated governance framework
- Prepare an internal Governance Plan (may be updated as appropriate throughout the process)
- Consider the engagement of a specialist Project Director
- Enter into a Participation Agreement
 - Facilitate an Establishment Meeting in order to:
 - Provide feedback to the Proponent regarding risks and concerns with the Initial Submission
 - Provide guidance to the Proponent regarding Council requirements
 - Agree the approach to managing Proposal Development Workshops
 - Advise of the relevant Assessment Criteria
 - Agree the format for the Detailed Proposal, including the information and level of detail required

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- Commence discussions concerning the acceptable commercial and legal terms (with a view to developing draft commercial and legal terms that will form the basis of a final binding offer).
- Commit appropriately experienced and qualified resources to participate in the Stage 2 process, including legal, financial and technical advice where appropriate.
- Confirm the approach to assessing Value for Money (which may include investigating benchmarking and preparing a Public Sector Comparator where appropriate).
- Participate in Proposal Development Workshops. Where appropriate, Council may establish commercial/technical teams to guide and liaise with the proponent. These teams will provide information to the Assessment Panel which will in turn report to the Proposal Specific Steering Committee.
- Provide further information to the Proponent to assist with proposal development.
- Receive the Detailed Proposal.
- Undertake assessment of the Detailed Proposal (by the Assessment Panel) against each of the Assessment Criteria.
- Request further information from the Proponent as required.
- Prepare an Assessment Report (by the Assessment Panel) and make recommendations to the Proposal Specific Steering Committee.
- Make recommendations to Council.
- Council approval to progress to Stage 3, if warranted.

Outcomes

The following outcomes may result from this stage:

- The Detailed Proposal is considered acceptable to progress to Stage 3. Ideally, commercial terms should be agreed by Council and the Proponent, and will form the basis of a Final Binding Offer.
- The Detailed Proposal not considered suitable for further consideration.

Feedback

- Proponents progressing to Stage 3 will be provided with a draft Stage 3 Agreement and a schedule of items and issues to be negotiated (this may be provided separately to the Stage 3 Agreement).
- Written feedback providing reasons for a decision by Council to not proceed will be provided.

Disclosure

At the end of Stage 2, the Council's website will be updated with the assessment outcome.

Other Information will also be published, such as reasons why the proposal has or has not progressed to Stage 3, the governance structure for Stage 3 and the probity advisor appointed.

Further information may be published as appropriate. Council will consult with the Proponent before any information is disclosed to ensure that commercially sensitive information remains confidential.

Unsolicited Proposals Procedure**4.5. Stage 3 – Negotiation of Final Binding Offer**

To finalise all outstanding issues with a view to entering into a binding agreement.

Proponent responsibilities

During Stage 3, the Proponent will:

- Enter into a 'Stage 3 Agreement'
- Participate in the negotiation process
- Submit a Binding Offer, including appropriate legal and commercial terms.

Council responsibilities

During Stage 3, Council will:

- Enter into a 'Stage 3 Agreement'
- Inform the Proponent of the process and protocols for negotiation
- Provide the Proponent with a schedule of items for negotiation
- Prepare an internal Governance Plan (may be updated as appropriate throughout the process)
- Commit appropriately qualified resources to complete negotiations, including legal, financial and technical advice where appropriate
- Undertake a comprehensive assessment of the Final Binding Offer
- Define the appropriate Contract Management arrangements to monitor and ensure contracted outcomes are delivered
- Make recommendations to Council.
- Council approval to accept Final Binding Offer, if warranted.

Outcomes

The following outcomes may result from this stage:

- Recommendation recommendations and ongoing procedures
- Written feedback providing reasons for a decision to not proceed will be provided.

Feedback

- Notification recommendations and ongoing procedures
- Written feedback providing reasons for a decision to not proceed will be provided.

Disclosure

At the end of Stage 3, the Council website will be updated with the assessment outcome. Other Information will also be published, such as reasons why the proposal has been accepted or not accepted. Further information may be published as appropriate.

Subject to the nature of the proposal, where a Final Binding Offer has been accepted, the relevant agency will comply with the Council's standard public disclosure requirements, such as those described in the Government Information (Public Access) Act 2009 (NSW).

Council will consult with the Proponent before any information is disclosed to ensure that commercially sensitive information remains confidential.

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5. DEFINITIONS

The following definitions are used in this procedure:

- (a) **Assessment Criteria** means the criteria upon which Unsolicited Proposals will be assessed.
- (b) **Assessment Panel** means a panel of Council representatives established to assess an Unsolicited Proposal (this may include specialist advisers).
- (c) **Council** means Central Coast Council.
- (d) **Detailed Proposal** means a submission by a Proponent to Council at the conclusion of Stage 2.
- (e) **Final Binding Offer** means a formal proposal submitted by the Proponent at the conclusion of Stage 3 which is capable of acceptance by Council.
- (f) **Council Website** means www.centralcoast.nsw.gov.au
- (g) **Initial Submission** means a submission by the Proponent during Stage 1 which briefly describes the Unsolicited Proposal (in accordance with the Schedule of Information Requirements).
- (h) **Initial Schedule of Information Requirements** means information to be prepared by Proponent in preparation for pre-lodgement meeting with Council.
- (i) **Intellectual Property** means inventions, original designs and practical applications of good ideas protected by statute law through copyright, patents, registered designs, circuit layout rights and trademarks; also trade secrets, proprietary know-how and other confidential information protected against unlawful disclosure by common law and through additional contractual obligations such as Confidentiality Agreements.
- (j) **Participation Agreement** means a signed by Council and the Proponent at the commencement of Stage 2.
- (k) **Proponent** means the person or organisation that submits an Unsolicited Proposal.
- (l) **Proposal Manager** means the person with responsibility for coordinating Council input for the receipt and assessment of an Unsolicited Proposal.
- (m) **Public Sector Comparator (PSC)** means an estimate of the net present value of a project's whole life costs and revenues using the most efficient and likely form of Council delivery.
- (n) **Reference Project** means the basis for calculating the PSC, reflecting Council delivery of the project by traditional means.
- (o) **Shadow Bid Model** means the Council's best estimate of a private party bid price.
- (p) **Stage 3 Agreement** means an agreement signed by Council and the Proponent at the commencement of Stage 3.
- (q) **Steering Committee** means a committee of senior Council representatives with responsibility for oversight of Council consideration of Unsolicited Proposals (this may include independent chair/members).

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- (r) **Unsolicited Proposal** means an approach to Council from a Proponent with a proposal to deal directly with Council over a commercial proposition, where Council has not requested the proposal. This may include proposals to build and/or finance infrastructure, provide goods or services, or undertake a major commercial transaction.
- (s) **Value for Money** means the overall value of a proposal to Council (refer to Clause 10 of the Unsolicited Proposals Policy for further details).

Unsolicited Proposals Procedure

SCHEDULE OF INFORMATION REQUIREMENTS

This form is to be completed by organisations in presenting an Unsolicited Proposal to Council (note: must be a registered organisation). Please ensure all sections of this form are adequately addressed. Information may be presented in the form of cross referenced addenda if preferred.

Organisation Name:		Address:	
Identity:	[Individual, sole trader, company, etc.]	Type of organisation:	[Profit / non-profit, educational, small
Contact person(s) details for evaluation purposes:		Date of submission	
Concise title and abstract of proposal (approx. 200 words)			
Short Title Abstract			
Proposal details			
i. Objectives of the proposal ii. Method of approach iii. Nature and extent of anticipated outcomes iv. Benefits the proposal will bring to Council			
Assessment Criteria			

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Please provide a brief description of how the proposal would meet each of the assessment criteria. Refer to section 3.3 of these Procedures for detailed description of each criteria and items to be addressed.

1. Uniqueness i.e. what are the unique elements of the proposal that would provide justification for Council entering into direct negotiations with the Proponent? Unique elements may include characteristics such as:
 - Intellectual property or genuinely innovative ideas
 - Ownership of real property
 - Ownership of software or technology offering a unique benefit
 - Unique financial arrangements
 - Unique ability to deliver strategic outcome
 - Other demonstrably unique elements.
2. Value for money
3. Whole of Council impact
4. Return on investment
5. Capability and capacity

Financial and commercial details

Please provide a brief description of the financial and commercial details of the proposal and the proponent's financial capacity to deliver the proposal. Clearly explain what the proposed commercial proposition is.

Costs and Requirements of Council

Please provide details of costs to Council.

Clearly explain the requirements of Council emerging from the proposal (what are you seeking from Council?). This may include legislative/regulatory amendments, finance or the use of Council assets, facilities, equipment, materials, personnel, resources and land. What would be the cost of Council providing this? (e.g. what would be the value of the Council land?)

Risks

Please provide a list of proponent and Council risks.

Organisation

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<p>Please provide a brief description of:</p> <ul style="list-style-type: none"> i. Your organisation ii. Previous experience in delivery of similar project iii. Past performance operating similar project iv. Facilities to be used (e.g. land owned by proponent or Council land) 			
Intellectual property			
<p>If applicable please provide a description of the following:</p> <ul style="list-style-type: none"> i. Inventory of each item of intellectual property ii. Nature of the intellectual property claimed (e.g. copyright, patent, etc.) iii. The owner(s) of the intellectual property claimed iv. Registration details (where applicable) v. Details of any items for which confidentiality is wholly or partly claimed. 			
Other statements			
<p>For example, please detail any applicable organisational conflict of interest and environmental impacts.</p>			
Preferred contractual arrangements			
Agency points of contact			
<p>If applicable, please provide <u>names and contact information</u> of any other agency and Council points of contact already contacted regarding this proposal.</p>			
Period of time for which the proposal is valid	Minimum six months	Proposed duration of the arrangement	

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This proposal is to be signed by a representative of the proponent authorised to represent and contractually bind the proponent.

Name: _____

Position: _____

Signature: _____

Date: _____

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PRE-LODGEMENT MEETING CHECKLIST

The following checklist should be completed prior to the formal "Pre-Lodgement" meeting with Council.

		YES	NO
1	Have you completed the initial Schedule of Information Requirements form?	<input type="checkbox"/>	<input type="checkbox"/>
2	Are you the only party that could deliver your proposal?	<input type="checkbox"/>	<input type="checkbox"/>
3	Have you documented why the product/service you are proposing (or similar) cannot be delivered by a competitor?	<input type="checkbox"/>	<input type="checkbox"/>
4	Do you own any intellectual or real property required for your proposal?	<input type="checkbox"/>	<input type="checkbox"/>
5	Have you documented your ownership of any intellectual or real property required for your proposal?	<input type="checkbox"/>	<input type="checkbox"/>
6	Does your proposal contain unique elements that could not be replicated by others, other than related intellectual or real property?	<input type="checkbox"/>	<input type="checkbox"/>
7	Does your proposal contain unique elements that would require Council to contract with your company if Council went to tender?	<input type="checkbox"/>	<input type="checkbox"/>
8	Have you documented the unique elements (other than related intellectual or real property) of your proposal that could not be replicated by others, and which provide tangible benefits to Council?	<input type="checkbox"/>	<input type="checkbox"/>

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		YES	NO
9	<p>If you answered "NO" to any questions, have you documented in the (initial) Schedule of Information Requirements form the basis you believe Council should consider your proposal, given that it is likely it does not meet basic "uniqueness" criteria as set out in these Procedures.</p> <p>Note – in some cases Council may recognise merit in your proposal, but want to ask the market to confirm value for money. Please discuss this with Council in the Pre-Lodgement meeting.</p>	<input type="checkbox"/>	<input type="checkbox"/>



Item No: 3.4
Title: Water Security
Department: Water and Sewer

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/01339 - D13429083

Author: Garry Casement, Section Manager Headworks

Manager: Luke Drury, Section Manager Water Services and Design

Executive: Bileen Nel, Director, Water and Sewer

Report Purpose

At its meeting of 10 September 2018, Council resolved:

947/18 That Council notes New South Wales is now declared 100% drought affected and that extreme weather patterns appear to be prevailing resulting in less (than traditionally expected) annual rainfall.

948/18 That in response, Council now proactively and responsibly consider all water security options to optimise:

- a Water usage on the output side.*
- b Protect current and seek out alternate sources for water collection on the input side.*

949/18 That Council review its water restrictions pathways with a view to adopting the most suitable and timely triggers for all levels of water restrictions.

950/18 That Council request the Chief Executive Officer report to Council on our general water security status and risk minimisation opportunities. Such a report should pay particular attention to the looming threats to our water security including:

- a The possible approval of the Wallarah 2 Coal Mine and its effects on our water supply.*
- b Climate Change*

Summary

Council has a number of plans, measures and activities in place to respond to the following variances and risks to water security:

- future water demand requirements and population growth;
- climate risks and changes;
- development that could impact water quantity and/or quality in the drinking water catchments;

- changes to regulatory requirements.

These plans are being reviewed and will be updated to enable Central Coast Council to respond to current and future needs.

Recommendation

- 1** *That Council note the contents of this report in regards to current water resource planning activities and drought response.*
- 2** *That Council endorse the Chief Executive Officer to amend the trigger points for the introduction and removal of the existing stages of Central Coast water restrictions to those outlined in Table 2 in Section 6.*

Context

Central Coast's Integrated Water Resources Plan, previously known as *WaterPlan 2050*, is the long term blueprint for managing the Central Coast's water resources that identified how to:

- further enhance the water supply system;
- continue to use water as efficiently as possible;
- develop additional future sources of water.

Council is undertaking a review of its Integrated Water Resources Plan as part of its ongoing planning, risk management activities and regulatory compliance. This is being undertaken in parallel and in close collaboration with the review of the Lower Hunter Water Plan being led by the NSW Department of Industry in conjunction with Hunter Water Corporation. The purpose of collaboration is to identify any mutual beneficial options available through greater cooperation between the two regions.

The Plan will also take into account NSW Department of Industry's *Greater Hunter Regional Water Strategy* which sets a foundation for better regional water management, covering the Central Coast, Hunter Valley and Mid-North Coast.

1. Water Demand

The long term water supply demand for the Central Coast is shown in Figure 1 below. Water restrictions were applied across the Central Coast from February 2002 to May 2012. Once water restrictions were removed, demand has not increased to pre-restriction levels even though there has been considerable population growth over that period. Total system demand has dropped from an average of 329 L/person/day in 2001 to 262L/person/day in 2018.

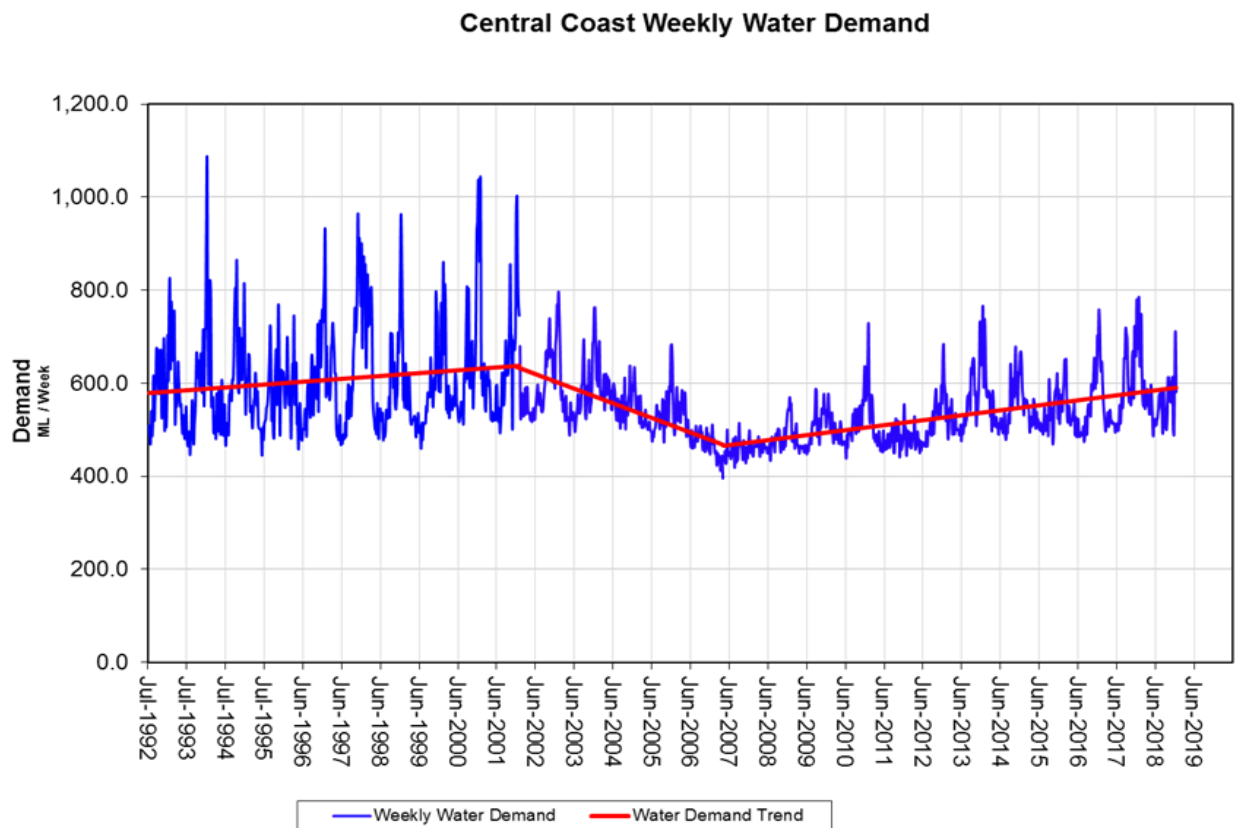


Figure 1 Central Coast water demand

2. Water Supply

Most of NSW is currently affected by drought including the Central Coast. Council has entered the current declared drought in a better position than when it entered the Millennium Drought .

This is reflected in the Water Storage Level in Figure 2 below which shows current storage levels are approximately 60% at the commencement of this potential drought phase as compared to levels approximately 45% prior to the Millennium Drought.

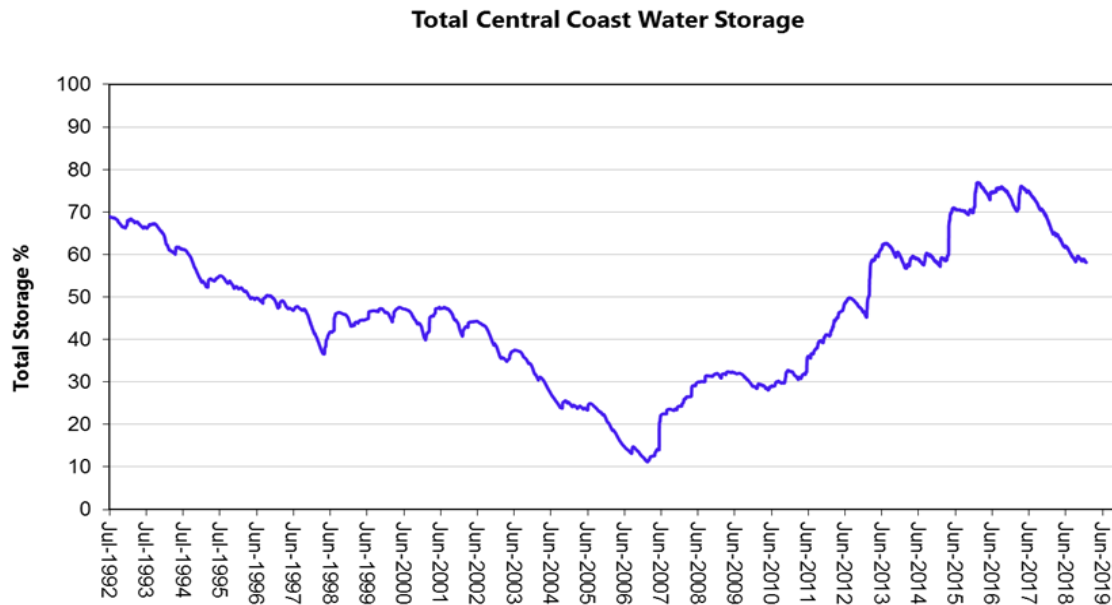


Figure 2: Central Coast water storage level

A number of improvements have also been made to the system that enables it to perform relatively better than during the Millennium Drought. Key improvements are shown in Figure 3, and include the following:

- A transfer main between Hunter Water and the Central Coast;
- A major link between the Mardi Dam and Mangrove Creek Dam including a new Wyong River pump station and fishway, Mardi to Mangrove Pump Station;
- Mardi Water Treatment Plant - Dual Power Supply;
- Mardi Dam to Mardi Treatment Plant Transfer system, including pump station and dam tower;
- The establishment of a number of small groundwater sources.

Since the Millennium Drought, increased environmental flow requirements for Wyong River have reduced Council's access to water during low to medium stream flows.

To address this, the Mardi Mangrove Link project included a larger pump station on Wyong River to extract more water during wet periods for storage in Mangrove Creek Dam. A new low flow fishway was also installed on the Wyong Weir to improve fish passage. This means that, on average, more water can be harvested for the water supply which it is done in a more environmentally sustainable manner.

3.4 Water Security (contd)



Figure 3: New assets and improvements since start of millennium drought

3. Risk mitigation opportunities

Council is currently undertaking a number of activities to proactively ensure water security for the Central Coast water supply.

The Water and Sewer Directorate has established the Drought Management Working Group whose functions are to:

- Monitor water demand and the effects of drought conditions on the Central Coast water supply;
- Review and advise on actions to manage emerging drought conditions.

Council is also investing in capital works such as:

- The \$7.8M Mangrove Creek Dam Spillway Upgrade and Capacity Restoration project which will enable Mangrove Creek Dam to be filled to 100% (from its current maximum operating limit of 80%) Under current plans this work would be completed by 2022.
- The \$61M Mardi to Warnervale Trunk Water Pipeline programmed to commence construction in 2020.

Please note: These capital works are subject to the IPART determination expected in May 2019.

4. Other Risks

Whilst improvements to the water supply system have been made and are continuing, a number of other risks that have the potential to negatively impact the security of the supply, such as:

1. Wallarah 2 Coalmine.
2. Greater climate variability than previously recognised and changes to the hydrologic cycle and demand.
3. Future water demand requirements.
4. Changes to regulatory requirements.

4.1. Wallarah 2 Coalmine

The proposed Wallarah 2 Coalmine presents a risk to the streamflows that the Central Coast water supply sources from Wyong River. Council formally objected to the proposed coalmine proceeding on the basis of this and other risks and impacts.

Notwithstanding the risks the mine poses to the water supply, the conditions of consent contain compensatory water arrangements for the Central Coast water supply to offset the

impacts on the amount of water available for the water supply. A no net loss of water condition was sought by Council and is considered essential. As the compensatory water would be used as a raw water supply, the discharge water quality would need to meet broader parameters than just the usual environmental parameters.

4.2. Climate Variability

There is emerging research indicating that the climatic conditions in eastern Australia are more variable than the relatively short instrument records indicate (approximately 130 years). This has the potential to impact our understanding of the yield and security of the water supply as the duration, frequency and severity of dry periods may be more extreme than has been previously captured in the instrument records on which the system has been designed.

As part of the review of the Integrated Water Resource Plan, Council is reassessing the historical hydrology of the source catchments. To achieve this, a new rainfall runoff model is being developed for the source catchments using the eWater hydrology tools. These tools were established by the eWater Cooperative Research Centre (CRC) which established the National Hydrologic Modelling Platform. This is being applied in conjunction with more advanced rainfall data analysis that is now available.

The development of the new rainfall runoff model for the catchments will provide a better tool for modelling the impacts of changes to climatic parameters on the available stream flows and system behaviour. However, there is still significant uncertainty as to the level of change and rate of change of specific climatic parameters, particularly at the local scale.

To address the inherent uncertainties regarding future climate conditions, it is proposed that the analysis and options assessment incorporate system resilience criteria and identify possible future development pathways. This will allow for the ongoing development of a system that can accommodate and adapt to future conditions and opportunities as required.

4.3. Future Water Demands

Due to the long lead times involved with developing water supply infrastructure, a good understanding of the future water demands under various climatic conditions is required. There are a number of factors that influence demands including: population size/ demographics, socio economic factors, industrial/commercial activities, development patterns, housing types, water use behaviour, appliance efficiencies, customer service level expectations, development requirements, local climatic attributes and community response under drought conditions.

To better assess future demands, Council:

- has recently developed a water supply demand model to inform future water demand needs;
- is collaborating with other water supply organisations to improve understanding of water use behaviour and trends.

4.4. Regulatory Changes

Council's water business is highly regulated. Many standards and regulations have the potential to impact on the water security through changes in requirements affecting the ongoing development and operation of the water supply. Examples of issues that impact the water supply include:

- Changes to the assessment of extreme flood hydrology limiting the ability to fill Mangrove Creek Dam until it is upgraded;
- Regulations impacting Council's development and funding of the water supply.

Council manages these risks by keeping abreast of emerging regulatory changes, providing input to review process and amending plans as appropriate. A key consideration in developing longer term water supply strategies and options is to assess their resilience to a range of regulatory changes.

5. Water Restrictions

The Central Coast Council's water restriction rules and guidelines were last reviewed in 2011 following the completion of the Mardi to Mangrove Link project and partial storage recovery after the millennium drought. A copy of the current Water Restrictions Rules Matrix is shown in Appendix 1.

The level at which the water restrictions are triggered mainly involves balancing the duration/frequency at which restrictions are likely to be required against the risk of the storages declining to low levels.

Previous optimisation analysis (2010) for the water supply identified that in the longer term the initiation of level 1 water restrictions should occur when Mangrove Creek Dam storage level dropped to 50%. Similar increases were also identified for the other restriction levels, with the increases to occur as customer demand approached the water supply system's capacity (yield).

In light of emerging information on climate variability being more extreme than recognised in the previous analysis (likely lower yield), it is considered prudent to increase the restriction guideline triggers to the longer term levels identified in the 2010 optimisation analysis. In effect this would allocate the current excess yield capacity (while demands are lower) to

3.4 Water Security (contd)

reducing the risk of running out of water, rather than the current approach of allocating it to reducing the amount of time spent on restrictions. The consequences of increased time on restrictions are significantly less for a community than reaching critically low storage levels. The current water restriction guidelines along with proposed changes to these restriction level triggers is shown in Table 1 below.

Table 1: Current Water Restriction Guidelines (Endorsed 2011) and Proposed New Levels

Restriction Level	Initiate Restriction when Mangrove Creek Dam reduces to	Remove Restriction when Mangrove Creek Dam rises to	Target Reduction during restriction level	Proposed New Restriction Level. Mangrove Creek Dam reduces to	Remove Restriction Level when Mangrove Creek Dam rises to
	2012	2012		2019	2019
Level 1	42%	44%	8%	50%	52%
Level 2	34%	36%	16%	40%	42%
Level 3	30%	32%	24%	35%	37%
Level 4	26%	28%	27%	30%	32%
Level 5	22%	24%	30%	25%	27%

The restrictions are presented as guidelines that should be applied within the overall context of the relevant factors influencing the security of the supply such as:

- The seasonal outlook (for stream flows, rainfall and temperature);
- Achievement of the current restriction target;
- The timing and risk associated with any contingency water supplies, and
- Any other relevant information.

It should be noted that the trigger to remove restrictions is 2% higher than the trigger to introduce that restriction level. For example level 2 water restrictions would be introduced when Mangrove Creek Dam (MCD) dropped to 40 % but would change to level 1 water restrictions when MCD rose to 42%.

6. Drought Management Response

Council operates the water supply system to perform over a range of climatic conditions. This includes normal ongoing activities to reduce water demands on the system such as leak management and community engagement and education.

The operating rules incorporate triggers for utilising various sources to provide water security for the Central Coast. These include stream flows, water stored in dams, groundwater, inter regional water transfers and water restrictions.

3.4 Water Security (contd)

However, in the event that the system was to undergo a prolonged and consistent decline associated with severe drought conditions, additional actions could be undertaken to extend the remaining supplies until storage levels were to recover. These include consideration of:

- The establishment of a drought management forum with the NSW Government to coordinate agency drought responses;
- Introducing rebate programs to invest in water saving appliances and practices;
- Increased community engagement and education to further reduce water consumption;
- Consider desalination as a last option.

7. Link to Community Strategic Plan

Theme 4: Responsible

We're a responsible Council and community, committed to building strong relationships and delivering a great customer experience in all our interactions.

It is recognised that a secure water supply is essential for economic development and a liveable community.

Goal H: Delivering essential infrastructure

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

Attachments

- | | | |
|----------|---|-----------|
| 1 | Water Restriction Rules | D02968729 |
| 2 | Wallarah Coal Project Compensatory Agreements | D13429551 |

Current Water Restriction Rules						
Target saving	Anticipated Water Wise Rules 4 %	Level 1 8%	Level 2 16%	Level 3 24%	Level 4 27%	Level 5 30%
Lawns & Garden	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> No fixed hoses or sprinklers (<i>including micro spray</i>) Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used any day before 10am and after 4 pm to avoid heat of the day Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> No fixed hoses or sprinklers (<i>including micro spray</i>) Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used for 1 hour a day on three days of the week, between the hours of 6.00 am - 9.00 am and 4.00 pm - 7.00 pm (Odd numbered homes Mon, Wed & Sat, Even numbered homes Tues, Thur & Sun) Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> No fixed hoses or sprinklers (<i>including micro spray</i>) Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used for 1 hour a day on two days of the week, between the hours of 6.00 am - 9.00 am and 4.00 pm - 7.00 pm (Odd numbered homes Wed & Sat, Even numbered homes Thur & Sun) Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> No hoses or sprinklers (<i>including micro spray</i>) Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> All external use of town water banned
Vehicle / Boat Washing**	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats may be washed with a bucket Boats trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used (max 5 mins). Hose to flush boat engines (max 5 mins) 	<ul style="list-style-type: none"> All external use of town water banned. Vehicles windows can be cleaned using a bucket.
Hard Surfaces	<ul style="list-style-type: none"> No hosing of paths and driveways. 	<ul style="list-style-type: none"> No hosing of paths and driveways. 	<ul style="list-style-type: none"> No hosing of paths and driveways. 	<ul style="list-style-type: none"> No washing or wetting of any external surface is permitted, including paths, driveways, building surface, outside furniture or structures. 	<ul style="list-style-type: none"> No washing or wetting of any external surface is permitted, including paths, driveways, building surface, outside furniture or structures. 	<ul style="list-style-type: none"> All external use of town water banned
Private Pools	<ul style="list-style-type: none"> Topping up of existing pools using a hose from the town water supply is permitted, 	<ul style="list-style-type: none"> Topping up of existing pools using a hose from the town water supply is permitted, 	<ul style="list-style-type: none"> Emptying and refilling of existing pools using a hose from the town water supply is not permitted, Topping up of existing pools using a hose from the town water supply is permitted, Filling of new pools from the town water supply is permitted. 	<ul style="list-style-type: none"> Topping or refilling of existing pools using a hose from the town water supply is not permitted. A bucket may be used or supply other than the drinking water supply system, Filling of new pools from the town water supply is permitted. 	<ul style="list-style-type: none"> Topping or refilling of existing pools using a hose from the town water supply is not permitted. A bucket may be used or supply other than the drinking water supply system, Filling of new pools from the town water supply is not permitted. 	<ul style="list-style-type: none"> All external use of town water banned
Bowling Greens, Golf greens & Cricket Pitches	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -10.00 pm 	<ul style="list-style-type: none"> Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -10.00 pm 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day on Monday, Wednesday and Friday between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day on Monday, Wednesday and Friday between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> All external use of town water banned
Nurseries & Commercial Gardens	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> Fixed watering system up to 4hr per day -6.00 -8.00 am 6.00 -8.00 pm 	<ul style="list-style-type: none"> Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -8.00 pm 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> All external use of town water banned
Sporting Fields, School Ovals and Grassed Areas	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> Fixed water systems three times a week between 6.00 -10.00 pm 	<ul style="list-style-type: none"> Fixed water systems two times a week between 6.00 -10.00 pm 	<ul style="list-style-type: none"> All external use of town water banned. 	<ul style="list-style-type: none"> All external use of town water banned. 	<ul style="list-style-type: none"> All external use of town water banned.
Water Cartage from Town Water Supply	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only
Auto Flush urinals	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted.
Public Beach showers, fish tables and boat ramp taps.	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Not permitted. 	<ul style="list-style-type: none"> Not permitted.
Customers with an annual demand greater than 3,500KL and hotels, motels, resorts, caravan parks and public pools	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan 	<ul style="list-style-type: none"> Preparation and implementation of an approved Water Management Plan 	<ul style="list-style-type: none"> Preparation and implementation of an approved Water Management Plan 	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage. 	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage. 	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage.
Voluntary residential target	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 140 Litres per person per day.

*Wallarrah Coal Project – Agreed CC Water Supply Compensatory Arrangements***Central Coast Water Supply Compensatory Arrangement**

17. Prior to the approval of any Extraction Plan that authorises extraction of Longwall 6N, the Applicant must establish and implement a Central Coast Water Supply Compensatory Arrangement which provides 300 megalitres per annum of water to the Central Coast Water Supply system. The Central Coast Water Supply Compensatory Arrangement must:
- a) be prepared in consultation with Council and CLWD;
 - b) be submitted for the approval of the Secretary not less than 12 months prior to the planned extraction of Longwall 6N;
 - c) supply mine water treated to an appropriate level for release into the receiving environment in the Central Coast Water Supply including an equivalent or better quality for pH, dissolved oxygen and electrical conductivity as the receiving environment;
 - d) discharge at least 300 megalitres per annum of treated water directly into the Central Coast Water Supply system at a location mutually agreed with Council;
 - e) incorporate an on-line water quality monitoring system that monitors river water quality upstream and downstream of the discharge point, and has the capability to connect to and integrate into Council's supervisory control and data acquisition system, in order to ensure that required water quality parameters for discharged treated water are met;
 - f) operate at least until the cessation of mining operations (see condition 5 of Schedule 2); and
 - g) include operational procedures for the compensatory water transfer system, agreed with Council, to ensure that operation of the system is compatible with Council's water supply infrastructure.

Any dispute over the implementation of the Arrangement may be referred by either party to the Secretary for resolution.

Note: This condition does not remove any obligation for the Applicant to obtain:

1. *necessary water licences for the development under the Water Management Act 2000; and*
2. *approval for the construction and implementation of the Water Supply Compensatory Arrangement under the EP&A Act.*



Item No: 3.5
Title: Community Facilities Review Progress Status Report
Department: Connected Communities

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13440682

Author: Phil Cantillon, Unit Manager, Leisure and Lifestyle

Executive: Julie Vaughan, Director, Connected Communities

Summary

Following the Mayoral Minute on 24 September 2018, Council staff have commenced this project. This report provides a brief progress status on the Community Facilities Review.

Recommendation

- 1 That Council note the report on Community Facilities Review Progress Status Report.**
- 2 That Council request the CEO to provide a further status report on the Community Facilities Review in April 2019.**

Background

At the Ordinary Council Meeting on 24 September 2018, Council resolved as follows:

- 972/18 That Council note the deferred Mayoral Minute – Review of Arrangements for Council Community Facilities report which is Attachment 1 to this report.*
- 973/18 That Council establish a working group comprising interested Councillors and relevant staff to undertake a review of the use and management of community facilities.*
- 974/18 That Council engage with the community in order to identify key issues and determine the scope of the review.*
- 975/18 That Council request the Chief Executive Officer to engage an appropriate facilitator, if required, to assist with the review.*
- 976/18 That Council be provided with a progress report at the first meeting in February 2019 outlining key actions and milestones in the review process.*

This report provides a brief update on the progress status of resolutions 973/18, 974/18, 975/18 and 976/18.

3.5 Community Facilities Review Progress Status Report (contd)

Since the restructure in November 2018, the responsibility for undertaking the Community Facilities Review is now aligned to the Connected Communities Directorate.

In response to the current resolutions, staff intend to engage suitable consultants to help provide an independent lens to the project. An expression of interest has been circulated to Councillors, to gauge interest in forming a working group with staff. The working group will meet in early February 2019.

A project management plan is being devised, that will consist of a communication and engagement plan, identified risks and challenges and proposed implementation plan.

It is proposed following the review, a draft framework and policy is presented to Council by 30 June 2019.

Consultation

A communication and engagement plan is currently being developed to ensure appropriate levels of engagement and feedback from stakeholders and the broader community.

Options

Council could decide not to progress with the Community Facilities Review, which will not address the community concerns regarding the current inconsistencies in approach, tenure and fees from the legacy of the former Gosford City and Wyong Shire Council's.

It is recommended to progress the Community Facilities Review.

Financial Impact

The Community Facilities Review will be funded by Council's operational budget in 2018/19, and in 2019/20. The costs have been planned and budgeted.

Link to Community Strategic Plan

Theme 5: Liveable

Goal L: Healthy lifestyle for a growing community

L4: Provide equitable, affordable, flexible and co-located community facilities based on community needs.

Risk Management

A risk management plan will be completed as per the project management plan.

Critical Dates or Timeframes

It is proposed that a draft overarching framework and policy is completed and reported to Council by 30 June 2019.

Attachments

Nil.



Item No: 3.6
Title: Winney Bay Cliff Top Walk Project
Department: Environment and Planning

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13446605

Author: Larry Melican, Section Manager Emergency Protection Natural Assets

Manager: Luke Sulkowski, Unit Manager, Natural and Environmental Assets

Executive: Scott Cox, Director, Environment and Planning

Report Purpose

The purpose of this report is to formally advise Council of the information received from Infrastructure NSW in regard to funding for the Winney Bay Cliff Top Walk – Stage 2 project.

Recommendation

- 1 That Council note the information from Infrastructure NSW outlining the options for the existing offer of \$4.615 million for project RNSW1211 for the Winney Bay Cliff Top Walk – Stage 2.**
- 2 That the Chief Executive Officer write to Infrastructure NSW to inform them of the Council resolution to not proceed with the project under the existing offer of \$4.615 million for project RNSW1211.**
- 3 That the Chief Executive Officer engage design consultants to modify the designs for the Winney Bay Cliff Top Walk – Stage 2 that are consistent with Council resolution 1217/18 of 10 December 2018.**

Background

Following Council's successful grant application to the Regional Tourism Fund for the Winney Bay Cliff Top Walk – Stage 2, on 28 May 2018, Council resolved:

- 475/18 That Council receive the report on Winney Bay Reserve Project Update.*
- 476/18 That Council re exhibit the concept plans proposed for stage 2 in consultation with the community.*
- 477/18 That Council invite all attendees at the community meeting held in April 2018 to be involved in the formation of bush care groups in the Winney Bay and Copacabana area.*
- 478/18 That Council investigate potential improvements to Del Monte Place in terms of parking and both vehicular and pedestrian traffic.*

3.6 Winney Bay Cliff Top Walk Project (contd)

479/18 *That Council request the Acting Chief Executive Officer to consider the matters put by the speakers Miss Graham and Ms Cooper and provide a follow up report to the Council on those matters.*

In response to the Council resolution of 28 May 2018, community consultation was undertaken on Stage 2 of the Winney Bay Cliff Top Walk between 27 September and 22 October 2018. The report on the community consultation for the Winney Bay Cliff Top Walk – Stage 2 project was considered by Council on 10 December 2018.

On 10 December Council resolved:

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

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

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

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

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

- a) *A pathway with a maximum 2m width, following the existing informal track and using materials that have minimal environmental impact.*
- b) *Deletion of the proposed 3m wide concrete access road and bridge.*

- c) *Relocation of the lookout to the vicinity of the southern side of the former proposed bridge.*
- d) *Deletion of the market stall components.*
- e) *Rehabilitation and restoration of the native vegetation on the site.*
- f) *Investigate ways to improve inclusive access to the proposed lookout, noting that this may require a suitable hard surface in this section.*
- g) *Investigate options to ensure that the project reflects and promotes Aboriginal connection and significance.*
- h) *Provision of information / education signage at the commencement of Stage 2 promoting the 5 Lands Walk, the features of the site and the funding source.*

1218/18 *Discuss with the funding body any potential changes including other related tourist and community projects such as safe pedestrian access for those participants of the 5 lands walk that use Del Monte Place to walk to the Captain Cook lookout and the existing Whale Viewing Platform at the Copacabana Beachfront.*

1219/18 *That staff liaise with the funding body about the proposed variation to the design.*

1220/18 *That the revised design be placed on exhibition for community comment.*

1221/18 *Results of the community consultation be brought back to Council prior to construction commencing on Stage 2 of the Winney Bay Cliff Top Walk.*

1222/18 *That Council adhere to the provisions of the previous resolution by this Council, that required there be no contracts signed until all the matters arising from community consultation have been dealt with.*

Council officers have liaised with Infrastructure NSW in relation to the resolution of 10 December 2018 as per resolutions 1218/18 and 1219/18.

Advice received from Infrastructure NSW is that:

...Council's proposal cannot be accepted due to the fact that the changes are very different to that of the scope approved by Government for funding. Also please note savings cannot be reinvested.

Should Council wish to proceed with the revised project Council will first need to decline the current project funding for RNSW1211 Winney Bay Cliff Top Walk Project before

reapplying for a new project. Council should then resubmit the new project, revised scope, revised cost plan, revised delivery schedule along with new CBA (cost benefit analysis) details to DPC (Department of Premier and Cabinet) for assessment.

Infrastructure NSW has requested a response advising that Council will either proceed with the project as approved or that Council will decline project funding for RNSW1211 Winney Bay Cliff Top Walk Project.

In order to develop concept sketches or designs for the Winney Bay Cliff Top Walk – Stage 2 for community consultation that are consistent with Council resolution 1217/18, design consultants will need to be engaged. Council resolution 1222/18 requires that there be no contracts signed until all matters arising from community consultation have been dealt with. It is recommended that Council approve the engagement of design with consultants for the preparation of designs for Winney Bay Cliff Top Walk – Stage 2 that are consistent with the Council resolution 1217/18 of 10 December 2018 is proposed. This will allow for designs to be presented for community consultation.

At its meeting of 29 January 2019 Council considered a rescission motion as follows:

MOVE that the following resolution carried at the Ordinary Meeting of Council held on 10 December 2018, be rescinded:

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

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

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

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

- g) Deletion of the market stall components.*
- 1217/18 *That Council prepare an amended design for Stage 2 of the project with the following alterations:*
- a) A pathway with a maximum 2m width, following the existing informal track and using materials that have minimal environmental impact.*
 - b) Deletion of the proposed 3m wide concrete access road and bridge.*
 - c) Relocation of the lookout to the vicinity of the southern side of the former proposed bridge.*
 - d) Deletion of the market stall components.*
 - e) Rehabilitation and restoration of the native vegetation on the site.*
 - f) Investigate ways to improve inclusive access to the proposed lookout, noting that this may require a suitable hard surface in this section*
 - g) Investigate options to ensure that the project reflects and promotes Aboriginal connection and significance.*
 - h) Provision of information / education signage at the commencement of Stage 2 promoting the 5 Lands Walk, the features of the site and the funding source.*
- 1218/18 *Discuss with the funding body any potential changes including other related tourist and community projects such as safe pedestrian access for those participants of the 5 lands walk that use Del Monte Place to walk to the Captain Cook lookout and the existing Whale Viewing Platform at the Copacabana Beachfront.*
- 1219/18 *That staff liaise with the funding body about the proposed variation to the design.*
- 1220/18 *That the revised design be place on exhibition for community comment.*
- 1221/18 *Results of the community consultation be brought back to Council prior to construction commencing on Stage 2 of the Winney Bay Cliff Top Walk.*
- 1222/18 *That Council adhere to the provisions of the previous resolution by this Council, that required there be no contracts signed until all the matters arising from community consultation have been dealt with.*

This motion was not carried.

Current Status

The final funding agreement between Council and Restart NSW for the \$4.615 million grant has not been signed; however staff are currently preparing a formal response to Infrastructure NSW to decline the \$4.615 million grant funds for the Winney Bay Cliff Top Walk – Stage 2 project.

Assessment/Report/Proposal/Tender Evaluation

Nil.

Consultation

Community consultation about the Winney Bay Cliff Top Walk – Stage 2 Project was undertaken between 27 September and 22 October 2018. Council's resolution (1220/18) requires that the revised design be placed on exhibition for community comment.

Options

Option 1 Recommended: Council formally decline the project funding of \$4.615 million on offer by Infrastructure NSW for RNSW1211 for the Winney Bay Cliff Top Walk – Stage 2. If a new funding application is to be prepared for Winney Bay Cliff Top Walk – Stage 2 that aligns with the amended design requirements determined by Council on 10 December 2018, a new application would be required and the current funding offer needs to be declined.

Option 2 Not Recommended: Council advise Infrastructure NSW that it will accept the funding of \$4.615 million for RNSW1211 for the Winney Bay Cliff Top Walk – Stage 2 and request the CEO to sign the final funding agreement for the funding. The project would continue as per its current scope, and would not be consistent with Council resolution 1217/18 of 10 December 2018. Given the scope of works would not be consistent with Council's resolution of 10 December 2018, this option is not recommended.

Financial Impact

There is no current identified source of funding for Winney Bay Cliff Top Walk – Stage 2, that complies with Council's amended design requirements determined on 10 December 2018. Advice from Infrastructure NSW is that Council may apply for new funding for a revised design for the Winney Bay Cliff Top Walk after formally declining the current funding offer.

They further advise that the resubmission should include: revised project scope, revised cost plan, revised delivery schedule along with the new cost benefit analysis. This information is required to support a new funding application for the Winney Bay Cliff Top Walk that is consistent with Council's resolution 1217/18 of 10 December 2018. Staff will be proposing an inclusion of \$20,000 of Council general funds be budgeted against the project as part of the

second quarter budget adjustments in order to proceed with preparation of an amended design in accordance with Council's resolution. This design on its own will not be sufficient to support a new grant application.

Social Impacts

The community consultation undertaken for the Winney Bay Cliff Top Walk – Stage 2 indicates a diversity of opinion on the potential impacts of the project.

Risk Management

The informal walking track along the cliff top at Winney Bay has seen increased use since the construction of the stairs and landings as part of Stage 1 of the Winney Bay Cliff Top Walk. Along some parts of its route, the informal trail runs close to the cliff edge. There are no barriers along much of the cliff edge.

Critical Dates or Timeframes

Council's formal response to Infrastructure NSW to decline the \$4.615 million grant funds for the Winney Bay Cliff Top Walk – Stage 2 project is currently being drafted for the CEO's consideration.

Applications for funding closed on Friday 1 February 2019 for the Regional Growth Fund: Environment and Tourism Fund. Subsequent funding rounds have not been announced. Other relevant funding programs will be investigated. Preparation of the required documentation for a new funding application that addresses the Infrastructure NSW requirements, incorporating appropriate further public consultation, is likely to take approximately 12 months. Other future funding opportunities may therefore need to be considered as they arise.

Link to Community Strategic Plan

Theme 5: Liveable

Goal L: Healthy lifestyle for a growing community

L-K2: Design and deliver pathways, walking trails and other pedestrian movement infrastructure to maximise access, inclusion and mobility to meet the needs of all community members.

Attachments

Nil.



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

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13447582

Author: Sonia Witt, Meeting Support Coordinator

Manager: Sarah Georgiou, Section Manager, Councillor Support

Executive: Shane Sullivan, Acting Director Governance

Summary

Council, at its meeting on 29 January 2019 resolved:

48/19 That Council defer the following items to the Ordinary Meeting to be held 11 February 2019:

Item 3.8 - Town Centre Review – Additional Information

Item 4.1 - Reports Due to Council

Item 6.2 - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection

Recommendation

- 1 That Council note the Deferred Item – Reports Due to Council which is Attachment 1 to this report.**
- 2 That Council receive the report on Deferred Item - Reports Due to Council.**

Attachments

- 1 Deferred Item 4.1 - Reports Due To Council D13447587**



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

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13361148

Author: Sonia Witt, Meeting Support Coordinator

Manager: Sarah Georgiou, Section Manager, Councillor Support

Executive: Shane Sullivan, Acting Director Governance

Report Purpose

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

Recommendation

That Council receive the report on Reports Due to Council.

Background

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

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

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

The attached report is current as at 15 January 2019.

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

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

4.1 Reports Due to Council (contd)

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

Attachments

- 1 Outstanding Reports Due to Council - December 2018 D13361267

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

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

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

Meeting Date	Item #	Report Title	Resolution - Report Required (as at end April 2018)	Due Date OR	Proposed Date	Completed	In Time	Area	Comments for Council Report
26-Nov-18	3.5	Aquatic Weed Management in Springfield and Holgate	<i>That Council proceed with appropriate bio controls that would include the mechanical removal in the first instance, using the Springfield site as pilot, and report back to the first Council meeting of 2019.</i>	29/01/2019	29/01/2019		Yes	E&P	This item is included on the 29 January 2019 Ordinary Meeting agenda.
26-Nov-18	3.11	Tender CPA/286371 – Supply of Tourism Marketing and Industry Services Contract	<i>That Council request the CEO to provide a report to the community on the Tourism and marketing achievements over the past 12 months.</i>		30/06/2020			Connected Communities	Report will be provided by June 2020.
26-Nov-18	4.4	Response to Notice of Motion - Littering - Enforcement and Education Review	<i>That Council request further information on the resourcing of the Rangers department to carry out the policy directives in Option 2, including litter blitzes, road side kerb litter, including a review and report of dog exercising options on our beaches from restricted times of 7pm - 7am.</i>		11/03/2019			E&P	This item is currently being investigated and will be reported to Council once completed.
26-Nov-18	7.1	Tender CPA/1298 - After Hours Call Centre Contract	<i>That Council request the Chief Executive Officer provide a further report on alternative delivery models.</i>		10/12/2019			Connected Communities	Report will be provided by the end of 2019.
10-Dec-18	4.1	Deferred Item - Town Centre Review	<i>That the Council request the Chief Executive Officer to provide a further report back to Council to the Jan 2019 meeting which details:</i> <ul style="list-style-type: none"> • Roles to be undertaken by Council • Proposed Role of regional board • The role of Councils Employment and Economic Development Committee • Local/place focus • Regional focus • Options to engage with stakeholders and Local Communities on Town Centre Activities 		29/01/2019			Connected Communities	This item is included on the 29 January 2019 Ordinary Meeting agenda.
10-Dec-18	4.5	Biodiversity Offsets	<i>That Council staff prepare a further report for Council on the outcome of investigations and negotiations prior to finalisation of any Biodiversity Stewardship Agreements by the NSW Biodiversity Conservation Trust.</i>		10/04/2019			E&P	This item is currently being investigated and will be reported to Council once completed.
10-Dec-18	4.7	Progress of Actions of the Destination Management Plan 2018-2021	<i>That Council receive a further report on the progress of the Destination Management Plan in twelve months.</i>		10/12/2019			Connected Communities	Further report will be provided by the end of 2019.



Item No: 4.2
Title: Meeting Record of the Employment and Economic Development Committee held 12 December 2018
Department: Governance

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13431879

Author: Zoie Magann, Advisory Group Support Officer

Manager: Jamie Barclay, Unit Manager, Economic Development and Project Delivery

Executive: Shane Sullivan, Acting Director Governance

Report Purpose

To present the draft Meeting Record of the Employment and Economic Development Committee held on 12 December 2018.

Recommendation

That Council note the draft Meeting Record of the Employment and Economic Development Committee held 12 December 2018.

Background

The Employment and Economic Development Committee held a meeting on 12 December 2018. The draft Meeting Record of that meeting is Attachment 1 to this report.

There are no actions recommended to Council. The Meeting Record is being reported for information only in accordance with the Terms of Reference.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

Attachments

1 Draft Employment and Economic Development Committee Meeting Record - 12 December 2018	D13431876
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Employment and Economic Development Committee Meeting Record 12 December 2018



Central
Coast
Council

Location:	Central Coast Council Wyong Office Level 2 Function Room 2 Hely Street, Wyong	
Date:	12 December 2018	
Time	Started at: 5:07pm	Closed at: 6:29pm
Chair	Mayor Jane Smith	
File Ref	F2018/00100	

Present:

Mayor Jane Smith, Councillor Kyle MacGregor, Councillor Bruce McLachlan (arrived 5.17pm), Councillor Jilly Pilon (left 5.53pm), Councillor Jeff Sundstrom, William Adames, John Asquith (arrived 5.12pm), Mike Goodman, Brad Wilson (left 6.29pm)

Council Staff present:

Jamie Barclay – Unit Manager Economic Development and Project Delivery, Zoie Magann – Advisory Group Support Officer

Item 1 Apologies

Councillor Chris Holstein, Michael Pilon

The Chairperson, Mayor Jane Smith, declared the meeting open at 5.07pm and undertook an Acknowledgement of Country.

Item 2 Disclosure of Interest

Councillor McLachlan previously declared a less than significant non-pecuniary interest as a business owner on the Central Coast.

Brad Wilson previously declared less than significant non-pecuniary interests as a Regional Development Officer for Central Coast Community Council, and his involvement with the Community Automotive Sport and Recreation (CASAR) Park which has a DA with Council.

Item 3 Confirmation of Previous Meeting Record

The Advisory Group confirmed the Meeting Record from 12 September 2018.

The Advisory Group reviewed the Action Log.

Item 4 Update on Economic Development Strategy

The Unit Manager Economic Development and Project Delivery provided a presentation on the development of the Economic Development Strategy (EDS). The Advisory Group noted the importance of social factors/impacts being included in the EDS, particularly for their effect on wellbeing and relevance to the Community Strategic Plan (CSP) theme 'Belonging'.

Action: The presentation provided by Jamie Barclay to be circulated to Advisory Group members.

Action: Advisory Group members to forward any further comments on the EDS on to the Advisory Group Support Officer within two weeks of the meeting.

**Item 5 Update on Employment and Economic Development Projects and Proposals
 currently in the System**

The Unit Manager Economic Development and Project Delivery provided a presentation on the various employment and economic development projects and proposals currently in the system.

Item 6 Unlocking Employment Lands

The Unit Manager Economic Development and Project Delivery provided a presentation on commercial and industrial market opportunities in terms of employment lands on the Central Coast. The Advisory Group noted the importance of prioritising lands in the Warnervale Employment Zone (WEZ) for consideration as these are Council owned lands.

The Advisory Group noted the need for constraint mapping for Industrial / Employment lands across the Central Coast Local Government Area (LGA) to identify priority areas for short-medium term ease of activation.

Action: The Advisory Group requests that further information is provided on constraint mapping at a future meeting.

At 6.29pm the Quorum was lost and in accordance with Section Three of the Terms of Reference the meeting was adjourned. Items 7, 8 and 10 were consequently deferred to a future meeting.



Item No: 4.3
Title: Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 13 December 2018
Department: Governance

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13431981

Author: Zoie Magann, Advisory Group Support Officer

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

Executive: Scott Cox, Director, Environment and Planning

Report Purpose

To note the draft Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 13 December 2018.

Recommendation

That Council note the draft Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 13 December 2018.

Background

On 13 December 2018, the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held a meeting. The draft Meeting Record of that meeting is Attachment 1 to this report.

There were no actions recommended to Council. The Meeting Record is being reported for information only in accordance with the Terms of Reference.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

Attachments

1 Draft Catchments and Coast Committee Brisbane Water and Gosford Lagoons Meeting Record - 13 December 2018	D13431982
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Catchments and Coast Committee Brisbane Water and Gosford Lagoons Meeting Record

13 December 2018



Central
Coast
Council

Location:	Central Coast Council Gosford Office Level 1 Committee Room 49 Mann Street, Gosford	
Date:	13 December 2018	
Time	Started at: 2.05pm	Closed at: 4.07pm
Chair	Mayor Jane Smith	
File Ref	F2018/00097	

Present:

Mayor Jane Smith, Councillor Richard Mehrtens (left 3.56pm), Adrian Williams, Ian Caruthers, Andrew Jones, Michael Kilp, Jenny McCulla (left 3.49pm), Samantha Willis

External Representatives present:

Peter Scanes – Office of Environment and Heritage (left 3.17pm)

Council Staff present:

Scott Cox – Director Environment and Planning (left 3.46pm), Peter Ham – Unit Manager Waterways and Coastal Protection, Ben Fullagar – Section Manager Coastal Protection, Warren Brown – Waterways and Coastal Management Officer, Zoie Magann – Advisory Group Support Officer

Item 1 Apologies

Councillor Troy Marquart, Michael Alsop, Lara Davis – Office of Environment and Heritage, Neil Kelleher – Office of Environment and Heritage, Peter Sheath – Section Manager Waterways

The Chairperson, Mayor Jane Smith, declared the meeting open at 2.05pm and undertook an Acknowledgement of Country.

Item 2 Disclosure of Interest

No Disclosures were noted.

Item 3 Confirmation of Previous Meeting Record

The Advisory Group noted that Council was successful with being offered funding under the Rescuing Our Waterways program for dredging at the Ettalong channel. It was also noted that Council has committed to matching that funding in the current budget and future budgets.

The Advisory Group confirmed the Meeting Records from 21 June 2018 and 20 September 2018.

The Advisory Group reviewed the Action Log.

Item 4 Presentation from Peter Scanes

Peter Scanes from the Office of Environment and Heritage (OEH) provided the Advisory Group with a presentation on catchment and estuary conditions.

Action: The Advisory Group requests an update on follow-up actions to address the estuary condition report card for Avoca Lagoon at the next meeting.

Action: Staff to circulate appropriate sections of the presentation provided by Peter Scanes to the Advisory Group.

Item 5 Overview of Coastal and Estuary Management Plans

Ben Fullagar (Section Manager Coastal Protection) provided a presentation on Council's Coastal Zone Management Plans (CZMPs), including an overview of some of the current key projects arising from these plans.

Item 6 Finances Adopted for 2018/19

Ben Fullagar (Section Manager Coastal Protection) provided an overview of 2018/19 projects for the Waterways and Coastal Protection Unit. It was noted there is an interactive map on the [Council Asset Projects](#) section of the Council website, which shows capital works planned for the 2018/19 financial year.

Item 7 Grant Opportunities

Ben Fullagar (Section Manager Coastal Protection) provided a presentation on the different grant opportunities available for Waterways and Coastal Protection projects, including the Coastal and Estuary Grants Program (Office of Environment and Heritage) and Stronger Communities.

Item 8 Funding 2019/20

The Advisory Group discussed priorities for internal funding for 2019/20 and future budgets. Scott Cox (Director Environment and Planning) provided a brief overview on the status of the Consolidated Local Environmental Plan (LEP) and Development Control Plan (DCP).

Peter Ham (Unit Manager Waterways and Coastal Protection) provided a brief overview of existing CZMPs and the need to replace these with Coastal Management Programs.

Action: Advisory Group members to send through any questions on the projects in the 2019/20 budget to the Advisory Group Support Officer for passing on to staff.

Action: Staff to provide Advisory Group members with a list of priority projects identified in the respective CZMP's, which the Group may consider recommending for inclusion in future budgets.

Item 9 Floodplain Management Plans

Peter Ham (Unit Manager Waterways and Coastal Protection) provided an overview of Council's Floodplain Management Plans. The Advisory Group noted the importance of including environmental outcomes and management as part of a response to issues on the floodplains, particularly in terms of how natural systems can be accommodated.

Item 10 Vision for the Committee

Item deferred to a future meeting.

Item 11 General Business and Close

It was noted that Central Coast Council will be hosting the annual NSW Coastal Conference in 2019.

Action: Advisory Group Support Officer to send out a reminder with the Meeting Record about Advisory Group members forwarding any questions to staff in preparation for next meeting.

Action: The Advisory Group requests that Warren Brown provide his presentation on 'A Short History of Coastal Management at Ettalong and Umina' at the next meeting.

The meeting closed at 4.07pm

Next Meeting: **Thursday 21 March 2018**
 2pm – 4pm
 Central Coast Council Gosford Office
 Level 1 Committee Room



Item No: 4.4
Title: Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 19 December 2018
Department: Governance

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13432169
Author: Zoie Magann, Advisory Group Support Officer
Manager: Peter Ham, Unit Manager, Waterways and Coastal Protection
Executive: Scott Cox, Director, Environment and Planning

Report Purpose

To note the draft Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 19 December 2018.

Recommendation

That Council note the draft Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 19 December 2018.

Background

The Catchments and Coast Committee Tuggerah Lakes held a meeting on the 19 December 2018. The draft Meeting Record of that meeting is included as Attachment 1 to this report.

There were no actions recommended to Council. The Meeting Record is being reported for information only in accordance with the Terms of Reference.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

Attachments

- 1 Draft Catchments and Coast Committee Tuggerah Lakes Meeting Record - 19 December 2018 D13432162

Catchments and Coast Committee Tuggerah Lakes Meeting Record 19 December 2018



Central
Coast
Council

Location:	Central Coast Council Wyong Office Level 2 Committee Room 2 Hely Street, Wyong	
Date:	19 December 2018	
Time	Started at: 2.02pm	Closed at: 4.09pm
Chair	Mayor Jane Smith	
File Ref	F2018/00098	

Present:

Mayor Jane Smith, Councillor Louise Greenaway, Councillor Jilly Pilon (arrived 2.15pm), Michael Campbell, Doug Darlington, Robert Davies, Marlene Pennings, Samantha Willis

External Representatives present:

Lara Davis – Office of Environment and Heritage, Neil Kelleher – Office of Environment and Heritage

Council Staff present:

Peter Ham – Unit Manager Waterways and Coastal Protection, Ben Fullagar – Section Manager Coastal Protection, Danielle Hargreaves – Section Manager Learning and Education, Peter Sheath – Section Manager Waterways, Nick Carson – Environmental Education Officer, Vanessa McCann – Ecologist, Nicole McGaharan – Ecologist, Zoie Magann – Advisory Group Support Officer

Item 1 Apologies

Councillor Doug Vincent, Graham Hankin

The Chairperson, Mayor Jane Smith, declared the meeting open at 2.02pm and undertook an Acknowledgement of Country.

Item 2 Disclosure of Interest

Mayor Jane Smith declared a less than significant non-pecuniary interest due to her involvement with the development of the Tuggerah Lakes education programs as a teacher for the Department of Education.

Mayor Jane Smith declared a less than significant non-pecuniary interest as a founding board member of the Central Coast Marine Discovery Centre, which is supporting a proposal for research project in Tuggerah Lakes.

Item 3 Confirmation of Previous Meeting Record

The Advisory Group confirmed the Meeting Record from 31 October 2018.
The Advisory Group reviewed the Action Log.

Action: An update on Action 22 to come to a future meeting of the Advisory Group once the Council report has been completed.

Item 4 Feedback from Previous Meeting

No feedback was received.

Item 5 Education and Engagement

Nick Carson (Environmental Education Officer) provided a presentation on the various environmental educational programs that Council delivers, including tours and workshops.

The Advisory Group noted concerns about the method of lawn maintenance that Council employs in terms of lawn clippings not being collected, which may result in them being washed into estuaries.

Peter Sheath (Section Manager Waterways) advised there is funding in the 2019/20 budget allocated to conducting a desktop assessment on compliance.

Item 6 Educational Resource

The Advisory Group noted an educational resource forwarded from Ray Mizzi. The resource is a web based course that includes units of work based on the Tuggerah Lakes and is aligned to the NSW curriculum.

Item 7 Wrack Update

Peter Sheath (Section Manager Waterways) provided further information on wrack, including information on collection and disposal methods, associated costs, and the reuse of wrack as a resource.

The Advisory Group noted Central Coast Sustainability Cluster Group is planning to do some work with Council's Waste section, and the Advisory Group may be able to provide some feedback in terms of wrack disposal.

The Advisory Group noted the information provided by Graham Hankin in regards to the Central Coast Marine Discovery Centre's proposal for a research project involving black ooze in Tuggerah Lakes.

Action: The Advisory Group requests that staff liaise with the Waste section of Council to explore future options for wrack re-use in development of a Waste Management Strategy.

Action: The Advisory Group requests that staff make contact with academics at The University of Newcastle to discuss the possibility of investigating fish habitats in Tuggerah Lakes and the potential environmental impacts of the wrack collector.

Item 8 Integrated Water Cycle Management Strategy

Peter Sheath (Section Manager Waterways) provided an overview of the Integrated Water Cycle Management Strategy including the management of coastal wetlands and Porter's Creek Wetland

The Advisory Group discussed the protection of Porters Creek wetland, the previously proposed Stormwater Harvesting Scheme and how development within the catchment may impact on Porter's Creek wetland.

Action: The Advisory Group request that a staff member from the Planning section of Council be invited to the next meeting to discuss current development controls that are in place to minimise impacts on Porters Creek wetland, and provide insight into relevant developer contributions and their allocation.

Action: The Advisory Group request that enquiries are made into inviting someone to a future meeting to provide information on the biodiversity and hydrology of Porters Creek wetlands, in particular the wetting and drying cycles for the wetlands.

Item 9 2019/20 Budget

Item deferred to the February meeting as the first agenda item.

Item 10 General Business and Close

No general business was discussed.

The meeting closed at 4.09pm

Next Meeting: **Wednesday 27 February 2019**
 4pm – 6pm
 Central Coast Council Wyong Office
 Level 2 Committee Room



Item No: 5.1
Title: QON - Q139/18 - Proactive release Airport documents on website
Department: Governance

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13399089

Author: Lisa Fox, Research and Response Officer Governance

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

Executive: Shane Sullivan, Acting Director Governance

5.1 QON - Q139/18 - Proactive release Airport documents on website

The following question was asked by Councillor Louise Greenaway at the Ordinary Meeting on 13 August 2018:

One of the documents currently listed on Council's website in relation to the Warnervale Airport proactive release is the Warnervale Airport Opportunities Feasibility Study. Council's website states that the report can only be viewed in person at Council, and not online due to "Copyright restrictions". I understand that Council is the copyright holder. This is confusing to me and to members of the community. Could staff please advise how Council can decline to release a document on the basis that Council itself holds copyright when it is undertaking a process of proactive release.

A redacted version of the Warnervale Airport Opportunities Feasibility Study became accessible via Council's website on 19 November 2018, after the relevant copyright holders outside and within Council waived their right to copyright.

On Council's website it is noted that:

This 2013 study has been superseded by later reports and Council resolutions of the former Wyong Shire Council and the Central Coast Council.

The purpose of this study was to review the existing Warnervale Airport operations and potential opportunities, at that time.

This study was prepared by Wyong Shire Council and it includes information that was sourced from third parties. Those third parties did not give copyright consent to reproduce that material and it has been redacted.

Other information throughout the report has also been redacted because it is considered to be commercial-in-confidence.



Item No: 5.2
Title: QON - Q220/18 - Airport Masterplan on Internet
Department: Governance

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13399422

Author: Lisa Fox, Research and Response Officer Governance

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

Executive: Shane Sullivan, Acting Director Governance

5.2 QON - Q220/18 - Airport Masterplan on Internet

The following question was asked by Councillor Jilly Pilon at the Ordinary Meeting on 12 November 2018:

Can staff please confirm if the AMP is on the Council Website? If not, can staff please advise why it was taken down?

The AMP is on Council's website.

The "Airport Master Plan (AMP)" is referred to as "the Central Coast Aviation Hub Concept Plan" in Council Business papers and on Council's website.

The Central Coast Aviation Hub Concept Plan was an attachment to the Business paper for the Ordinary Council meeting on 27 November 2017. This business paper and attachments are available on the agendas and minutes page on the website.

The Wyong Employment Zone / Airport proactive release page on Council's website also contains a link to the Central Coast Aviation Hub Concept Plan.



Item No: 5.3
Title: QON - Q217/18 - Community Forum Speakers
Department: Governance

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13417793

Author: Sarah Georgiou, Section Manager, Councillor Support

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

Executive: Shane Sullivan, Acting Director Governance

5.3 QON - Q217/18 - Community Forum Speakers

The following question was asked by Councillor Sundstrom at the Ordinary Meeting on 12 November 2018 :

Is there an issue preventing potential speakers from registering to speak at the community forum? I was made aware tonight that a community member that made an attempt to register that she thought was successful and another that attempted unsuccessfully 6 times to register. Neither community member was successfully registered.

The first Public Forum was successfully held immediately before the Ordinary Council Meeting on 12 November 2018.

Council staff have not been made aware of any issues preventing speakers from registering to speak at the Public Forum.

All members of the public can request to address Council at a Public Forum, the only requirements are that:

1. they need to notify Meeting Support of their request by no later than 10am on the day of the Council Meeting; and
2. the topic they request to speak on needs to be on the Agenda of the Council Meeting.

Members of the public can notify Meeting Support of their request to speak at a Public Forum via telephone (02 4350 5222) or email (meetingsupport@centralcoast.nsw.gov.au).

A confirmation email is then sent to the member of the public to confirm their successful registration and to ensure that they complete the [Request to Speak form](#). The [Request to Speak form](#) is required to be completed before the start of the Public Forum by each registered speaker.

All of this information and more is available on Council's website.

Council Staff would welcome any feedback around registration challenges for members of the Public in relation to Public Forums.



Item No: 5.4
Title: QON - Q233/18 - Dogs Allowed on Ocean Beach
Department: Environment and Planning

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13418683

Author: Ben Fullagar, Section Manager, Coastal Protection

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

Executive: Scott Cox, Director, Environment and Planning

5.4 QON - Q233/18 - Dogs Allowed on Ocean Beach

The following question was asked by Councillor Gale Collins at the Ordinary Meeting on 26 November 2018:

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

New signs relating to dog restrictions on beaches have been installed at Umina Beach at the previous locations on the beach accesses. New signs have been ordered for Ocean Beach and will also be placed at the beach accesses within the next month. Due to the current levels of erosion and sand movement along this beach, it is not feasible to place the signs directly on the beach itself. Ongoing sand movements will render the posts unstable, potentially leading to safety issues for beach users and high replacement costs.

Attachments

Nil.



Item No: 5.5
Title: QON - Q237/18 - Wyong Coastal Zone Management Plan
Department: Environment and Planning

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13432109
Author: Ben Fullagar, Section Manager, Coastal Protection
Manager: Peter Ham, Unit Manager, Waterways and Coastal Protection
Executive: Scott Cox, Director, Environment and Planning

5.5 QON - Q237/18 - Wyong Coastal Zone Management Plan

The following question was asked by Councillor Troy Marquart at the Ordinary Meeting on 10 December 2018:

The Wyong Coastal Zone Management Plan posted on the current Council link notes that:

Page 4: Council's long term strategy is managed retreat of assets and infrastructure from coastal risk areas.

Page 12: Council's risk treatment strategy is planned or managed retreat.

The draft Climate Change Policy is out to public consultation now, so Planned Retreat is not currently adopted.

Why are the above incorrect statements in the WCZMP?

The *Wyong Coastal Zone Management Plan 2011 (WCZMP)* was adopted by the former Wyong Shire Council and can be found via a link on the main Council [Coastal Zone Management](#) webpage.

The WCZMP included a long term strategy of managed retreat of assets and infrastructure from coastal high risk areas as one component of risk management within an adaptive management framework.

As with all other former Councils' documentation, the Coastal Zone Management Plans from both former Councils (Wyong and Gosford) are being considered for consistency. The new *NSW Coastal Management Act 2016* requires all coastal Councils to prepare Coastal Management Program/s by December 2021, and these will replace all existing coastal environmental management plans including Coastal Zone Management Plans. The new Plan/s will include improved hazard mapping, and will be developed to include any policies adopted by the Central Coast Council such as the Climate Change Policy and any associated sub-plans.

Attachments

Nil.



Item No: 5.6
Title: QON - Q238/18 - Davistown Wetlands
Department: Environment and Planning

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13431770

Author: Peter Sheath, Section Manager, Waterways

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

Executive: Scott Cox, Director, Environment and Planning

5.6 QON - Q238/18 - Davistown Wetlands

The following question was asked by Councillor Gale Collins at the Ordinary Meeting on 10 December 2018 :

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

A report is being prepared to address this issue. Relevant property valuations are currently being completed. A report will be submitted for consideration at the Confidential Session of Council's Ordinary Meeting on 8 April 2019.

Attachments

Nil.

Item No: 5.7
Title: QON - Q239/18 - Terrigal Boat Ramp
Department: Environment and Planning

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13441682

Author: Warren Murphy, Section Manager Contracts and Projects

Executive: Jamie Loader, Acting Director, Environment and Planning

5.7 QON - Q239/18 - Terrigal Boat Ramp

The following question was asked by Councillor Gale Collins at the Ordinary Meeting on 10 December 2018:

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

The Terrigal boat ramp trailer parking forms part of the Terrigal Haven reserve. The current condition of the signage relating to the boat trailer parking within the reserve can be seen in the photos below.





Council officers only issue penalty notices where signs are clear and visible at the time of the offence. The signage at the boat ramp is in good order and Council officers will continue to enforce parking restrictions where the signs are clear and visible.

Attachments

Nil.



Item No: 5.8
Title: QON - Q240/18 - Leases
Department: Connected Communities

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13441130

Author: Phil Cantillon, Unit Manager, Leisure and Lifestyle

Executive: Julie Vaughan, Director, Connected Communities

5.8 QON - Q240/18 - Leases

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 10 December 2018:

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

There are a number of legacy leases and licenses that fit this category. Current records indicate the following:

- 19 leases/licence agreements for electricity substations;
- 14 leases/licence agreements (organisations such as Community training groups, Community Gardens, Lions Club, Landcare); and
- 6 leases that relate to various community land leases.

Council does not currently issue new leases or licenses for extended terms over 30 years for nominal rents of less than \$500 per year, and is currently reviewing the use and management of its community facilities to ensure a consistent approach.

Attachments

Nil.



Item No: 5.9
Title: QON - Q222/18 - Director Insurance for Councillors
Department: Governance

11 February 2019 Ordinary Council Meeting

Trim Reference: F2019/00145 - D13404480

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

Executive: Shane Sullivan, Acting Director Governance

5.9 QON - Q222/18 - Director Insurance for Councillors

The following question was asked by Councillor Bruce McLachlan at the Ordinary Meeting on 12 November 2018:

Would it be possible for Council to please make enquiries into providing Directors Insurance for Councillors, to cover individual claims against Councillors?

Council already holds this insurance cover for Councillors pursuant to the requirements under [section 382 of the Local Government Act 1993](#) (the Act) and as set out in Council's [Councillors Expenses and Faculties Policy](#) at clauses 72 to 73.

Council's [Councillors Expenses and Faculties Policy](#) also contains the provision at clause 76 that Council will also indemnify or reimburse Councillors for the reasonable legal expenses in certain circumstances, such as when a Councillor acted in good faith or acted in the course of exercising a function under the Act.

Council has an insurance policy with the *Statewide Mutual Scheme* (the Scheme) which covers Councillors for such claims made against them, in relation to their Councillor duties. It does not cover actions that may be initiated by the Councillor. The relevant cover includes the following:

1. Councillors and Officers Liability

The Scheme will pay to or on behalf of any covered person the financial loss of such covered person which arises from or is a consequence of any claim first made against such covered person during the period of protection or the extended reporting period (if applicable) save to the extent that such covered person is indemnified by Council. No excess is applicable.

2. Council Defamation, Libel and Slander

The Scheme will pay to, or on behalf of, the Council any financial loss which arises from or is a consequence of any claim, other than an employment practices claim, against the Council in respect of defamation, libel and slander, which is first made during the period of protection or the extended reporting period (if applicable). There is a \$5,000

excess applicable for an investigation and a \$10,000 excess applicable for a claim relating to a By-Election.

The term *defamation, libel and slander*, for all purposes in connection with the protection provided under this Covering Clause, means: unintentional libel, unintentional slander or other unintentional defamation by the Council.

The policy is renewed every July and the period of protection is for the term that a Councillor is appointed as a Councillor. It is a claims made policy (as opposed to an occurrence based policy) and Councillors should notify the Chief Executive Officer should they have a claim made against them.



Item No: 6.1
Title: Deferred Item - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection
Department: Councillor

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13447649

Author: Greg Best, Councillor

Summary

Council, at its meeting on 29 January 2019 Council resolved:

48/19 That Council defer the following items to the Ordinary Meeting to be held 11 February 2019:

Item 3.8 - Town Centre Review – Additional Information

Item 4.1 - Reports Due to Council

Item 6.2 - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection

- 1 That Council note the Deferred Item – Notice of Motion – Responsible Feral Animal Trapping and Domestic Pet Protection which is Attachment 1 to this report.**
- 2 That Council recognises the excellent and important work by Staff and our Community Groups around dealing with the ravages of the feral animal attacks on our native fauna.**
- 3 That Council, in response to Community concern around humane feral animal trapping and the necessary protections for domestic pets, provide a thorough report on all aspects of this initiative including full details of current trapping contracts over the past three years and their specific processes and methods.**

Attachments

- 1 Deferred Item 6.2 - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection** D13447651

Item No: 6.1
Title: Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection
Department: Councillor



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13438146

Author: Greg Best, Councillor

Councillor Best has given notice that at the Ordinary Council Meeting to be held on 29 January 2019 he will move the following motion:

- 1 That Council recognises the excellent and important work by Staff and our Community Groups around dealing with the ravages of the feral animal attacks on our native fauna.**
- 2 That Council, in response to Community concern around humane feral animal trapping and the necessary protections for domestic pets, provide a thorough report on all aspects of this initiative including full details of current trapping contracts over the past three years and their specific processes and methods.**

Councillor Note

Dear Councillors, Just by way of background I have recently received from the Pestsmart Organisation their Standard Operating Procedure for Best Practice Management and the Humane Treatment of Feral Animals while minimising the impact on domestic pets. It is an interesting read and highlights the importance of managing this highly sensitive issue, I trust this assists.

Cr Best

Attachments

- 1 Trapping of Feral Cats D13438323**



Standard Operating Procedure CAT003: Trapping of feral cats using padded-jaw traps

Prepared by Trudy Sharp

Background

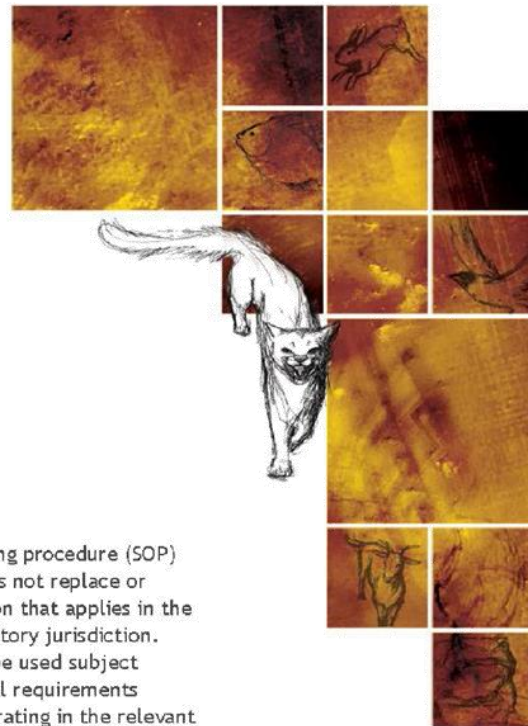
Feral cats prey upon a wide range of mammals, birds, reptiles, amphibians and insects. In some areas of Australia, especially many of the offshore islands, feral cats represent a significant threat to vulnerable and endangered native fauna. They may also have an indirect adverse impact on wildlife and livestock through the transmission of diseases such as toxoplasmosis and sarcosporidiosis. A variety of control methods have been used including shooting, trapping, poison baiting and exclusion fencing. Although trapping is considered an ineffective tool for large areas, it may be useful in urban/residential areas where domestic cats are present, or in areas where populations have already been reduced and individual cats need to be targeted.

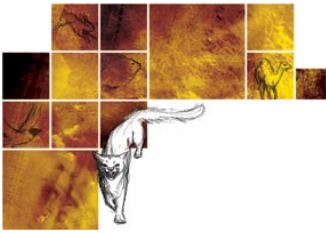
Live trapping followed by euthanasia is one of the main methods of control currently used. In urban/residential areas, cage traps or soft net traps are preferred over leg hold traps as fewer injuries are sustained, non-target animals can be released unharmed and trapped feral cats can be transported away from the area for euthanasia. Refer to [CAT002 Trapping of feral cats using cage traps](#) and [GEN003 Trapping using soft net traps](#). Leg-hold (padded-jaw) traps should only be used at sites where the animal can be killed by shooting whilst still held in the trap. Leg-hold traps may be more effective than cage traps for hard-to-catch cats that have had minimal exposure to humans.

This standard operating procedure (SOP) is a guide only; it does not replace or override the legislation that applies in the relevant state or territory jurisdiction. The SOP should only be used subject to the applicable legal requirements (including OHS) operating in the relevant jurisdiction.

Application

- Trapping is time-consuming and labour intensive and is therefore an inefficient method for large-scale feral cat control in Australia.
- Trapping in non-urban areas should be restricted to late autumn and early winter when food availability is generally low and capture of non-target species is reduced.
- Traps have the potential to cause significant injuries, suffering and distress so should only be used when there is no suitable alternative.
- Humane and successful trapping requires extensive training and experience.
- Selection of appropriate traps and trap sites will maximise the chance of capture and minimise the distress caused to target and non-target animals.
- Every effort must be made to avoid target and non-target deaths from factors such as exposure, shock, capture myopathy and predation.





CAT003: Trapping of feral cats using padded-jaw traps



Image: Chris Rumpf

- Traps must be inspected daily to prevent suffering and possible death from exposure, thirst, starvation and/or shock.
 - It is preferable to set up traps at sites where vegetation can provide shade and shelter. However, sites should be avoided where there is a risk of the trapped animal becoming entangled in understorey vegetation, which could result in dislocation of the limb.
 - Where possible, trapping should be avoided when adverse weather conditions threaten the welfare of trapped animals.
 - Captured animals must be approached carefully and quietly to reduce panic, further stress and risk of injury.
 - To minimise the animal welfare implications of leaving dependant kittens to die a slow death from starvation, it is preferable not to undertake trapping when females are lactating eg September to March in non-urban habitats. There is a high probability that any female cat over six months old that is caught during this time will be pregnant or lactating.
 - If lactating females are caught in a trap, efforts should be made to find dependent kittens and kill them quickly and humanely. Litters may be found near to the trap site in the base of hollow tree trunks, among boulders etc.
- Before euthanasing a trapped cat, first establish that it is a feral cat, rather than a domestic pet or stray cat. Trapped cats that appear to be domesticated/ owned i.e. wearing a collar or have a friendly temperament, should be taken to the nearest council pound for assessment. It is recommended that the public be notified before commencement of a feral cat trapping program.
 - Once trapped, feral cats are euthanased by shooting whilst still held by the trap.
 - Traps must be used in accordance with relevant State and Territory legislation (see Table 1). In some States, for example, Western Australia, a permit may be required to trap within certain municipalities.
 - Shooting of feral cats should only be performed by skilled operators who have the necessary experience with firearms and who hold the appropriate licences and accreditation. Storage and transportation of firearms and ammunition must comply with relevant legislation requirements.

Animal welfare considerations

Impact on target animals

- Leg-hold traps cause pain and distress in two ways; pressure of the trap jaws on the captured limb and restraint of the animal. Padded -jaw traps cause less trauma than unpadded traps but injuries will inevitably occur to some cats. These range from swelling of the foot and lacerations to dislocations and fractures.
 - To reduce capture distress, trapped feral cats must be killed as quickly and humanely as possible following capture.
- Traps are not target specific, so a wide range of non-target species may be caught. These can include birds (eg ravens, magpies, pied currawongs), kangaroos, wallabies, rabbits, hares, echidnas, goannas, wombats, possums, bandicoots, bilbies, quolls and sheep.
 - Different groups of non-target animals suffer different levels of injury and distress. For example:
 - Wallabies often experience serious injuries eg dislocations, due to the morphology of their limbs and because they become very agitated when restrained.
 - Goannas (eg lace monitors) also suffer from dislocations and can die from hyperthermia.
 - Birds, rabbits and hares can be preyed upon by foxes, cats and wild dogs while caught in traps.
 - Traps must not be set near areas such as waterholes or gully crossings that are regularly frequented by non-target species.



- Non-target animals caught in traps must be examined for injuries and signs of illness or distress and dealt with as follows:
 - Animals which are unharmed or have only received minimal injuries, eg minor cuts or abrasions, should be immediately released at the site of capture.
 - Animals which have more severe injuries or which are suffering from thermal stress should receive appropriate attention. An animal suffering from thermal stress can initially be placed in a suitable quiet holding area which provides warmth or shade to allow recovery before release. Animals with treatable injuries that cannot be immediately released or those failing to recover from thermal stress should be presented to a veterinarian or a registered wildlife carer for treatment.
 - Animals that have injuries which are untreatable or which would compromise their survival in the wild should be euthanased using a technique that is suitable for the species. For more information on euthanasia techniques refer to [GEN001 Methods of euthanasia](#).
 - If a domestic pet is caught, it should be taken to the nearest animal shelter, council pound or veterinarian where it can be examined for injuries, scanned for a microchip and the owner contacted, or assessed for suitability for re-homing.
 - If wild dogs or foxes are caught in the trap they must be euthanased quickly and humanely by a shot to the brain using an appropriate firearm (refer to [DOG001 Trapping of wild dogs using padded-jaw traps](#) and [FOX005 Trapping of foxes using padded-jaw traps](#)).
- Operators should be wary of the risks of injury when placing and setting traps. Protective clothing, boots and leather gloves may help prevent injuries from shovels, hammers and trap jaws.
 - Firearms are potentially hazardous. All people should stand well behind the shooter when an animal is being shot. The line of fire must be chosen to prevent accidents or injury from stray bullets or ricochets.

Equipment required

Traps

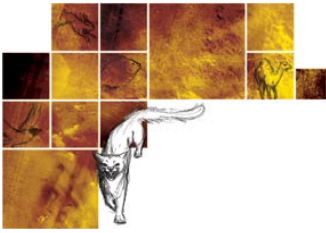
- Approved padded-jaw traps suitable for catching feral cats must be used eg. Victor Soft-Catch® trap no. 1½. It is illegal to use steel-jawed traps in most States and they are not recommended for use in any circumstances on animal welfare grounds.
- Traps must have the following characteristics:
 - The jaws have no teeth.
 - The jaws are offset to increase the space between them when closed. (ie. a distance of 6-8mm remains when the jaws are closed).
 - Each jaw has a rubber-like pad to cushion the impact of the jaws on the limb and to prevent the limb sliding out. The padding fills the offset gap when the jaws are closed.
- Traps should also have:
 - A spring placed in the anchor chain to act as a shock absorber, reducing the chance of dislocation of the captured limb. Swivels are located on both ends of the anchor chain allowing the trap to twist as the animal struggles to escape.

Health and safety considerations

- Trapped cats can be dangerous to handle. They will be nervous and aggressive and can inflict serious injuries with teeth and claws. If feral cats are killed at the site of capture, there should be no need to handle them directly. However, if handling is necessary, leather gloves and a catching pole should be used. Operators must be protected by tetanus immunisation in case of infection of scratches and bites. Bite wounds often result in serious infections and should be treated by a doctor.
- Care must be taken when handling feral cat carcasses as they may carry diseases such as toxoplasmosis, ringworm and sarcosporidiosis that can affect humans and other animals. Routinely wash hands after handling all carcasses.



Image: Peter Wright



CAT003: Trapping of feral cats using padded-jaw traps



Image: Daryl Panther

- Adjustable pan tension so that an appropriate force is required to depress the pan and trigger the trap. This minimises the chance of non-target animals setting off the trap.

Lures

- A variety of olfactory, visual or auditory stimuli may be used to lure cats into trap sets. Olfactory lures include synthetic fermented egg, catnip, tuna oil, cat urine and anal gland preparation and also soiled cat litter from a cattery. Visual lures such as bird feathers and cotton wool can be used, although these may not be needed if the trap is clearly visible or the meat bait has a strong odour. Cat calling machines or 'felid attraction phonic' devices, which emit a cat meowing sound, can also be used as a lure.
- The attractiveness of lures will vary with season and location.

Meat baits

- A handful of meat bait is placed near the trap. Rabbit, chicken, beef, fish, lamb, kangaroo, tinned cat food, sardines and tuna have all been used as bait.
- Capture efficiency may be improved by using bait that reflects the cat's staple prey for the area rather than being novel.
- Attractiveness and palatability of the bait will vary with season and location.

Firearms and ammunition

- Firearms no smaller than a .17 calibre rimfire with hollow/soft point ammunition are recommended for euthanasia.
- 12 gauge shotguns with shot sizes of BB or AAA may also be used.
- The accuracy and precision of firearms should be tested against inanimate targets prior to the commencement of any shooting operation.

Procedures

Selection of trap sites

- Traps should be set in areas where cats are known to be active and may be placed under bushes, beside vehicle tracks and at rabbit warrens. They can be set at the entrance to fallen hollow logs so as to provide cover for the trapped cat and also to allow the bait to be hidden from view of non-target bird species. Do not set traps near fences and other objects such as small trees, bushes etc. in which the trapped cat may become entangled.
- The location of all trap sites must be accurately recorded and marked. This information should be readily available to others in case the trapper is unable to return to check the traps.

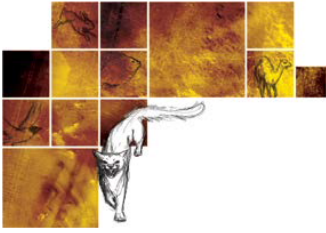
Setting of traps

- It is preferable to set traps at the end of each day and check early each morning. If traps are left set during the day, they should be checked again in late afternoon.
- Before setting each trap ensure that it is functioning properly.
- Traps should only be anchored to stakes or fixed objects if there is a shock absorbing device such as a spring fitted to the anchor chain and a swivel attaching the chain to the trap. It is recommended to use a short length of chain (approx 50 cm). Alternatively the trap can be tied to 'drags', objects such as rocks, solid pieces of steel or small logs that will move when the cat pulls against the trap.
- Set the trap and place into position in the hole in the ground. Ensure that surrounding shrubs or debris will not interfere with the spring mechanism.
- Carefully camouflage the area around the trap with leaves, grass debris etc. but leave a slightly cleared area (10-15 cm) over the area of the plate.



Table 1: Relevant state and territory animal welfare and related legislation relevant to the use of traps

State	Legislative Act	Description
New South Wales	<u>Prevention of Cruelty to Animals Act 1979</u>	Use of steel-jaw traps is prohibited. Trapping with padded-jaw traps, cage traps and treadle snares is permitted.
Queensland	<u>Animal Care and Protection Act 2001</u>	Steel-jaw traps are not prohibited traps.
Australian Capital Territory	<u>Animal Welfare Act 1992</u>	Use of steel-jaw traps is prohibited. Trapping with padded-jaw traps, cage traps and treadle snares is permitted.
Northern Territory	<u>Animal Welfare Act 2000</u>	Use of steel-jaw traps is prohibited. Trapping with padded-jaw traps is permitted.
Tasmania	<u>Animal Welfare Act 1993</u>	Leg-hold traps and snares are prohibited.
South Australia	<u>Animal Welfare Act 1985</u>	Small steel-jaw traps are prohibited. Large steel-jaw traps are prohibited in most areas except for wild dog control along the dingo fence and for research purposes. The large steel-jaw traps are required to be bound with cloth soaked strychnine or modified.
Victoria	<u>Prevention of Cruelty to Animals Act 1986</u> <u>Prevention of Cruelty to Animals Regulations 2008</u>	Mandatory features of traps, conditions of use, inspection periods and where traps may be set are specified for all trap types. All steel-jaw traps are prohibited. Padded traps are permitted for wild dogs, foxes and rabbits. Confinement traps, net traps and rodent kill traps are permitted. Lethal snares are illegal. Non-kill snares and kill traps require Ministerial approval.
Western Australia	<u>Animal Welfare Act 2002</u> <u>Agriculture and Related Resources Protection (Traps) Regulations 1982</u>	Steel-jaw traps are permitted for wild dog control. The jaws must be bound with a cloth soaked in strychnine. Only padded steel-jawed traps are permitted for fox control and use in research programs. Permits are required to set traps in metropolitan areas. Neck snares are illegal.



CAT003: Trapping of feral cats using padded-jaw traps

- Place the meat bait approximately 10-15 cm behind the plate of the trap. Lures should be placed in suitable positions around the trap.

Identification of feral cats

- Feral cats are similar in appearance to domestic cats; however when in good physical condition, the feral cat has increased overall muscle development, which is especially noticeable around the head, neck and shoulders, giving the animal a more robust appearance.
- Feral cats are predominately short-haired with coat colours ranging between ginger, tabby, tortoiseshell, grey and black. White markings may be present, particularly on the chest, paws and abdomen, but completely white cats are very rare. Ginger cats are more likely to be found in semi-arid and desert areas, while grey and black cats are found in scrub and forests.
- Unlike domestic cats, feral cats do not bury their scats, but leave them exposed at prominent sites to warn other cats of its territorial boundary.

Shooting of feral cats

- Trapped feral cats should be euthanased by shooting whilst still held by the trap.
- It can be difficult to shoot feral cats humanely as they become very nervous and agitated when restrained and in the presence of people. Unnecessary people should keep away from the area. The shooter should



Image: Grahame Kelly

approach the animal in a calm and quiet manner.

- Never fire when the cat is moving its head, be patient and wait until the cat is motionless before shooting. Accuracy is important to achieve a humane death. One shot to the head should ensure instantaneous loss of consciousness and rapid death without resumption of consciousness.
- To maximise the impact of the shot and to minimise the risk of misdirection the range should be as short as possible eg 10-25 cm from the head if using a rifle, or 1-2 m if using a shotgun.
- Effectiveness of shooting is dependent upon the destruction of major centres at the back of the brain near the spinal cord. This can be achieved by one of the following methods (see Diagrams 1, 2 and 3):

Frontal position (front view)

The firearm is aimed at the centre of the head slightly below a line drawn midway between the ears.

Temporal position (side view)

Aim horizontally from the side of the head at a point midway between the eye and the base of the ear. Death of shot animals should always be confirmed by observing the following:

- Absence of rhythmic, respiratory movements
- Absence of eye protection reflex (corneal reflex) or 'blink'
- A fixed, glazed expression in the eyes
- Loss of colour in mucous membranes (become mottled and pale without refill after pressure is applied).

If death cannot be verified, a second shot to the head should be taken immediately.

Further information

Contact the relevant federal, state or territory government agency from the following list of websites:

- Australian Department of the Environment and Energy
<http://www.environment.gov.au/>
- Australian Department of Agriculture and Water Resources
<http://www.agriculture.gov.au/>
- ACT Transport Canberra and City Services
<http://www.tccs.act.gov.au/city-living>



Diagram 1: Recommended shot placements for feral cats

Note: Head shots (temporal or frontal) should be used for shooting feral cats caught in traps. See text for details.

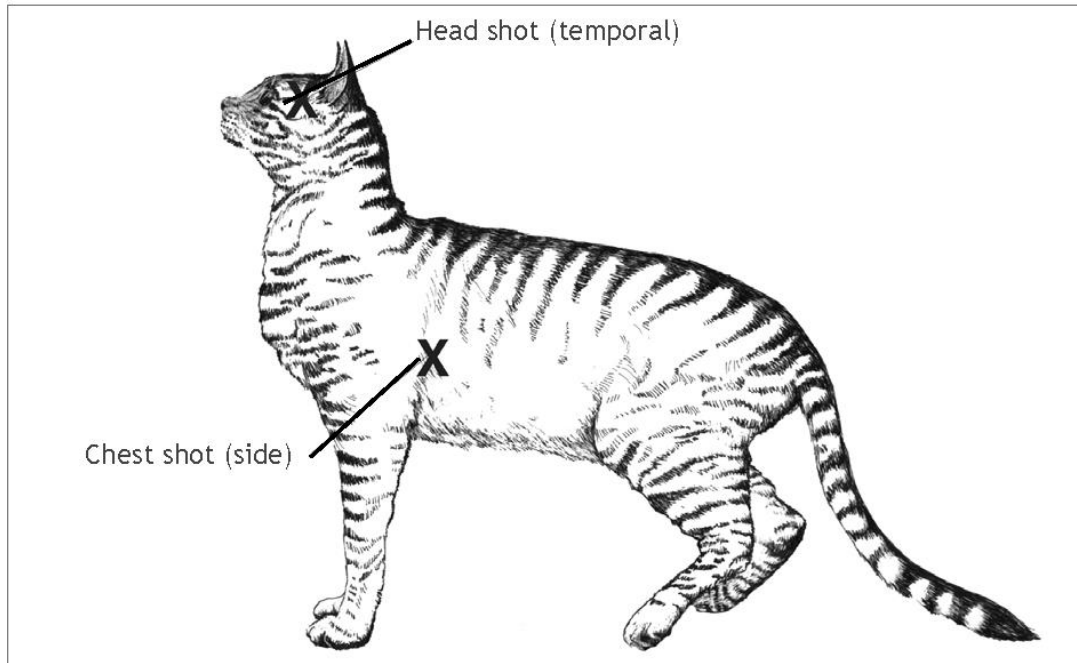


Diagram 2: Side view (skeleton)

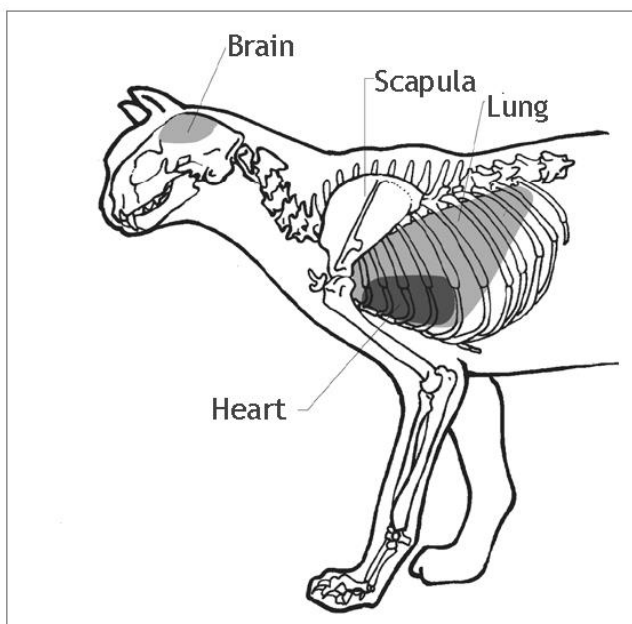
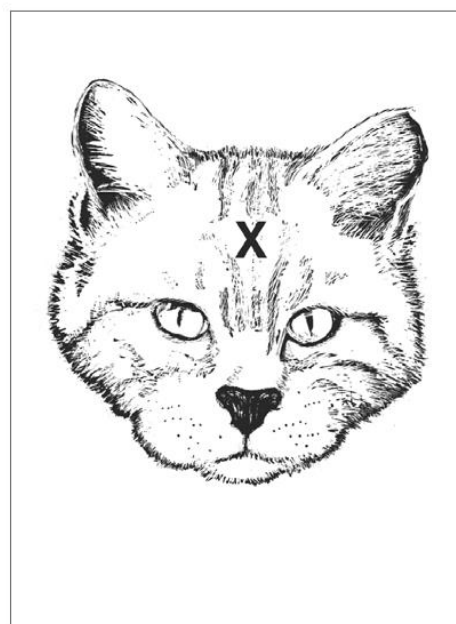
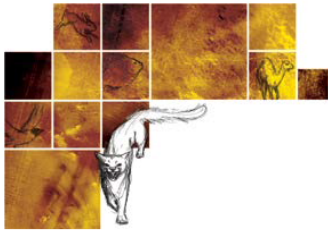


Diagram 3: Head shot (frontal)





CAT003: Trapping of feral cats using padded-jaw traps

- NSW Department of Primary Industries
<http://www.dpi.nsw.gov.au>
- NT Department of Land Resource Management
<https://landresources.nt.gov.au/>
- QLD Department of Agriculture and Fisheries
<https://www.daf.qld.gov.au/>
- SA Department of Primary Industries and Regions
<http://www.pir.sa.gov.au/biosecurity>
- TAS Department of Primary Industries, Parks, Water and Environment
<http://dpipwe.tas.gov.au/>
- VIC Department of Economic Development, Jobs, Transport and Resources
<http://economicdevelopment.vic.gov.au/>
- WA Department of Agriculture and Food
<https://www.agric.wa.gov.au/>

Also refer to:

The Centre for Invasive Species Solutions

<https://invasives.com.au/>

or <http://www.pestsmart.org.au>

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CENTRE FOR
INVASIVE SPECIES SOLUTIONS

The Centre for Invasive Species Solutions manages these documents on behalf of the Invasive Plants and Animals Committee (IPAC), and has reformatted these in accordance with IPAC meeting no 9, agenda item 3.5. The authors of these documents have taken care to validate the accuracy of the information at the time of writing [August, 2016]. This information has been prepared with care but it is provided "as is", without warranty of any kind, to the extent permitted by law.



Item No: 6.2
Title: Notice of Motion - Riggs on the Horizon II
Department: Councillor

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13448615

Author: Greg Best, Councillor

Councillor Best has given notice that at the Ordinary Council Meeting to be held on 11 February 2019 he will move the following motion:

- 1 That Council, on behalf of its 340,000 residents and ratepayers, reaffirm its strident opposition to the current off shore gas and oil exploration currently being undertaken just off our coastline using controversial seismic blasting.**
- 2 That Council further note that the Federal Minister, The Honorable Matt Canavan, through his Department of Industry, is now conducting community information and feedback forums in Newcastle City.**
- 3 That Council respectfully request that Federal community forums now also be held on the Central Coast. as this off shore gas and oil mining project will have a significant impact on our scenic Central Coast Council, and it is unreasonable to expect local concerned residents to attend Newcastle meetings.**
- 4 That Council now make representation to Newcastle City Council with a view to developing a strategic and regional working relationship around this developing issue with outcomes of the above actions being reported to Council, as this project has the potential to impact the Central Coast and Hunter Regions.**

Councillors Note

As resolved at the Ordinary Meeting held on 26 February 2018;

113/18 *That Council notes with great concern that Asset Energy, a subsidiary of ADVENT Energy has recently been granted government approval to commence oil and gas exploration only ten nautical miles east of Norah Head Lighthouse.*

They will be using controversial seismic blasting commencing March 15 through to May 30, 2018, delivering thousands of seismic blasts to the seafloor.

114/18 *That Council strongly supports its local community in calling for an urgent halt to any such questionable exploration due to the chronic lack of public consultation and the real prospect of significant environmental damage.*

- 115/18 *That Council recognises the urgency around this matter and that a delegation make representation to the Federal Minister to intervene.*
- 116/18 *That Council request the Acting Chief Executive Officer to report in open council the outcome and any undertakings arising from any such delegation. The report should also include full details of this controversial Ocean Oil and Gas Mining Proposal.*
- 117/18 *That Council note its sister councils to the north, Newcastle and Port Stephens are also lobbying this issue and that we liaise with these councils.*
- 118/18 *That Council notes that the State Minister for Mineral Resources and Energy Mr Don Harwin has publicly opposed such an exploration approval.*

Notice of Motion - Riggs on the Horizon II

The following question was asked by Councillor Best at the Ordinary Meeting on 13 August 2018 :

Council, a few months ago, supported a Motion titled "Riggs on the Horizon" about oil and gas exploration off Norah Head. I would appreciate a report on any progress to date and included in the report a copy of the correspondence requested to be sent to the Federal Government.

As reported to Council on 29 October 2018, correspondence was sent to the Federal Minister for the Environment requesting that the Minister receive a delegation from Council, and requesting that the Minister intervene regarding the oil and gas exploration.

A response has now been received from the Minister for Resources and Northern Australia (attached). The Minister has advised that his Department will be hosting a number of consultation events in early 2019.

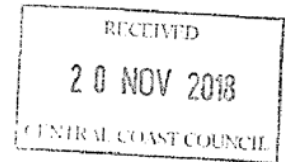
Attachments

- 1** Response - Seismic Blasting off the Central Coast D13392152



Senator the Hon Matthew Canavan

Minister for Resources and Northern Australia



Mr Gary Murphy
Chief Executive Officer
Central Coast Council
PO Box 20
WYONG NSW 2259

MC18-003272

15 NOV 2018

Dear Mr Murphy *Gary*

Thank you for your letter of 21 September 2018 to the Hon Melissa Price MP, Minister for the Environment, concerning Asset Energy's exploration activity offshore of New South Wales. Your letter has been referred to me as the Minister responsible for offshore exploration. I apologise for the delay in responding.

I understand the Council's concern about the risks of offshore exploration, and appreciate that the New South Wales coastal region is important to the local tourism and fishing industries and deserves strong protection. Exploration for oil and gas offshore of New South Wales, including the collection of extensive geophysical data, has occurred safely for over 30 years.

Australia has one of the most robust regulatory regimes for offshore oil and gas in the world. No petroleum activity, including seismic surveys, can occur without a valid petroleum title and an environment plan accepted by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). NOPSEMA's environmental regulation of Australia's oil and gas sector has been subject to independent reviews and NOPSEMA has been found to be a robust and competent regulator.

NOPSEMA's environment plan assessment process involves comprehensive and detailed consideration of the impacts and risks to the environment by the proposed activity. NOPSEMA must not accept an environment plan unless satisfied that these impacts and risks will be reduced to as low as reasonably practicable and to acceptable levels. This includes consideration of potential impacts and risks to other marine users, including tourism, fishing and other regional industries, as well as impacts and risks to the natural environment.

The most recent activity in this area was a seismic survey completed by Asset Energy in April 2018. A summary of the environment plan for the survey is available on the NOPSEMA website, comprising an overview of the activity, environmental impact and risk assessment and the consultation undertaken. NOPSEMA has published a Statement of Reasons for their decision to accept the environment plan. This statement provides detailed information about why the likely impacts to marine species and to commercial and recreational fishing were deemed acceptable and as low as reasonably practicable. A copy of the statement is available on the NOPSEMA website: www.nopsema.gov.au/assets/epdocuments/A591123.pdf.

In November 2017, I announced a series of reforms to improve the consultation practices and transparency of the offshore oil and gas sector. These reforms will ensure the Australian public has a better understanding of the process used to decide where, when and how offshore petroleum activities take place and ensure more information on environmental management is made public. The reforms include a community engagement program to provide the public with more information the petroleum approvals processes for activities in Commonwealth waters.

My department will be hosting a number of consultation events in Newcastle early in the new year. A roundtable meeting is intended to provide councils with an opportunity to find out more about the regulatory processes for offshore oil and gas activities, including seismic activities. Representatives from the department and NOPSEMA will be available to answer questions on regulation and environment approvals.

A community drop-in session will provide members of the public with information about the regulation of offshore petroleum, including seismic activities. Community members will be able to meet with representatives from a number of Commonwealth and New South Wales Government agencies, and ask questions to better understand the roles and responsibilities of each agency. I encourage you to attend the meeting and drop-in session. For more information, contact: offshoreenvironment@industry.gov.au.

Thank you for writing on this matter.

Yours sincerely



Matthew Canavan



Item No: 6.3
Title: Notice of Motion - 2020 Tuggerah Lakes Restoration Project
Department: Councillor

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13448670

Author: Greg Best, Councillor

Councillor Best has given notice that at the Ordinary Council Meeting to be held on 11 February 2019 he will move the following motion:

- 1 That Council notes it has now been some 30 years since a major 'whole of lakes' Restoration Project was undertaken through the then Greiner Government and it's Minister for the Environment, Hon Tim Moore's \$13million restoration allocation.***
- 2 That Council recognises that there has been some welcome funding support through State programs such as 'Rescuing Our Waterways' that has provided a total of \$425,000 for limited channel dredging works.***
- 3 That Council note, despite Council's and Community Volunteer efforts, our lake system continues to struggle under the weight of urbanisation. It is with this understanding that Council now seek to engage all levels of Government, in the timely lead up to the 2019 Elections, taking a 'whole of lakes' approach through triggering a much needed 2020 Tuggerah Lakes Restoration Project.***

Councillors Note

Dear Colleagues

It is sobering to speak to the community who are outraged that we are now back in this siltation situation again. So incensed are some, that they have asked me to consider a name change of Tumbi Creek to a more nautical theme, that of 'Ship Creek'. As we all know, many a serious word was said in jest. We must call on all levels of Government to partner Council and the community in dealing with this major issue.

Attachments

Nil.



Item No: 6.4
Title: Notice of Motion - Draft DCP Hazard Category Conformation Motion
Department: Councillor

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13449120

Author: Troy Marquart, Councillor

Councillor Marquart has given notice that at the Ordinary Meeting to be held on 11 February 2019 he will move the following motion:

Recommendation

- 1** *The withdrawal of chapter 3.1 of the Draft DCP until after such time that the Chapter has been exhibited inclusive of the proposed Hazard Category mapping for a minimum of 6 weeks and subsequent feedback duly considered.*
- 2** *A report to Council detailing how many properties currently zoned with development rights (residential or commercial type) will subsequent to the adoption of this policy fall in to categories H4 and above and face complete sterilization of development rights.*
- 3** *That Council, referencing clause 4(c) advise what depth of flood they consider "safe access" for emergency vehicles, as enquiries with the relevant agencies have resulted in advice that "no official policy relating to depth of flood / safe access" currently exists.*
- 4** *That Council consider and report on the requirement and impact of the requirement under clause 7 that all homes experiencing a flood depth of circa 20cm or greater (H2 category) must display a 600 x 600mm "Flood Danger" sign prominently on their property.*

Councillors Note

The Draft DCP currently on exhibition is a complex policy comprising over 120 separate documents.

Amongst the detailed information being exhibited is **Chapter 3.1 – Floodplain Management**.

This Chapter introduces a new "Hazard" categorization to be applied via 6 separate categories, H1 through to H6.

6.4 Notice of Motion - Draft DCP Hazard Category Conformation Motion (contd)

These Hazard categories will be applied to every property in the LGA subject to any form of flood affectation, Catchment or Coastal.

The proposed hazard categories will impact many thousands of homes, possibly 30,000 plus. The proposed hazard categories apply various development constraints depending on flood affectation culminating in the complete sterilization of residential properties from all future development in categories H4 and above.

For some other land uses, such as residential subdivision, the Chapter proposes the consideration of the PMF or Possible Maximum Flood, an event the SES describes as having an occurrence probability of 1 in 10,000 to 1 in 10,000,000 Years!

The DCP, while referencing hazard mapping, actually includes NO MAPPING for the proposed Hazard zones within the exhibition documents, nor any guidance that would allow residents to reasonably ascertain which Hazard category that Council will apply to their property. The Draft DCP Floodplain Management Chapter can be found in section 3.1 using the following link (3.1 in DCP): <https://www.yourvoiceourcoast.com/27902/documents/93972>

Clause 4(c) states: Low flood hazard emergency vehicle road access (Ambulance, SES, RFS) during a 1% AEP flood event.

Clause 7 states: Appropriate signage on a minimum of one prominent internal or external wall indicating flood hazard of the area. Sign to be a minimum size 600mm x 600mm. od Warning" sign prominently on their property

Attachments

Nil.