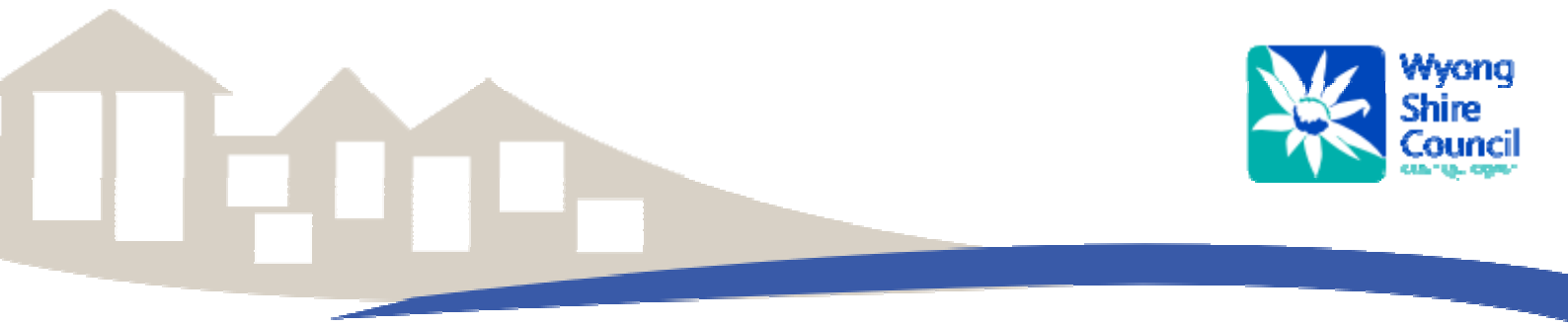


Wyong Shire Council

## **ORDINARY COUNCIL MEETING**

### **ENCLOSURES**

Wednesday, 28 March, 2012



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**WYONG SHIRE COUNCIL**  
ENCLOSURES TO THE  
**ORDINARY COUNCIL MEETING**  
TO BE HELD IN THE COUNCIL CHAMBER,  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON WEDNESDAY, 28 MARCH 2012 ,  
COMMENCING AT 5:00 PM

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23 November 2011  
To the Ordinary Meeting

Director's Report  
Environment and Planning Services  
Department

### 3.1 DA/200/2011 - Residential Flat Building Comprising Three (3) Townhouses and Separate Dwelling-House at North Entrance

TRIM REFERENCE: - D02797414

MANAGER: Peter Fryar, Manager Development Assessment

AUTHOR: Jenny Webb; Senior Development Planner

#### SUMMARY

An application has been received for the demolition of an existing dwelling-house and the construction of a residential flat building containing three (3) x 2 storey split level townhouses as well as a separate 2 storey split level dwelling-house with boat shed. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	SJH Planning and Design
<b>Owner</b>	Mr A A Sammut
<b>Application No</b>	DA/200/2011
<b>Description of Land</b>	4 Brogden Road, The Entrance North
<b>Proposed Development</b>	Demolition of the existing dwelling house and construction of a residential flat building containing three (3) x 2 storey split level townhouses as well as a separate 2 storey split level dwelling house with boat shed.
<b>Site Area</b>	1024m <sup>2</sup>
<b>Zoning</b>	2(b) Multiple Dwelling Zone
<b>Existing Use</b>	Dwelling house
<b>Estimated Value</b>	\$875,000
<b>Employment Generation</b>	N/A

#### RECCOMENDATION

- 1 *That Council, refuse development application DA/200/2011, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues, for the following reasons:*
  - a *Pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979 the development fails to comply with Clause 15 of Wyong Local Environmental Plan as no assessment of the proposed development has been undertaken in accordance with the Acid Sulphate Soils Assessment Guidelines.*
  - b *Pursuant to Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with Wyong Development Control Plan 2005 Chapter 64 – Multiple Dwelling Residential Development in terms of building height, rear setback, carparking, driveway design, floor space ratio, private open space and fencing .*

- c Pursuant to Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979 the proposed development would unreasonably increase risks to people and property as a result of flooding.
- d Pursuant to Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979 the proposed development is an overdevelopment of the site.
- e Pursuant to Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979 the site is not considered to be suitable for the proposed development having regard to Council's Flood Prone Land Development Policy and NSW Floodplain Development Manual.
- f Pursuant to Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979 the site is not considered to be suitable for the proposed development having regard to NSW Government Sea Level Rise Policy Statement and supporting Guidelines.
- g Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 the proposal is not considered to be in the public interest given it does not adequately consider the impacts of climate change, in particular sea level rise, on the development.
- h Pursuant to Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979 it would not be in the public interest to approve the proposal given its departure from Council's Flood Prone Land Policy which will set an undesirable precedent.

#### ORDINARY MEETING HELD ON 23 NOVEMBER 2011

**RESOLVED on the motion of Councillor EATON and seconded by Councillor WEBSTER:**

***That Council defer this matter for further negotiations between the applicant, the Mayor and the General Manager to improve the development and compliance with Council policies and report back to Council.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, VINCENT AND WEBSTER

AGAINST: COUNCILLORS SYMINGTON AND WYNN

#### PRECIS

- The application is reported to Council in accordance with Council's resolution of 10 March 2010 regarding applications affected by the State Government's Sea Level Rise Policy.
- The application seeks approval for the demolition of an existing dwelling house and the construction of a residential flat building containing three (3) townhouses as well as a separate dwelling house.
- The site is zoned 2(b) - Multiple Dwelling Residential Zone under the provisions of Wyong Local Environmental Plan 1991 (WLEP 1991). In accordance with WLEP 1991, both a residential flat building and dwelling-house are permissible with consent.

- The Entrance Peninsula Planning Strategy (TEPPS) identifies that a public foreshore pathway should be located partially within the subject site. The current Masterplanning process being undertaken by Council supports the proposal for a public pathway in this location.
- A number of variations to DCP 2005 Chapter 64 - Multiple Dwelling Residential Development are proposed and as a result, the proposal is considered to be an overdevelopment of the site.
- The subject property is fully flood affected during a 1% Annual Exceedance Probability (AEP) flood event by flood water originating from Tuggerah Lakes. The 1% AEP flood level for this development is RL 2.2m Australian Height Datum (AHD). Existing ground levels range between 1m AHD and 2m AHD, which results in flood depths between 0.2m and 1.2m across the site during the 1% AEP design flood event. The site is also affected by velocities from The Entrance Channel.
- The NSW Sea Level Rise Policy Statement and supporting documents apply to the development. The higher sea level rise bench mark of 0.9m has been added to the 1% AEP flood level, which yields a design flood level of 3.1m AHD and a sea level rise flood planning level of 3.6m AHD.
- The flood hazard category applicable to the development is a combination of "High Hazard Floodway" and "High Hazard Flood Storage" and the application is recommended for refusal.

## **INTRODUCTION**

### **The Site**

The site comprises a single parcel of land known as Lot 21 DP 11682, No 4 Brogden Road, The Entrance North. It is adjacent to The Entrance Bridge and is separated from The Entrance Channel by a thin strip of reclaimed land, which is owned by the Crown and leased to the current owner of the site. The site has an area of 1024m<sup>2</sup> with a 15.24 metre frontage to Brogden Road and an average depth of 66 metres.

The site has an east-west orientation and from the rear of the site or from an elevated position, enjoys expansive views to the south west across The Entrance Channel to The Entrance. Views to the west across Tuggerah Lakes are interrupted by The Entrance Bridge.

There is an existing single storey fibre-cement clad dwelling house, which is proposed to be demolished, and an existing timber jetty on the leased Crown Land, which is to remain. Surrounding development typically comprises single dwellings of various ages and there is a contemporary residential flat building containing 3 units immediately to the south of the subject site.

The site is fully flood affected and is generally flat, with a slight fall toward The Entrance Channel.

### **The Proposed Development**

It is proposed to demolish the existing dwelling house and construct a residential flat building containing three (3) x 2 storey split level townhouses as well as a separate 2 storey split level dwelling house with boat shed at the rear of the site. Each of the townhouses and the dwelling house contain two (2) bedrooms as identified on the plans, although Council's

Development Control Plan (DCP) states that ‘any room that can be adapted for use as a bedroom, whether or not building alterations are involved’ is to be considered as a bedroom. As such, each of the townhouses and the dwelling house contain three (3) bedrooms for assessment purposes.

The proposed development comprises:

Unit 1 (dwelling house) - Adjacent to the site’s water frontage, a two (2) storey dwelling house comprising a boatshed at RL 1.20; recreational storage and garaging together with a laundry space, ‘mudroom’, wine cellar and deck at RL 2.30; kitchen, living, dining and bathroom at RL 3.90 and two (2) bedrooms plus a lounge room space (considered to be a third bedroom for assessment purposes) at RL 5.0.

Unit No’s 2, 3 and 4 (townhouses) comprise lock-up garages, entry foyers and powder rooms at RL 2.20; kitchen, living, dining and decks at RL 2.70 and first floor bedrooms, lounge space (considered to be a bedroom for assessment purposes) and bathrooms at RL 4.9 and RL 5.7.

The townhouses vary in height from approximately 6.6m to 7.2 m to the ceiling and overall up to 9 m to the top of the roof structure. Proposed finishes include texture coated masonry/brickwork, selected weatherboard cladding and “colourbond” roof, gutter and downpipe.



**South Elevation**

**Summary**

The main issues associated with proposed development relate to the number of variations to DCP 2005 Chapter 64 and the flood prone nature of the site. The Entrance Peninsula Planning Strategy identifies a public pathway across the rear of the site, adjacent to The Entrance Channel. In this regard, the applicant has made some provision for the future acquisition of land by Council and therefore, while not ideal, this issue could be dealt with should consent be granted.

However, the proposal is considered to be an over development of the site, resulting in a number of non-compliances with the DCP. In addition, the flood affectation of the site is a considerable constraint and the true flood hazard category applicable to the development has been identified during the assessment as a combination of High Hazard Floodway and High Hazard Flood Storage. The development controls under Council's Flood Prone Land Development Policy specify that 'New Development' in the high hazard flooding categories will not be approved.

Based on the non-compliances with DCP 2005 Chapter 64 and the Flood Prone Land Development Policy, it is considered that the site is unsuitable for the density of development proposed and the application is recommended for refusal.

### VARIATIONS TO POLICIES

The following variations to Council policy are proposed:

Clause	4.2(b)
Standard	7 metre height limit exceeded by 0.2 m (2.9% variation)
LEP/DCP	DCP Chapter 64
Departure basis	N/A (Application recommended for refusal)

Clause	5.3.2
Standard	4.5 m rear setback varied by up to 2.3 m (51% variation)
LEP/DCP	DCP Chapter 64
Departure basis	N/A (Application recommended for refusal)

Clause	5.4.2
Standard	Resident parking varied by 1 space (16.6% variation)
LEP/DCP	DCP Chapter 64
Departure basis	N/A (Application recommended for refusal)

Clause	5.5.2(d)
Standard	2 m driveway offset varied by 1.5 m (75% variation)
LEP/DCP	DCP Chapter 64
Departure basis	N/A (Application recommended for refusal)

Clause	6.1(a)
Standard	0.6:1 FSR exceeded by 0.1 (1.4% variation)
LEP/DCP	DCP Chapter 64
Departure basis	N/A (Application recommended for refusal)

Clause	9.1.1
Standard	45 m <sup>2</sup> private open space with minimum

	dimension of 4.5 m varied by 1.2 m <sup>2</sup> for units 2 and 3 (2.7% variation)
LEP/DCP	DCP Chapter 64
Departure basis	N/A (Application recommended for refusal)

Clause	12.1.1(h)
Standard	Courtyards not to be within front setback (100% variation for unit 4)
LEP/DCP	DCP Chapter 64
Departure basis	N/A (Application recommended for refusal)

Clause	3.1
Standard	20 m setback to high water mark (79% variation)
LEP/DCP	DCP Chapter 99
Departure basis	N/A (Application recommended for refusal)

Clause	N/A
Standard	No New Development in High Hazard Flood Areas
LEP/DCP/Policy	F5 – Flood Prone Land Development Policy
Departure basis	N/A (Application recommended for refusal)



## HISTORY

Development Application No 484/2008 for the demolition of structures and the construction of a residential flat building containing 12 units at No's 2 and 4 Brogden Road and No' 2A and 6 Hargraves Street was refused in September 2009. The application was refused for a number of reasons including carparking issues; non-compliance with the Urban Design and Planning Principles of TEPPS; non-compliance with setback requirements, non-compliance with the design quality principles of SEPP 65 - Design Quality of Residential Flat Development; privacy, overshadowing and noise concerns; and insufficient information being provided in relation to future site inundation due to climate change, sea level rise and storm surge scenarios.



**Site subject to refusal of DA/484/2008**

An appeal against the refusal of DA/484/2008 was heard in the Land and Environment Court (LEC) in September 2009. Council contended that no provision was made for public access along the foreshore to link areas of open space as identified in TEPPS and that the proposal did not appropriately respond to its prominent location on the foreshore and as a gateway site to The Entrance through its scale, form and massing. The proposed development also did not properly respond to its contextual setting and site opportunities and constraints through design features such as the carparking, building lines, setbacks, lack of landscaping and poor internal amenity.

In conjunction with the Appeal, Council also considered a report on the potential acquisition of some of the subject site for the purpose of the public pathway at the Ordinary Meeting of Council on 23 September 2009. Council resolved as follows:

1. *“That Council seek the dedication of approximately 200m<sup>2</sup> of land to be bought into Council’s public ownership.*
2. *That Council authorise the proposed draft condition of consent to facilitate Item 1.*

3. That Council authorise the payment of reasonable compensation for the acquisition of land as outlined in Item 1. This should be guided by the principles of the Land Acquisition (Just Terms Compensation) Act 1991 and be based on assessment by a qualified valuer.
4. The Council authorise the Mayor and General Manager to negotiate and execute all documents relating to the Transfer.”
5. That Council provide a further report on this land, if the current development application is refused by the Court and in any event on the other lands potentially necessary for the waterfront promenade. Such report to include description of existing development and development potentials, options re costings and physical works necessary as well as comments from affected owners.
6. That Council exempt this motion from the provisions of the Code of Meeting Practice to allow the motion to be actioned from 9.00am on Thursday 24 September 2009 for the reason that the matter will form part of the Land and Environment Court proceedings to be held on 24 September 2009.

The Appeal was dismissed and DA/484/2008 for the demolition of all existing structures and the construction of a residential flat building containing 12 units at No's 2-4 Brogden Road and No's 2A and 6 Hargraves Street, The Entrance North was refused. Importantly, TEPPS was given considerable weight in deciding to refuse the application particularly in relation to the provision of public access along the foreshore. The implementation of TEPPS is currently progressing through the Masterplan process.

Following the lodgement of the current development application, concerns were again raised in relation to the provision of future public access. Various meetings were held between Council staff, the applicant and the applicant's planning consultant. As a result of these discussions, it was suggested that provision be made for a future public footpath with a minimum width of 5 metres adjacent to the lake foreshore.

## PERMISSIBILITY

The site is zoned 2 (b) -Multiple Dwelling Residential Zone pursuant to WLEP 1991. The development comprises two separately defined uses, being a 'residential flat building' and a 'dwelling house', both of which are permissible with consent in the 2(b) zone.

***“residential flat building means a building containing 3 or more dwellings.***

***dwelling-house means a building containing one, but not more than one, dwelling.”***

While the proposed development is permissible with consent, Clause 10 of WLEP 1991 states that Council must not grant consent to the carrying out of a development unless, in the opinion of the Council, the proposed development is compatible with the objectives of the zone within which the development is proposed to be carried out. The objectives of the 2(b) - Multiple Dwelling Residential Zone are:

- (a) *to cater for a wide range of housing types essentially domestic in scale and character and generally not exceeding a height of 2 storeys, and*
- (b) *to provide for other uses which:*
- (i) *are compatible with the residential environment and afford services to residents at a local level, and*
  - (ii) *are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential uses, and*
- (c) *to provide home-based employment where such will not:*
- (i) *involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or*
  - (ii) *have a material adverse impact on residents.*

The proposed development is consistent with objective (a) of the 2(b) Multiple Dwelling Residential Zone in terms of providing for a range of housing types, and not exceeding 2 storeys in height. Objective (b) is to provide for other uses within the 2(b) Multiple Dwelling Residential zone that are compatible with the residential environment and objective (c) seeks to provide for home-based employment that will not impact on residents. As the development only proposes residential housing, objectives (b) and (c) are not considered relevant to the application.

## RELEVANT STATE/COUNCIL POLICIES AND PLANS

The application has been assessed against the relevant provisions of the following environmental planning instruments, plans and policies:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 71 – Coastal Protection
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX)
- Wyong Local Environmental Plan 1991
- Wyong Shire Development Control Plan 2005
  - Chapter 60 – The Entrance District
  - Chapter 64 – Multiple Dwelling Residential Development
  - Chapter 67 – Engineering Requirements for Development
  - Chapter 69 – Waste Management
  - Chapter 70 – Notification of Development Proposals
  - Chapter 99 – Building Lines
  - Chapter 100 – Quality Housing
- Council Policy F5 – Flood Prone Land Development
- Council Policy L1 – Landscape Policy and Guidelines
- The Entrance Peninsula Planning Strategy
- Shire Wide S94 Contribution Plan
- The Entrance District S94 Contribution Plan
- NSW Sea Level Rise Policy Statement
- NSW Coastal Planning Guideline: Adapting to Sea Level Rise

- Flood Risk Management Guide: incorporating sea level rise benchmarks in flood risk assessments.

## **ECOLOGICALLY SUSTAINABLE PRINCIPLES**

The development does not consider the predicted affects of sea level rise. As a result future generations are likely to be burdened with a development that would be highly vulnerable to risk of flooding, which would potentially result in damage to the built environment and environs. In addition, the development may not achieve the expected asset or economic life and is considered to contravene the sustainable development principles of intergenerational equity and application of the precautionary principle.

## **Climate Change**

The potential impacts of climate change on the proposed development have been considered as part of the assessment of the application. This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, rising sea levels are of particular importance and are discussed in detail further in the report as part of the flooding assessment of the application.

## **ASSESSMENT**

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979, other statutory requirements and Council's policies, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

## **THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-iv):**

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

SEPP 71 – Coastal Protection applies to the development and the site is identified as being within a sensitive coastal location as it is less than 100 metres from The Entrance Channel. In accordance with SEPP 71, the proposal has been assessed against the matters for consideration outlined under Clause 8 and found to be unsatisfactory, with respect to its suitability due to the flooding characteristics. The proposal has also been considered under Part 4 of SEPP 71 relating to public access, effluent disposal and stormwater and is consistent with the requirements identified under this part. A copy of the assessment table is included as an attachment.

### **State Environmental Planning Policy (Infrastructure) 2007**

Clause 102 of SEPP (Infrastructure) includes provisions to ensure that noise sensitive development proposed adjacent to road corridors which carry considerable traffic volumes are not adversely affected by road noise or vibration.

The clause applies to development adjacent to roads with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the Roads and Traffic Authority (RTA)), and development that the consent authority considers likely to be adversely affected by road noise or vibration. Where

residential development is proposed, appropriate measures must be taken to ensure that the following internal noise levels are met:

- The LAeq noise level between the hours of 10.00 pm and 7.00 am shall not exceed 35 dBA within a bedroom, and
- The LAeq noise level within any other habitable room (excluding a garage, kitchen, bathroom or hallway) shall not exceed 40 dBA at any time.

(NB: LAeq is the equivalent continuous level which refers to when a noise varies over time, the LAeq is the equivalent continuous sound which would contain the same sound energy as the time varying sound)

Wilfred Barrett Drive is estimated to carry around 16,700 vehicles per day and therefore the provisions of Clause 102 of SEPP (Infrastructure) are not mandatory for this development. However, the relevant noise criteria is still considered relevant given the proximity of the development to The Entrance Bridge. The applicant has submitted an Acoustic Assessment which recommends using various glazing thicknesses to all windows to ensure that the noise criteria is complied with. If consent is granted, conditions requiring compliance with the Acoustic Assessment Report would need to be imposed.

### **State Environmental Planning Policy No 55 – Remediation of Land**

Clause 7 of SEPP 55 specifically relates to the consideration of contamination and remediation prior to a consent authority granting consent to the carrying out of any development. Specifically, Clause 7 states that:

*(1) A consent authority must not consent to the carrying out of any development on land unless:*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Having regard for the previous use of the site, being for the purpose of a dwelling house, it is considered unlikely that the site would be contaminated and therefore no further assessment is necessary.

### **Wyong Local Environmental Plan 1991**

#### *Clause 15 – Development on land containing acid sulphate soils*

WLEP 1991 requires special assessment to be given to development on land subject to actual or potential acid sulphate soils. The site is identified as Class 2 on the Acid Sulphate Soils Planning Map. For Class 2 land, a preliminary assessment for acid sulphate soils should be prepared where any works below the natural ground surface would disturb more than 1 tonne of soil. Although requested, the Applicant has not provided a preliminary assessment and therefore the impact that the proposal would have on acid sulphate soils, has not been able to be assessed.

#### *Clause 19 – Development near lakes, rivers and creeks*

As the site is located adjacent to The Entrance Channel (Tuggerah Lake), Council must take the following into consideration:

- “(a) the impact of that development on water quality and quantity, existing vegetation, fish, aquatic life and the location of the water body or watercourse, and*
- (b) any effects of the development on water supply, and*
- (c) whether the development is likely to cause detrimental effects on a watercourse or water body through erosion, sedimentation or the emission of pollutants, and*
- (d) whether the development incorporates best practice water sensitive urban design techniques”.*

The proposal is considered acceptable in terms of the matters listed in above.

#### *Clause 28 – Tree Management*

Clause 28 of WLEP 1991 requires development consent for the removal of trees and states that Council shall not grant such consent unless:

- “(a) such works are ancillary to or necessary to undertake a use permitted on the land, and*
- (b) the Council has made an assessment of the importance of the vegetation in relation to:*
  - (i) soil stability and prevention of land degradation, and*
  - (ii) water quality and associated ecosystems, such as streams, estuaries and wetlands, and*
  - (iii) scenic or environmental amenity, and*
  - (iv) vegetation systems and natural wildlife habitats.”*

The site is mainly cleared, although there are two (2) trees that are proposed to be removed. The tree removal is ancillary to the proposed construction of the residential flat building and dwelling house and is therefore permissible with consent. It is unlikely that the removal of these trees would have a significant impact on soil stability, water quality or scenic or environmental amenity. The site does not contain any hollow-bearing trees and the removal of the trees is unlikely to impact on vegetation systems and natural wildlife habitats. As such, Council is able to grant consent to the removal of the trees, should the application be supported.

#### *Clause 29 – Services*

This clause requires all new development to have an adequate water supply and facilities for the removal or disposal of sewage and drainage. Water and sewer connections are available to the site from Brogden Road. Stormwater is also proposed to discharge to Brogden Road.

### **Wyong Development Control Plan 2005**

#### *Chapter 60 – The Entrance District*

The site is identified in DCP 2005 Chapter 60 as being within Precinct 8 – The Entrance North. The intent of the Precinct is for the "holiday village" environment of The Entrance North to be retained with a mix of low scale residential, convenience retail and tourist accommodation.

The application has been assessed against the provisions of DCP Chapter 60 and is generally consistent with its requirements. An assessment table relating to the design

principles for the precinct is included as an attachment. The prescriptive requirements are replicated within DCP 2005 Chapter 64 and are considered below.

#### *Chapter 64 – Multiple Dwelling Residential Development*

The development proposes a number of variations to DCP Chapter 64 as detailed in the assessment table included as an attachment. This includes variations to building height, rear setback, carparking, driveway design, floor space ratio, private open space, and fencing. Whilst in isolation, some of the variations maybe considered minor, given the number of variations proposed and the site constraints, the cumulative impact means that the development represents an overdevelopment of the site.

Most importantly, the proposed variations to the rear setback and areas of private open space have the potential to have a detrimental impact on the enhancement of the public domain and desired street character as well as the future occupants of the development. Specifically, the courtyard to Unit 4 is located within the front setback, which is contrary to the DCP requirement and results in a 1.8 metre high fence along the front boundary. Typically, front fences are restricted to a height of 1.2 metres, or 1.5 metres if a suitable setback for landscaping is provided so as to not impact on the streetscape. For Unit 1 (dwelling house), which fronts The Entrance Channel, a generous area of private open space is indicated on the plans. However, once land is acquired for the public pathway, the area of usable open space would be reduced to approximately half the minimum required under DCP Chapter 64 and privacy would also become an issue at the public/private domain interface.

The close proximity of the proposed boat shed, deck and steps to the future public pathway is therefore likely to create a conflict between maintaining privacy to the occupant of the dwelling house and maintaining and enhancing the public domain in this location.

The above issues could be avoided or minimised and compliance with the DCP achieved if the extent of the development was reduced and therefore it is considered that the proposal is an overdevelopment of the site.

#### *Chapter 67 – Engineering Requirements for Development*

Civil works including work within the road reserve and stormwater drainage need to be undertaken in accordance with Council's DCP Chapter 67. This can be imposed through conditions of consent, should consent be granted.

#### *Chapter 69 – Waste Management*

A Waste Management Plan has been submitted in accordance with DCP Chapter 69.

#### *Chapter 99 – Building Lines*

DCP Chapter 99 contains provisions for foreshore building lines. While clause 31 of WLEP 1991 fixes a 20 metres foreshore building line in some areas of the Shire, the subject site is not affected by this clause. The foreshore building lines fixed by WLEP 1991 are also replicated in DCP Chapter 99, together with a 20 metre building line for other non-habitable buildings and structures along the foreshore, which would apply to the proposed boat shed. The setback to the boat shed varies from 4.8 m to 4.2 m and represents a variation of up to 79%. However, other development in the immediate vicinity is also non-compliant with this setback provision.

*Chapter 100 – Quality Housing*

Dwelling houses are typically assessed against the provisions of DCP Chapter 100. However, as the proposed dwelling house forms part of a multi unit development, the proposed development has been assessed in accordance with DCP Chapter 64 - Multiple Dwelling Residential Development.

**THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b) ):*****The relationship to the regional and local context and setting***

Existing development at The Entrance North comprises a mix of, tourist, recreational and residential areas of generally low scale. Land to the east of Hutton Road and fronting North Entrance Beach has largely undergone redevelopment in the form of 2-3 storey unit blocks. There has been less redevelopment to the west of Hutton Road with the majority of the existing housing stock in the immediate area being pre 1950's, although a 2 storey residential flat building containing 3 units, plus roof terrace, has recently been completed immediately to the south of the subject site.



***Brogden Road streetscape with the recently completed residential flat building in the centre background***

***The access, transport and traffic management measures***

The proposed development would be accessed from Brogden Road, which has a 'lane' like width of approximately 10 metres. Brogden Road is sealed, although there is no kerb, guttering or footpath. Should consent be granted, conditions of consent would be required in relation to works within Brogden Road.

***The impact on the public domain (recreation, public open space, pedestrian links)***

Two (2) of the objectives of TEPPS are to:

- Improve and encourage public access to waterfront areas, including The Entrance Channel, The North Entrance Beach, Karagi Reserve and Dunleith Point; and
- Improve pedestrian and cycling facilities, including improved and safer links across or under The Entrance Bridge to/from the existing pedestrian/cycleway network and access to The Entrance Channel foreshore.

To support this, TEPPS recommends that Council negotiate with property owners fronting The Entrance Channel in regard to the provision of a public continuous waterfront shared pedestrian and bicycle path. This path should link under The Entrance Bridge to the existing pedestrian and bicycle path facilities in Terilbah Reserve. TEPPS further identifies that such a facility will improve the physical connection between the Pacific Ocean coast, The Entrance



Channel and other areas of the Peninsula. A plan that identifies the location of the public access is provided below.

TEPPS does not provide any further guidance on the exact location, width or type of public access. However, the draft Entrance Masterplan which is currently on public exhibition has identified a preference for a 5 metre wide public pathway across the back of the subject site. It is therefore important to preserve the opportunity for the pathway to be constructed.

During the LEC hearing in relation to Council's refusal of DA/484/2008 for 12 units over part of the subject site, the Commissioner gave considerable weight to TEPPS and was satisfied that

*“the opportunity for public access along the foreshore is an important planning consideration in the context of the Strategy. The approval of the proposed development will, in my view, frustrate an important feature of the Strategy. In my opinion, the provision of a public access way along the foreshore is a legitimate and valuable public asset and appropriate for inclusion in a strategic planning document such as the Strategy.*

*The approval of the proposed development would unacceptably frustrate the achievement of an important component of the Strategy and is a sufficient reason to refuse the application.”*

Having regard for the outcome of the previous Court case, the building has been set back 5.5 m from the rear boundary with the proposed deck being approximately 2.5 m from the property boundary. These setbacks, together with the reclaimed Crown Land would provide for a 5 metre wide pathway to be acquired by Council, although would impact on the area of private open space available to the dwelling house.



Extract from The Entrance Peninsula Planning Strategy showing the location of the proposed pathway



***View from under The Entrance Bridge looking south toward the subject site and reclaimed Crown Land***



***View from under The Entrance Bridge looking south toward the subject site and reclaimed Crown Land***



**View from The Entrance Bridge looking east toward the subject site and reclaimed Crown Land**

***The impact on utilities supply.***

The existing water and sewer systems are capable of servicing the proposed development. Should consent be granted, contributions and conditions would need to be imposed under the Water Management Act, 2000.

***The effect on heritage significance.***

There are two (2) items of local heritage significance at The Entrance North, which are located at No 21 Hargraves Street and No 33 Hutton Road. The subject site is sufficiently separated from both these items so as to not have any impact on them.



***Any effect on other land resources.***

The site is not known to contain any valuable land resources.

***Any impact on the conservation of water.***

A BASIX Certificate has been submitted with the development application which demonstrates compliance with the appropriate water targets. A 1,500 litre rainwater tank is proposed to be located under the deck of each unit.

***Any effect on the conservation of soils or acid sulphate soils.***

Should consent be granted, conditions relating the preparation of an Acid Sulphate Soils Assessment and/or Management Plan and erosion and sedimentation controls would need to be imposed.

***Any effect on quality of air and microclimate conditions.***

No detrimental impacts on air quality or microclimate conditions are anticipated.

***Any effect on the flora and fauna.***

The site contains two (2) trees (Tuckeroo), which are proposed to be removed. Should consent be granted, replacement trees would need to be incorporated into the landscape plan.

***The provision of waste facilities.***

Should consent be granted, the development can be serviced by Council's domestic waste contractor.

***Whether the development will be energy efficient.***

A BASIX Certificate has been submitted with the development application which demonstrates compliance with the thermal comfort and energy targets.

***Whether the development will cause noise and vibration.***

Should consent be granted, appropriate conditions would be required to address noise generated during the construction period. As the site is affected by noise from The Entrance Bridge, conditions relating to compliance with the Acoustic Assessment Report would need to be included.

***Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc).***

***Flood Studies***

The subject property is fully flood affected during a 1% Annual Exceedance Probability (AEP) flood event by flood water originating from Tuggerah Lakes. The Tuggerah Lakes Flood Study identifies that the 1% AEP flood level for this development is RL 2.2m Australian Height Datum (AHD). The development plans indicate that existing ground levels generally range between 1m AHD and 2m AHD, which result in flood depths between 0.2m and 1.2m across the site during the 1% AEP flood event.

An analysis of flood characteristics within The Entrance Channel was completed in 1992 and findings are summarised in the table below.

<b>Flood</b>	<b>50% AEP</b>	<b>5% AEP</b>	<b>1% AEP</b>	<b>PMF</b>
<b>Level (AHD)</b>	0.91	1.8	2.2	2.7
<b>Velocity (m/s)</b>	2.1	2.6	3.0	6.1

### *Sea Level Rise*

The NSW Sea Level Rise Policy Statement (2009) was prepared to support consistent adaptation to projected sea level rise impacts. The policy statement included sea level rise planning benchmarks for use in assessing potential impacts of sea level rise in coastal areas, including use in flood risk assessments. The benchmarks are for a projected rise in sea level, relative to the 1990 mean sea level, of 0.4 metres by 2050 and 0.9 metres by 2100.

The Flood Risk Management Guide - Incorporating Sea Level Rise Benchmarks in Flood Risk Assessments (the guide) published by the NSW Government in 2009 was prepared to assist stakeholders to incorporate the sea level rise planning benchmarks in floodplain risk management planning and flood risk assessments for new development. The guide updates the sea level rise information in the NSW Floodplain Development Manual published by the NSW Government in 2005.

Considering the significance of the development in terms of population intensification, expected asset life and financial investment proposed by the applicant, it is considered appropriate to apply the higher sea level rise benchmark for the proposed development. The application of this benchmark has the affect of increasing the initial water level of Tuggerah Lakes and the Pacific Ocean analysed in the Tuggerah Lakes flood study.

The guide states that “where the site is below 4 metres AHD, an appropriate conservative assumption to estimate the 1% AEP flood level considering sea level rise is to add the sea level rise planning benchmarks to the 1% AEP flood level relevant to the site”. As stated previously, the development plans indicate existing ground levels generally ranging between 1m AHD and 2m AHD.

The higher sea level rise benchmark has been added to the 1% AEP flood level, which results in a “design flood level” of 3.1m AHD and a sea level rise flood planning level of 3.6m AHD. For the purpose of the assessment of this application, the higher sea level rise benchmark has been used.

### *Flood Assessment*

Under the NSW State Government’s Flood Policy, the management of flood liable land remains the responsibility of local government. Accordingly, Council has a duty of care to ensure flood liable lands in the Wyong Shire are managed in accordance with their flood hazard and flood risk. Council’s Flood Prone Land Development Policy (the policy) outlines Council’s current development controls applicable to the development and has been continually applied for a period exceeding 20 years.

The application of the policy requires the categorisation of ‘Type of Development’ and ‘Flood Hazard’ to determine suitability of the proposed development. The ‘Type of Development’ for the purpose of this policy meets the category of ‘New Development’ due to the proposed population intensification, although the determination of ‘Flood Hazard’ requires further consideration.

The policy requires categorisation of flood hazards in accordance with the NSW Floodplain Development Manual, which details the process to determine flood hazard category. The

process involves the evaluation of hazard level from pure hydraulic principles, and then refining the hydraulic hazard category in light of other relevant factors affecting the safety of individuals to establish the true flood hazard category.

The hydraulic categories of flood prone land applicable to the development are flood storage and floodway. A multi-variable analysis was undertaken to determine the provisional hydraulic category owing to the varying ground levels over the development and uncertain changes in channel velocity associated with the changing topography. The analysis is presented below using the design flood Level of 3.1 m AHD.

Flood Depth (m)	Velocity (m/s)	Provisional Hydraulic Category
1.1 (Natural surface of 2m AHD Brogden Road)	3.0	High Hazard
	2.5	High Hazard
	2.0	High Hazard
	1.5	High Hazard
	1.0	High Hazard
	0.5	High Hazard
	0.0	High Hazard
2.1 (depth adjacent to the channel)	3.0	High Hazard
	2.5	High Hazard
	2.0	High Hazard
	1.5	High Hazard
	1.0	High Hazard
	0.5	High Hazard
	0.0	High Hazard

The hazard category from pure hydraulic principles is considered to be a combination of high hazard floodway towards The Entrance Channel and high hazard flood storage locally around Brogden Road.

The determination of true flood hazard category was undertaken by refining the hydraulic hazard category and considering the following factors:

### **Risk to Life**

- *The proposed development should not result in any increased risk to human life*

The existing site contains a single residential dwelling approximately 50 years old with existing habitable floor level below the design flood level (approximately 2.45m AHD).

The proposed development is likely to result in structurally superior dwellings. However, the habitable floors have not been proposed above the sea level rise flood planning level. As a result, the development is predicted to be susceptible to flood damage within the expected life of the development. The future occupants of the development may therefore be under the false assumption that the development provides safe harbourage when deciding on the appropriate time to effect evacuation.

The proposed development seeks approval for a dwelling house and residential flat building, which will increase population density in an area established to be hydraulically affected by high hazard flooding.

Additionally, self sufficient low hazard evacuation is not available from the development, and future occupants will be reliant on emergency services for evacuation in high hazard conditions. Emergency service personnel conducting rescue/evacuations are placed at risk in addition to the future occupants.

- Consequences for risk to life for floods up to the Flood Planning Level

Occupants are predicted to be subject to prolonged flooding with the historical data and flood modelling indicating flood characteristics inhibiting access may be present for numerous days, with conditions close to peak remaining for approximately 24 hours. Assuming safe harbourage is provided; occupants will need to manage reduced or total unavailability of essential services and access to supplies, including medical services, electricity, sewerage, gas, telecommunications and potentially potable water.

- Consequences for risk to life for floods greater than the Flood Planning Level

The development is likely to sustain structural damage, and occupants will no longer have a safe place of refuge. Evacuation will be solely reliant on emergency services employing higher risk methods for any remaining occupants.

### The Cost

- The additional economic and social costs that may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner nor in addition to those experienced by the general community.

Flood insurance coverage is likely to be accessed by the future owners and damage is likely to be less than the general community given the access to modern construction techniques and materials. Flood insurance does not reduce flood damages but transforms the random sequence of losses into a regular series of payments. Further, given the risk and severity of flooding, insurers may not always offer flood insurance.

Should the development be approved without adequately considering sea level rise, it is anticipated the economic and social costs that may arise from damage to property from flooding will be exacerbated.

- Economic factors with regard to not undertaking the development.

The property is currently occupied by a single storey, timber framed fibro cement clad dwelling approximately 50 years old, and nearing achievement of reasonable estimates of asset and economic life. Council records indicate the property has been in the current ownership since September 1993.



- The cost to both the public and private sectors to service the development safely before and after in flood

The proposed development is located within an existing residential area with existing public and private infrastructure. The proposed development is not anticipated to generate significant additional servicing costs before or after floods.

Upgrading of the 'floodgates' on the existing drainage pipelines under Wilfred Barrett Drive, and provision of additional culverts beneath Wilfred Barrett Drive will be required in the future with further development in The Entrance North. These works form part of the established s94 Contributions Plan for the locality.

### Warning and Evacuation

- The availability of accurate information during a flood event on which evacuation strategies can be formulated. This must include consideration of loss of power and telephone landlines.

The Tuggerah Lakes system is closely monitored during flood events, with updates regularly provided by the emergency management authorities. Access to accurate information is not anticipated to be an issue with current technology, surrounding community and adequate flood preparedness.

- Available effective warning time and reliable access for the evacuation of an area potentially affected by floods up to the 1% AEP flood event for the proposed development.

Flooding from Tuggerah Lakes generally features a relatively slow rate of rise over a number days to produce severe flood characteristics. Effective warning time is available; however the 'last chance' for self sufficient low hazard evacuation (by able bodied adults) passes significantly before peak conditions arrive.

The applicant has attempted to demonstrate low hazard evacuation, however the design flood level (3.1m AHD) used does not consider velocity or predicted sea level rise and is not considered to be feasible during the design flood event.

- Available effective warning time and reliable access for the evacuation of an area potentially affected by floods larger than that which the proposed development has been designed for. This includes consideration of floodwater depth and velocity.

Similar to the above, a relatively slow rate of rise is applicable to floods in excess of the design flood level flood event. However, floods in excess of the design flood would further inhibit evacuation.

- The development should not create land that will become isolated in the floodplain

The applicant is seeking to raise the development above the natural ground level to the current flood planning level (2.7m AHD excluding sea level rise). This level is not considered high enough to protect people or property now and in the future.

Cumulative Effects of the Development

- Evidence that the development does not detrimentally increase the potential flood affectation on other development or properties or infrastructure, either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.

The development proposes fill in excess of 1 metre which is not supported on the basis of cumulative impact on the floodplain. The effect has not been quantified by the applicant.

- Potential cumulative effects of approval of the development and precedents created for further cumulative development in the floodplain

To date, no development approvals have been granted for intensification in high hazard flooding conditions including the predicted effects of sea level rise. As mentioned previously, Council's Development of Flood Prone Land policy has been consistently applied in excess of 20 years by precluding population intensification in high hazard areas.

Ecologically Sustainable Development

- Proposed development must be consistent with ecologically sustainable development principles

The development does not consider the predicted affects of sea level rise. As a result future generations are likely to be burdened with a development that may not achieve the expected asset or economic life. This contravenes the sustainable development principles of intergenerational equity and application of the precautionary approach.

Climate Change

- The proposal adequately considers the impact of climate change.

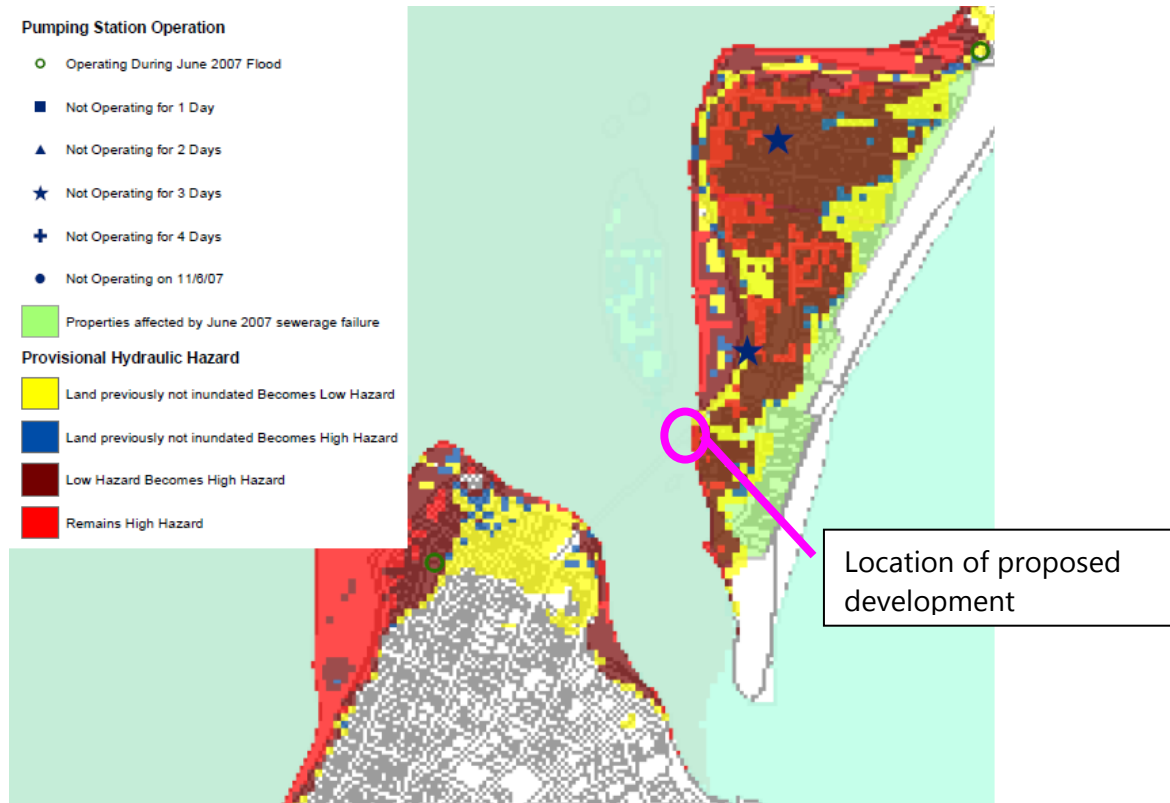
The development has not considered the impact of climate change. Sea level rise is one aspect that has been discussed separately in this report, however other effects such as increased temperatures, changes in rainfall and increased frequency of extreme wind and storm events have been considered.

In a flooding context the probability of experiencing severe flooding is predicted to increase. A widely accepted theory is that the current 1% AEP flood event will increase in likelihood to 5.9% AEP (1:17).

Based on the above flood assessment, none of the factors suggest a decrease in flood hazard. The true flood hazard category applicable to the development is therefore a combination of High Hazard floodway and High Hazard Flood Storage. The development controls under Council's Flood Prone Land Development Policy for 'New Development' in High Hazard category flooding recommends that the application be refused.

## Verification

The contents of the Tuggerah Lakes Floodplain Risk Management Study have been reviewed to verify the flood assessment completed above. This map confirms that the proposed development is fully affected by high hazard flooding and is generally located on land identified as remaining high hazard, indicating that even without sea level rise implications, the land would be considered high hazard.



**Extract from Tuggerah Lakes Floodplain Risk Management Study - 100 year ARI Hydraulic Hazard with 0.9m Sea Level Rise and Sewerage System Impact South and East Tuggerah Lakes.**

Council has a duty of care to consider the residual risk to a development once any proposed flood modification measures have been introduced. Council must also consider the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010), which supports NSW Government policy in relation to sea level rise.

More specifically, the Guideline states that when assessing development applications in coastal areas, consent authorities must have regard to the Coastal Planning Principle 5 and Principle 6 of the Guideline.

*Principle 5 – Minimise the exposure of development to coastal risks.*

*Principle 6 – Implement appropriate management responses and adaptation strategies, with consideration for the environmental, social and economic impacts of each option.*

In considering the above, the development application has been demonstrated to be contrary to development controls under Council's Flood Prone Land Development Policy and is considered unsuccessful in adequately managing or reducing flood risks to life and property to an acceptable and sustainable level.

***Any risks from technological hazards.***

There are no known technological hazards associated with the development or the site. As of 1 July 2010, it is mandatory to confirm with a designated information provider, the location and type of any underground electricity power lines or gas pipelines prior to any excavation or digging.

***Whether the development provides safety, security and crime prevention.***

It is not anticipated that the development would create any issues with safety, security or crime prevention.

***Any social impact in the locality.***

It is not anticipated that the development would have any social impact in the locality.

***Any economic impact in the locality.***

The proposed development is unlikely to have a negative economic impact.

***Any impact of site design and internal design.***

No further issues to report.

***Any impacts of construction activities (construction site management, protection measures).***

Should consent be granted, conditions relating to traffic management plans and the protection of adjoining properties would need to be imposed.

***Any cumulative impacts.***

No further issues to report.

**THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):**

***Whether the proposal fits in the locality.***

The construction of multi unit development incorporating a two storey residential flat building is consistent with the type of development in the area. However, the proposal does not comply with a number of the controls in DCP Chapter 64 and therefore would have a detrimental impact on the locality.

***Whether the site attributes are conducive to development.***

As discussed previously in the report, the flood hazard category applicable to the development is a combination of High Hazard floodway and High Hazard Flood Storage and is therefore unsuitable for redevelopment at a higher density.

**ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):*****Any submission from the public.***

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with no submissions being received.

***Any submission from public authorities.******NSW Office of Water***

The development application was referred to the NSW Office of Water as 'integrated development' under the EP&A Act as works are proposed within 40 metres of The Entrance Channel. However, the Office of Water has advised that a Controlled Activity Approval is not required and no further assessment is necessary as the proposed works are not likely to exceed minimal harm.

***NSW Roads and Traffic Authority***

The development application was also referred to the RTA due the proximity of the development to The Entrance Bridge. The RTA recommended a number of conditions regarding the access, parking and stormwater requirements as well as making reference to traffic noise and mitigation measures in accordance with the NSW Road Noise Policy – July 2011.

Although the RTA's response did not make any comment in relation to the separation between the development and The Entrance Bridge, previous correspondence received from the RTA during the assessment of DA/484/2008 required a minimum of 5 metres clearance from any structure to the edge of The Entrance Bridge for the purpose of dimensional clearance for maintenance. This requirement has been accommodated in the design with only fencing and steps located within 5 metres of The Entrance Bridge.

**THE PUBLIC INTEREST (s79C(1)(e)):*****Any Federal, State and Local Government interests and community interests.***

Approval of a development application that would increase residential densities in a high hazard flood area is contrary to the NSW Coastal Planning Guideline: Adapting to Sea Level Rise, the NSW Floodplain Development Manual and Council's Flood Prone Land Development Policy – F5. Approval of the development would also undermine the controls contained within DCP Chapter 64 and set an undesirable precedent for development in the area.

**OTHER MATTERS FOR CONSIDERATION*****Section 94 Contributions***

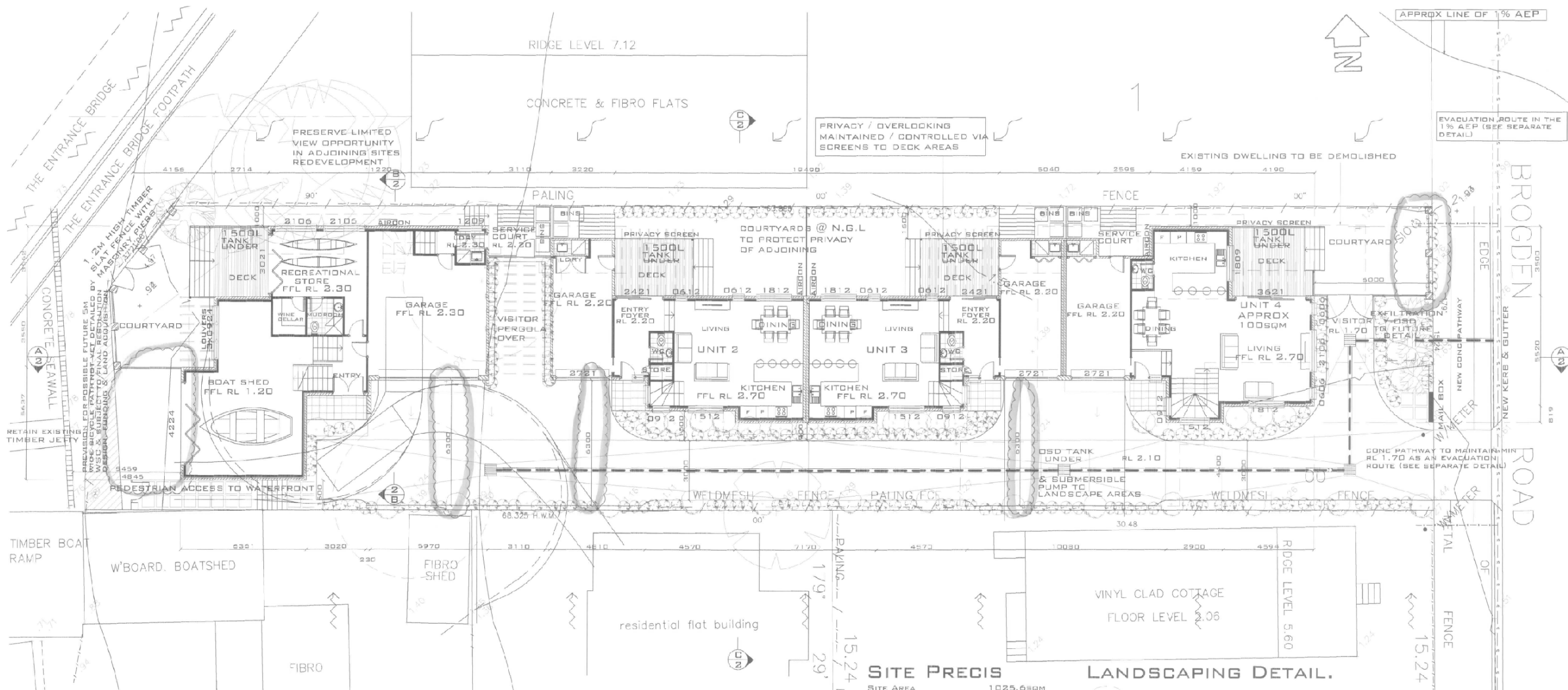
The Entrance District Development Contributions Plan No 3 and the Shire Wide Contribution Plan are applicable to the proposed development and therefore contributions based on four (4) x 3 bedroom units, with a credit of 1DU for the existing dwelling would apply, should consent be granted.

**CONCLUSION**

The proposed development is for the demolition of the existing dwelling house and the construction of a residential flat building containing three (3) x 2 storey split level townhouses as well as a separate 2 storey split level dwelling house with boat shed. The development proposes a number of variations to Council's DCP and the site has been identified as being affected by high hazard flooding, with predicted sea level rise further exacerbating the severity. The flood characteristics over the site and surrounding areas cannot be mitigated to reduce the residual risk to an appropriate and sustainable level and as a result, the site is considered unsuitable for the development and refusal of the application is recommended.

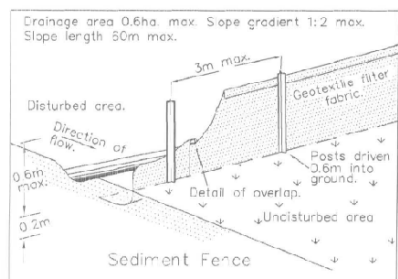
**ATTACHMENTS**

1	Development Plans (A3 plans)	Enclosure	D02808638
2	SEPP 71 Assessment Table		D02808641
3	DCP 60 Assessment Table		D02808642
4	DCP 64 Assessment Table		D02808643

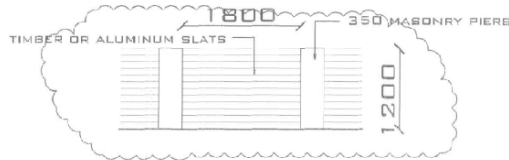


**SITE / SITE ANALYSIS / LANDSCAPE PRINCIPLES / GROUND FLOOR PLAN** SCALE 1:100@A1

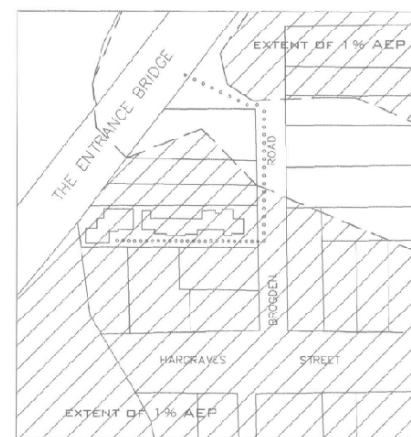
- EROSION AND SEDIMENT CONTROL NOTES**
1. DISTURBED AREAS TO BE KEPT TO A MINIMUM.
  2. CONTROL CLEAN WATER FROM ABOVE THE SITE, THROUGH THE SITE OR AROUND THE SITE.
  3. KEEP CLEAN WATER SEPARATE FROM DIRTY WATER.
  4. CONSERVE ALL TOPSOIL, STOCKPILE AND PROTECT FOR REUSE ON SITE.
  5. PROTECT ALL DISTURBED AREAS FROM EROSION.
  6. MINIMISE SEDIMENTATION.
  7. MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES UNTIL COMPLETE REHABILITATION IS ACHIEVED.
  8. EROSION/SEDIMENT CONTROL MEASURES TO CONFORM WITH EROSION



- NOTES.**
- TREES TO BE REMOVED SHOWN. ALL LEVELS TO A.H.D. WATERCOURSE AS SHOWN. 1% AEP SHOWN (SEE FLOOD EVACUATION PLAN) TEMPORARY SILTATION CONTROL MEASURES TO BE PROVIDED DURING CONSTRUCTION.
  - PHYSICAL TERMITE BARRIERS TO BE PROVIDED. ALL DIMENSIONS TO BE CONFIRMED ON SITE. DO NOT SCALE.
  - CUT & FILL AS SHOWN. WATER & SEWER MAINS SHOWN. OSD TANK TO ACT AS WET DETENTION / NUTRIENT CONTROL. STORED WATER DEPLOYED IN LANDSCAPE APPLICATION VIA SUBMERSIBLE PUMP ALL IN ACCORDANCE WITH ENGINEERING DETAIL. SIDE FENCES TO BE TIMBER LAPPED & CAPPED WITH ESPALIER PLANTING TO DRIVEWAY / SOUTHERN FENCE



**FENCE DETAIL** SCALE 1:50 @ A1



**FLOOD EVACUATION ROUTE** N.T.S

**SITE PRECIS**

SITE AREA	1025.65SQM
UNIT 1	
GROUND FLOOR AREA	53.35SQM
UPPER FLOOR AREA	81.15SQM
BOATSHED & STORE	99.35SQM
DECKS	22.35SQM
COURTYARD (AS PER DCP64)	46.75SQM
TOTAL COURTYARD	91.95SQM
UNIT 2	
GROUND FLOOR AREA	56.15SQM
UPPER FLOOR AREA	70.55SQM
DECKS	11.65SQM
COURTYARD (AS PER DCP64)	43.85SQM
TOTAL COURTYARD	49.05SQM
UNIT 3	
GROUND FLOOR AREA	56.15SQM
UPPER FLOOR AREA	71.75SQM
DECKS	11.65SQM
COURTYARD (AS PER DCP64)	43.85SQM
TOTAL COURTYARD	49.15SQM
UNIT 4	
GROUND FLOOR AREA	66.25SQM
UPPER FLOOR AREA	68.85SQM
DECKS	14.05SQM
COURTYARD (AS PER DCP64)	45.75SQM
TOTAL COURTYARD	58.95SQM
TOTAL FLOOR AREA	523.8 SQM
TOTAL DECKS	60.15SQM
TOTAL COURTYARDS	223.25SQM
TOTAL LANDSCAPING	304.95SQM 29.7%
FSR	0.51:1
447.2 / 1025.6	
SITE COVERAGE	43.6%

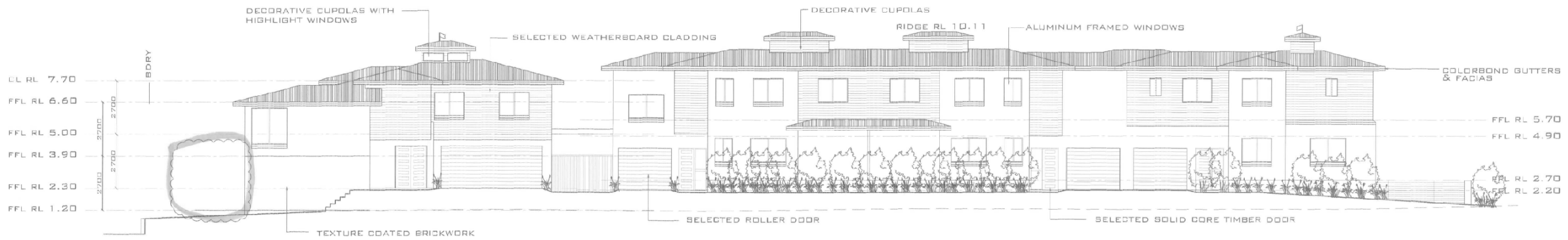
**LANDSCAPING DETAIL.**

- EXISTING TREES TO BE REMOVED**
- EXISTING TREES TO BE RETAINED**
- SMALL FEATURE TREES**  
 MAGNOLIA LITTLE GEM (DWARF MAGNOLIA)  
 SYZYGIUM LUERMANNI (LILLY PILLY)  
 EUCALYPTUS EXIMA 'NANA' (YELLOW BLOODWOOD)
- LARGE FEATURE SHRUBS**  
 GREVILLEA BANKSII (BANKSII GREVILLEA)  
 ACACIA LONGIFOLIA (SYDNEY GOLDEN WATTLE)
- MEDIUM HEIGHT SHRUBS & SCREENING PLANTING.**  
 BAECKEA VIRGATA (HEATH MYRTLE)  
 ACACIA SOPHORAE (COASTAL WATTLE)  
 BANKSIA ROBUR (SWAMP BANKSIA)
- SMALL HEIGHT SHRUBS & GROUND COVERS.**  
 BANKSIA SPINULOSA (HONEYPOTS)  
 MELALEUCA THYMIFOLIA (THYME HONEY MYRTLE)

**SITE ANALYSIS KEY**

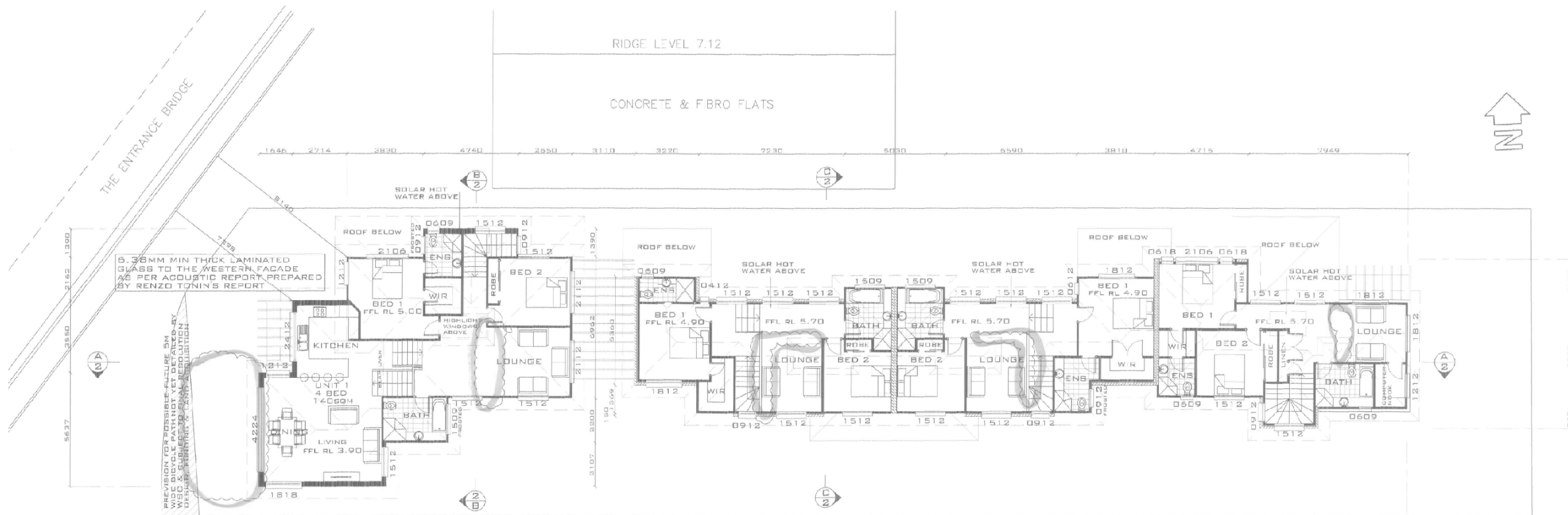
- SITE BOUNDARY
- VIEWS
- NOISE SOURCE
- WINTER WIND
- SUMMER BREEZE

CLIENT:	FRED SAMMUT	PROJECT NO:	1526F/A
PROJECT:	PROPOSED RESIDENTIAL FLAT BUILDING & DETACHED DWELLING LOT 21 DP11682 HN 4 BROGDEN ROAD, NORTH ENTRANCE	SHEET NO:	1/4
		DATE:	02-08-11
		DRAWN BY:	C.WHITE
		AMENDMENT: A AUG 2011 *INCREASE TO REAR SETBACK TO 5M FOR CYCLEWAY. *MINOR ADJUSTMENT TO DRIVEWAY APPROX WIDTHS. *MINOR AMENDMENTS TO UPSTAIRS LIVING AREAS. *REDUCTION OF FENCE DETAIL TO 1.2M.	
		<b>SJH PLANNING &amp; DESIGN</b>	



**BUILDING B  
SOUTH ELEVATION** SCALE 1:100 @ A1

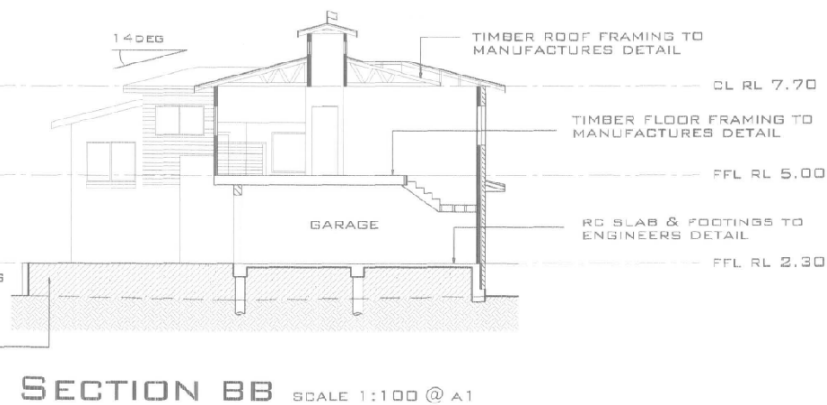
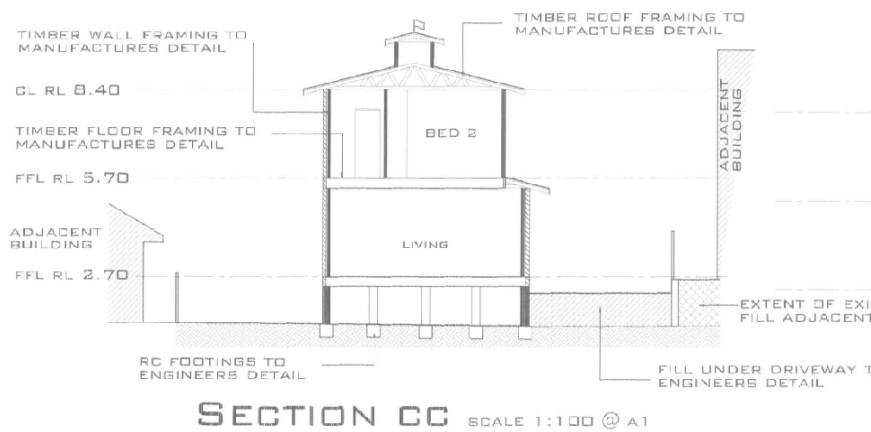
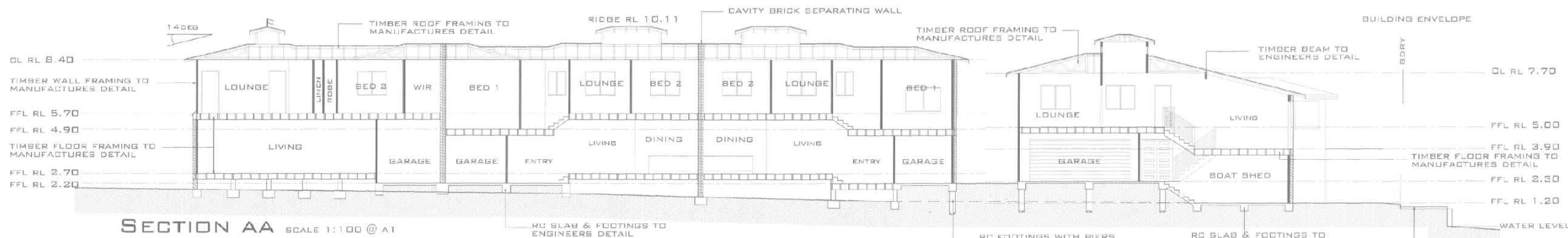
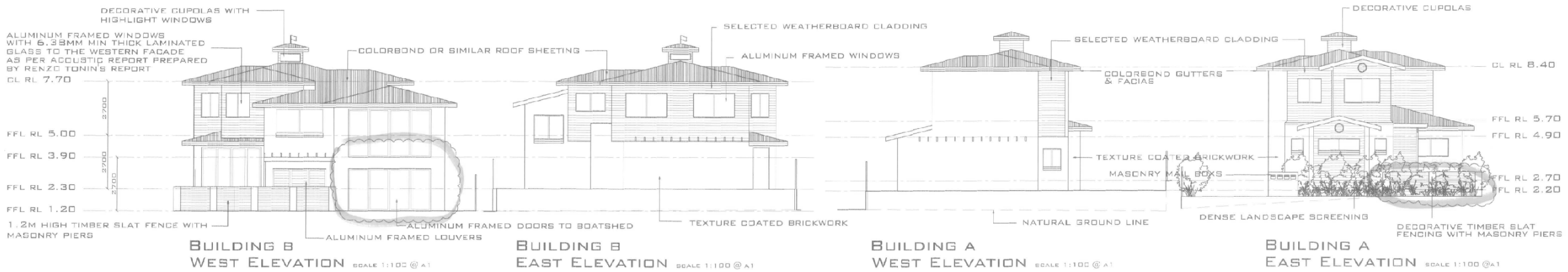
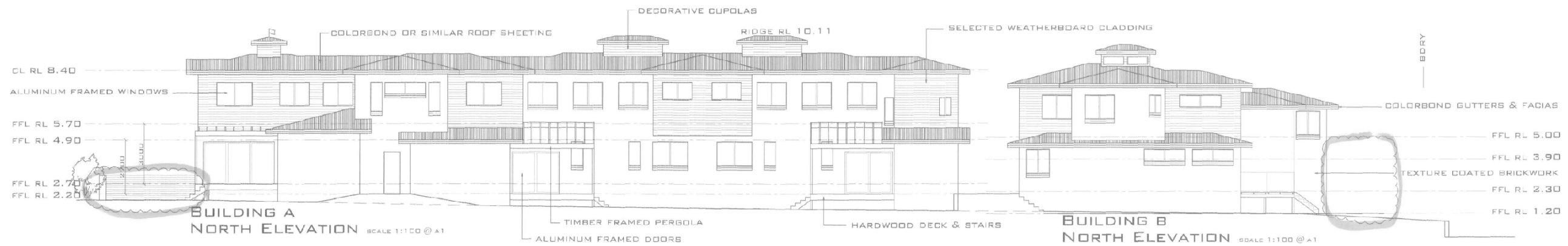
**BUILDING A  
SOUTH ELEVATION** SCALE 1:200 @ A3



**UPPER FLOOR PLAN** SCALE 1:100 @ A1

CLIENT:	FRED SAMMUT	PROJECT NO:	1526F/A
PROJECT:	PROPOSED RESIDENTIAL FLAT BUILDING & DETACHED DWELLING LOT 21 DP11682 HN 4 BROGDEN ROAD, NORTH ENTRANCE	SHEET NO:	2/4
		DATE:	02-08-11
		DRAWN BY:	C.WHITE
		AMENDMENT: A AUG 2011 *INCREASE TO REAR SETBACK TO SH FOR CYCLEWAY. *MINOR ADJUSTMENT TO CYCLEWAY AREA WIDTHS. *MINOR AMENDMENTS TO UPSTAIRS LIVING AREAS. *REDUCTION OF FENCE DETAIL TO 1.2M.	
		<b>SJH PLANNING &amp; DESIGN</b> <small>100/101 FREDERICK STREET, SYDNEY NSW 2000</small>	

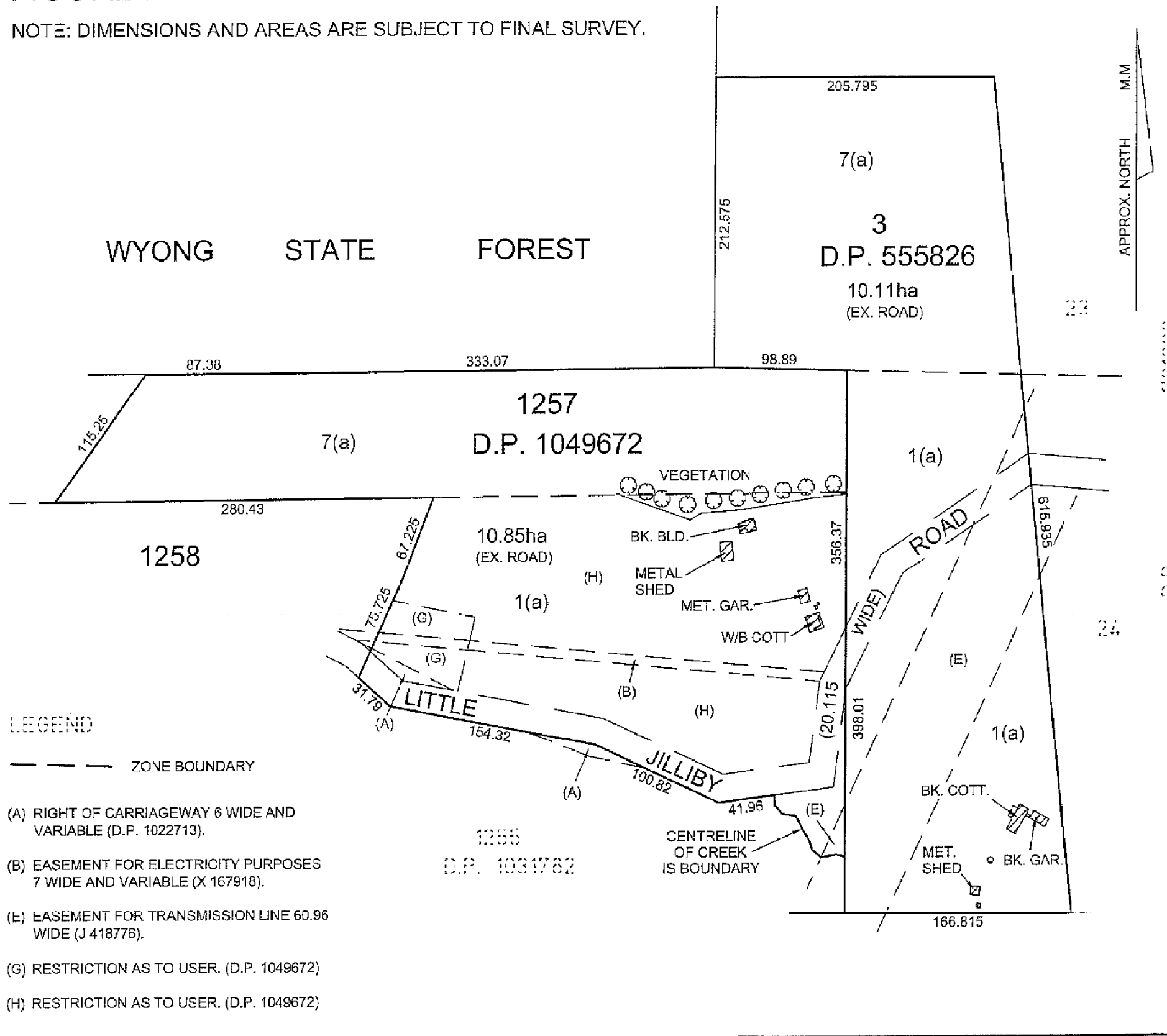




CLIENT:	FRED SAMMUT	PROJECT NO:	1526F/A
PROJECT:	PROPOSED RESIDENTIAL FLAT BUILDING & DETACHED DWELLING LOT 21 DP11682 HN 4 BROGDEN ROAD, NORTH ENTRANCE	SHEET NO:	3/4
		DATE:	02-08-11
		DRAWN BY:	C.WHITE
		AMENDMENT: 6 AUG 2011 INCREASE TO BEAR SETBACK TO 5M FOR CYCLEWAY. MINOR ADJUSTMENTS TO DRIVEWAY ARCH WIDTH. MINOR ADJUSTMENTS TO UPSTAIRS LIVING AREA. REDUCTION OF FENCE DETAIL TO 1.2M.	
		<b>SJH PLANNING &amp; DESIGN</b>	

# FIGURE 2: EXISTING BOUNDARY LAYOUT

NOTE: DIMENSIONS AND AREAS ARE SUBJECT TO FINAL SURVEY.



**WARNING NOTE:**  
 THE PURPOSE OF THE FIELD SURVEY DEPICTED HEREON WAS TO LOCATE DETAIL, VISIBLE SERVICES, TREES, SPOT LEVELS, ETC., ALL IN THEIR APPROXIMATE RELATIONSHIP TO BOUNDARIES. THE BOUNDARIES SHOWN HEREON HAVE BEEN PLOTTED FROM INFORMATION CONTAINED IN D.P. 555826 & D.P. 1049672. NO FIELD RE-SURVEY OF BOUNDARIES HAS BEEN CARRIED OUT BY US AT THIS STAGE. THIS NOTE IS AN INTEGRAL PART OF THIS PLAN.

**PROJECT**

LOT 3 D.P. 555826 &  
 LOT 1257 D.P. 1049672  
 LITTLE JILLIBY ROAD  
 JILLIBY

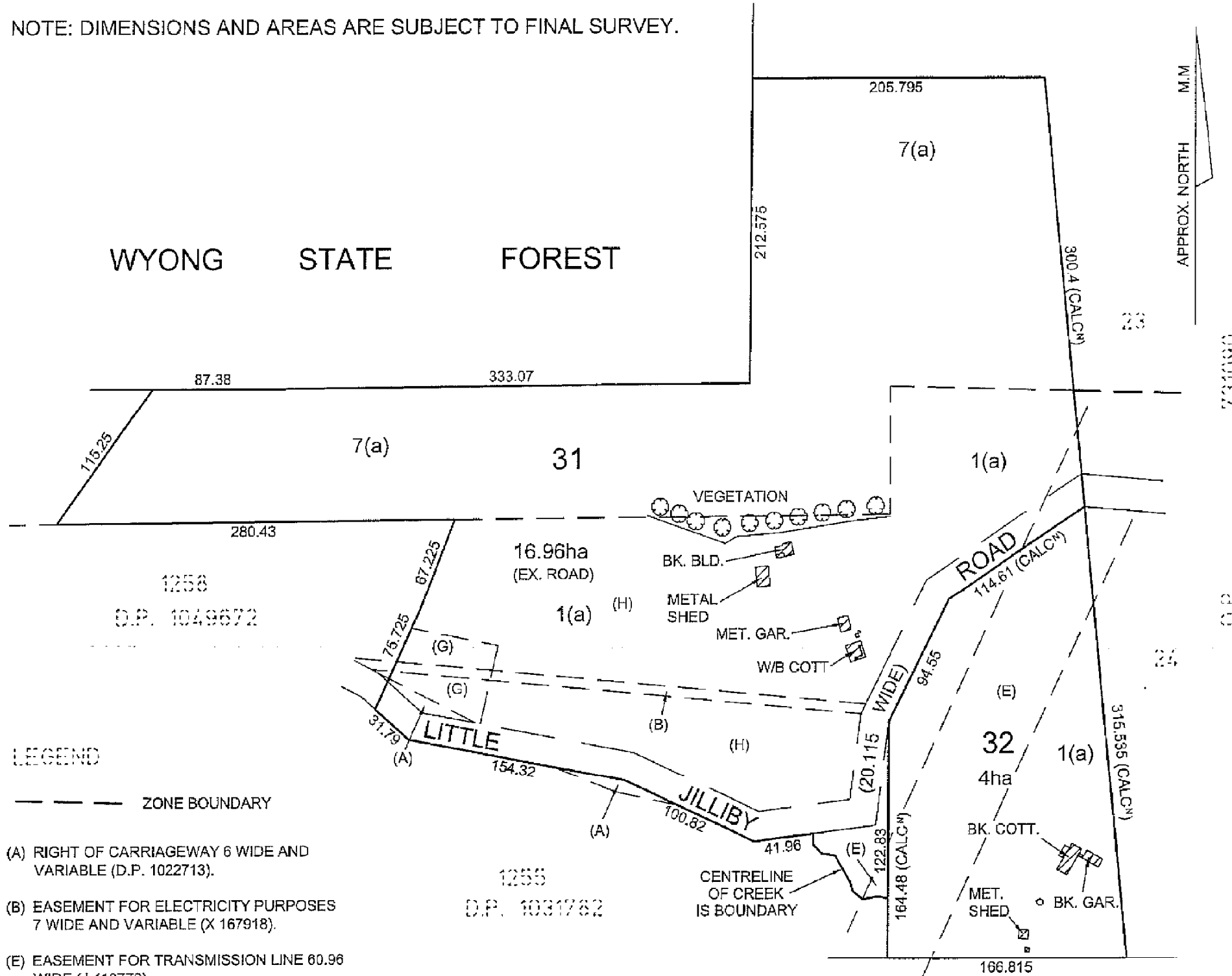
SCALE: 1:3000  
 DATUM: N/A  
 REFERENCE: 16672  
 DATE: 10/10/11

**Everitt & Everitt**  
 CONSULTING SURVEYORS  
 "The Halton Rivers Business Centre"  
 34-36 Pacific Highway Wyong  
 PO Box 198 Wyong NSW 2259  
 DX: 7314 Wyong  
 Telephone: (02) 4352 1419  
 Fax: (02) 43512437  
 E-mail: admin@everittsurveyors.com.au

# FIGURE 3: PROPOSED BOUNDARY ADJUSTMENT

NOTE: DIMENSIONS AND AREAS ARE SUBJECT TO FINAL SURVEY.

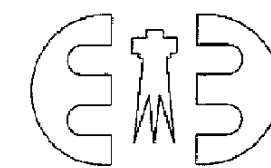
WARNING NOTE:  
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 NO FIELD RE-SURVEY OF BOUNDARIES HAS BEEN  
 CARRIED OUT BY US AT THIS STAGE.  
 THIS NOTE IS AN INTEGRAL PART OF THIS PLAN.



### LEGEND

- ZONE BOUNDARY
- (A) RIGHT OF CARRIAGEWAY 6 WIDE AND VARIABLE (D.P. 1022713).
- (B) EASEMENT FOR ELECTRICITY PURPOSES 7 WIDE AND VARIABLE (X 167918).
- (E) EASEMENT FOR TRANSMISSION LINE 60.96 WIDE (J 418776).
- (G) RESTRICTION AS TO USER. (D.P. 1049672)
- (H) RESTRICTION AS TO USER. (D.P. 1049672)

<b>PROJECT</b>
LOT 3 D.P. 555826 & LOT 1257 D.P. 1049672 LITTLE JILLIBY ROAD JILLIBY
SCALE: 1:3000
DATUM: N/A
REFERENCE: 16672
DATE: 10/10/11



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PLAN FORM 1

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

SHEET 1 OF 1 SHEET(S)

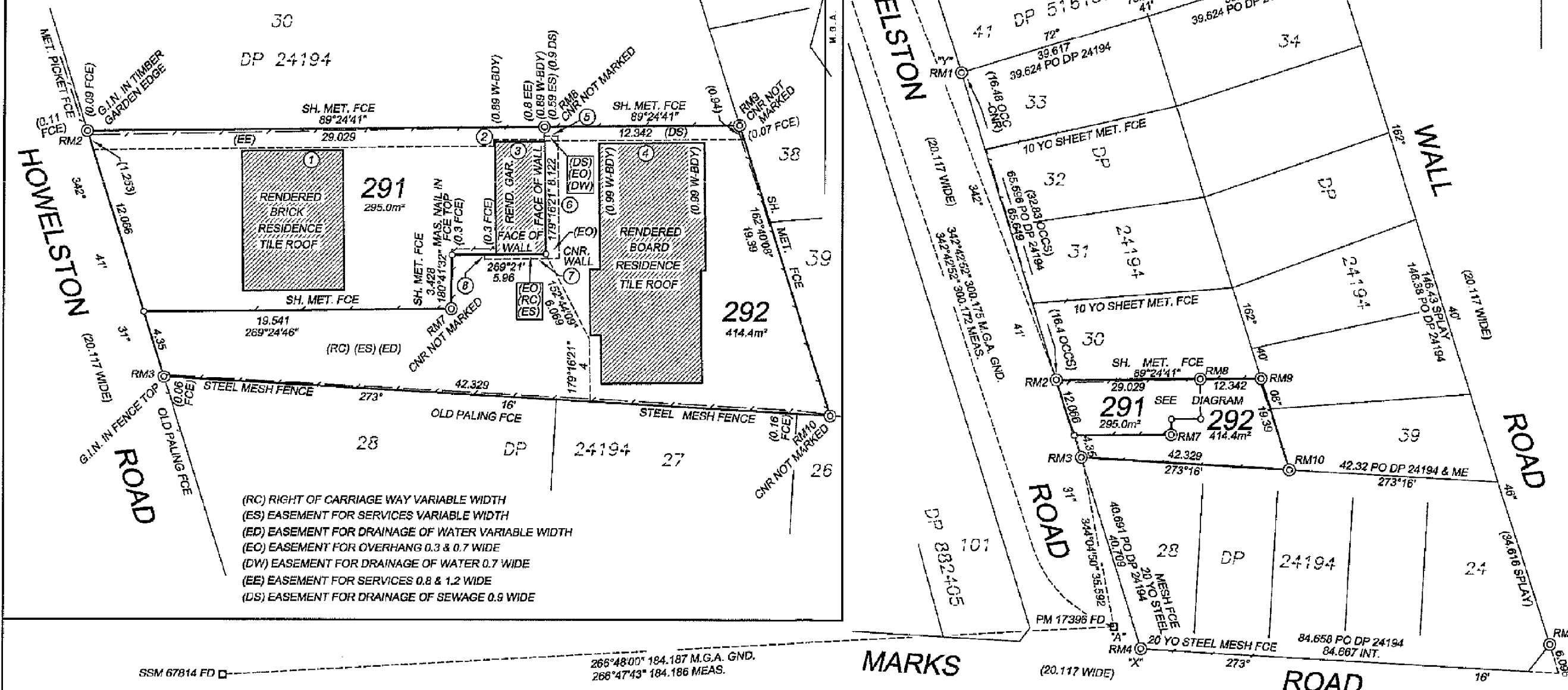
EASEMENT LINES		
LINE	BEARING	DISTANCE
1	89°24'41"	25.445
2	359°16'21"	0.4
3	89°24'41"	3.226
4	89°24'41"	12.61
5	89°24'41"	0.7
6	179°16'21"	7.832
7	269°21'00"	4.59
8	359°16'21"	0.3

REFERENCE MARKS				
RM1	72°39'26"	0.457	G.I.P. FD (D.P. 24194)	0.35 DEEP
RM2	83°36'20"	3.862	D.H.& W. PLACED IN KERB	
RM3	75°14'19"	3.827	D.H.& W. PLACED IN KERB	
RM4	342°41'25"	0.512	CONC. BLK FD (D.P. 24194)	0.15 DEEP
RM5	252°40'48"	0.457	CONC. BLK FD (D.P. 24194)	0.2 DEEP
RM6	252°41'31"	0.457	CONC. BLK FD (D.P. 22395)	0.35 DEEP
RM7	351°53'27"	1.347	D.H.& W. PLACED IN CONCRETE DRIVE	
RM8	354°41'50"	12.337	D.H.& W. PLACED IN CONCRETE DRIVE	
RM9	23°39'36"	1.066	G.I.P. PLACED	
RM10	141°02'57"	3.031	G.I.P. PLACED	

TYPE	No.	EASTING M.G.A.	NORTHING M.G.A.	ZONE	CLASS	ORDER	DATE OBTAINED
PM	17396	360633.457	6318686.036	56	B	2	7.11.11
PM	17411	360544.279	6318972.606	56	B	2	7.11.11
SSM	67814	360449.587	6318675.756	56	B	2	7.11.11

SOURCE: LAND & PROPERTY INFORMATION SCALE FACTOR: 0.999835

DIAGRAM SCALE 1:250



Surveyor: MARK ANTHONY ROLLS (ID No. 1932) Date of Survey: 4th NOVEMBER 2011 Surveyor's Ref: 9071C	<b>PLAN OF SUBDIVISION OF LOT 29 IN D.P. 24194</b>	LGA: WYONG Locality: GOROKAN Subdivision No: Lengths are in metres. Reduction Ratio 1:800	Registered	<b>DP</b>
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10	20	30	40	50	60	70	80	90	100	110	120	130	140	150
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Table of mm

# Revised Precinct 7A Rezoning Program Flowchart

## Project Establishment

- Study Boundary Definition
- Project Scoping Liaison
- Funding agreement signed with Landowner (November 2008)
- Council Endorsement (December 2008)
- Department of Planning Endorsement S.54)

## Planning Investigations

Ensure following technical reports are completed prior to public exhibition of Planning Proposal:

- Contaminated Land
- Acid Sulphate Soils
- Flora and Fauna
- Noise & Vibration
- Aboriginal Archaeology & European Heritage
- Flooding
- IWCM
- Traffic & Movement
- Open Space, Recreation & Landscaping
- Social Impact
- Bushfire
- Economic Viability
- Urban Design / Structure Plan / Masterplan Principles

## Planning Controls & Policy

- Planning Proposal (rezoning) (transferred to Gateway system November 2010)
- Submit detailed Planning Proposal for Gateway Determination which includes Structure Plan/Masterplan/Concurrent report to Council (March 2012)
- Development Control Plan (post gazettal)
- Section 94/Voluntary Planning Agreement (post gazettal)
- Bio Certification (post gazettal)

## Community Consultation

- Masterplan Design Charette (November 2010)
- Major Stakeholders Structure Plan Workshop (September 2011)
- Councillor briefing preferred structure plan C (September 2011)
- Submit Planning Proposal to Gateway to obtain permission to publicly exhibit Planning Proposal C beginning March 2011)
- Request Council endorsement to publicly exhibit Planning Proposal, Structure Plan, Masterplan and all support studies (End March 2012)
- Public Exhibition of Planning Proposal (target April 2012)
- Submission Evaluation & Project Amendment (April 2012)

## Minister to make Plan & Gazettal

- Council Endorsement
- Refer Planning Proposal to Minister of Planning & Infrastructure with request to make plan
- Department of Planning Endorsement
- Notification (Plan Making & Gazettal)



Principal Activity	Directorate	Unit	Project Title	Project Description/Scope	Justification	Expenditure proposed to be brought forward from the 2012/13 CAPEX list
Community & Education	Community & Recreation Services Department	Community Lifelong Learning	Library Resource Purchases	The purchase of books, CDs, DVDs, electronic resources, databases for lending.	The lending of material to the public is the core business of the library service, and is the dominant source of information provision we supply. Not maintaining adequate funding levels for this activity will severely compromise the ability to provide quality, current and balanced information to the public.	\$140,000
Community & Education	Community & Recreation Services Department	Community Lifelong Learning	Lake Haven Library Window Treatment	Implement graphic design that designates the location as a library, in partnership with Lake Haven Shopping Centre.	The exterior branding and identification of the location is not sufficient to promote it as a library service. Better location identification will create increased visitors to the library service.	\$14,000
Community & Education	Community & Recreation Services Department	Community Lifelong Learning	Tuggerah Library Air Conditioning	Replacement of Air Conditioning at Tuggerah Library	The replacement of air conditioning, as the current air conditioning unit does not meet the required operating standards.	\$16,000
Community & Education	Community & Recreation Services Department	Community Lifelong Learning	Toukley Library Security upgrade	Upgrade the security monitoring system to allow for personal duress alarms and CCTV.	Toukley library has a small FTE meaning staff are onsite in small numbers. Through risk assessment it has been determined that personal duress alarms that are linked to the security monitoring system will be advantageous. CCTV will assist with deterring anti-social behaviour in the immediate vicinity and allow police to investigate instances better. Not upgrading the security system will continue the existing risk level to staff.	\$11,000
Community & Education	Community & Recreation Services Department	Community Lifelong Learning	Tuggerah Library Window Treatment	Implement graphic design that designates the location as a library, in partnership with Westfield.	The exterior branding and identification of the location is not sufficient to promote it as a library service. Better location identification will create increased visitors to the library service.	\$19,000
Community & Education	Community & Recreation Services Department	Community Lifelong Learning	Tuggerah library Security upgrade			\$5,000
Community & Education	Community & Recreation Services Department	Community Lifelong Learning	Lake Haven Library Security upgrade			\$5,000
Community & Education	Community & Recreation Services Department	Sport, Leisure and Recreation Services	Manning Park Oval	Amenities Building	Greater usability of the Oval. Need for additional funds to complete	\$59,000
Community & Education	Community & Recreation Services Department	Open Space	Mardi Nursery	Upgrade works to comply with conditions of consent	Compliance with conditions of consent	\$100,000
Administration	Infrastructure Management Department	Plant, Fleet & Depots	Renew guttering CHD admin buildings	Replace damaged guttering Admin buildings and truck bay	Gutters rusted and unsafe allowing excessive water to escape adding to volume/velocity of site water which is then leaving CHD in areas not developed to correct drainage pits and overflow areas.	\$60,000
Administration	Infrastructure Management Department	Plant, Fleet & Depots	SES-Replace Plant & Machinery	SES vehicle Replacement program	Change over of SES Vehicles to maintain safe, reliable fleet.	\$80,000
Administration	Infrastructure Management Department	Plant, Fleet & Depots	Ourimbah Rural Fire Station	Completion of Ourimbah Fire station AC pavement	Completion of Ourimbah fire station	\$90,000
Roads	Infrastructure Management Department	Roads	To be selected	Road Pavement Renewal		\$1,500,000
Roads	Infrastructure Management Department	Roads	Alison Road footpath	Asset protection works	Protect footpath and shared pathway from erosion from Porters Creek	\$514,000
Council Enterprises	Community & Recreation Services Department	Sport Leisure and Recreation	Replace powerheads NHP	Supply power supply to vans	Reduce power usage - current PH are becoming unsafe	\$145,000
Community Recreation	Community & Recreation Services Department	Sport Leisure and Recreation	Vales Point car park upgrade	Upgrade of car park in prime northern reserve to support boat ramp upgrade	Repair and linemark existing car park in reserve to service local need and jetty upgrade	\$50,000
Community Recreation	Community & Recreation Services Department	Sport Leisure and Recreation	Playground management Program	upgrade and replacement of playgrounds in public parks across the Shire	To meet legislative requirements to provide playgrounds that are safe and compliant.	\$200,000
Community Recreation	Community & Recreation Services Department	Sport Leisure and Recreation	Baker Park Netball Post Replacements	Replacement of all Posts and footings	Injury from rusted surfaces and or failure of a post on impact	\$30,000
Community Recreation	Community & Recreation Services Department	Sport Leisure and Recreation	Statutory improvements and upgrades	Installation of tactile nosings and strips, Roof anchors, pump room upgrades, change area improvements, enclosure for pool cover	To meet safety and statutory requirements	\$74,500
Community Recreation	Community & Recreation Services Department	Sport Leisure and Recreation	Statutory improvements and upgrades	Disabled access improvements, Roof anchors, Disabled change area (yr 2012) improvements,	Safety requirements	\$29,500
Community Recreation	Community & Recreation Services Department	Sport Leisure and Recreation	Statutory improvements and upgrades	Disabled access improvements (Installation of tactile nosings and strips), roof anchors, change area improvements.	Safety requirements	\$34,500
Economic & Property Development	Environment & Planning Services	Place Management	Wyong Civic and Cultural Precinct Masterplan	Commence stage 1 of Frank Ballance park (design and construct). Budget includes \$350,000 for the purchase of 1 of the 3 properties need for the expanded park.	Increase level of investment confidence in the town. Address storm water issues within town centre. Increase public amenity within the town centre. Show community that Council is serious about revitalising the centre	\$150,000
Economic & Property Development	Environment & Planning Services	Place Management	The Entrance Town Centre Masterplan	Commence implementation of The Entrance Town Centre masterplan Traffic studies and tile purchases	Increase level of investment confidence in the town. Increase public amenity within the town centre. Encourage development of iconic development Sites and support public benefits. Show community that Council is serious about revitalising the centre	\$360,000
Economic & Property Development	Environment & Planning Services	Place Management	Toukley Town Centre Masterplan	Commence implementation of The Toukley Centre masterplan Traffic studies and footpath replacement in Hargraves Street	Increase level of investment confidence in the town. Show community that Council is serious about revitalising the centre. Encourage development of iconic development Sites and support public benefits.	\$280,000
Economic & Property Development	Environment & Planning Services	Place Management	Streetscape Improvements - Central Coast Highway through Long Jetty	Streetscape Improvements including planting, banners, artwork, signage and paving from Shelly beach Road through to Oakland Ave - possible RDA funds Design work and material purchases	Improve the amenity of the Long Jetty area. Encourage development of iconic development Sites and support public benefits. Show community that Council is serious about revitalising the centre. Increase level of investment confidence in the town.	\$250,000
Community & Education	Community & Recreation Services Department	Community and Cultural Development	community facility equipment upgrade	Upgrade equipment at 10-15 community facilities - including tables, chairs, data projector, visual aides	improve hiring capacity. Improve equipment and reduce long term maintenance via damage of old tables and chairs	\$50,000
Waste Management	Infrastructure Management Department	Waste	Purchase Water Tank			\$20,000
					TOTAL	\$4,286,500

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
1	Environment and Planning Services	9.5 - Notice of Motion – Sea Level Rise Notification  1 <u>Write</u> to all property owners affected by the State Governments sea level rise policies.  2 <u>Text of the letter be endorsed</u> by Council.	24 February 2010  Cr Eaton / Cr Graham	F2009/00067  A report will be submitted to Council once additional information has been provided by the General Counsel.
2	General Manager's Department - Major Projects	7.6 - Notice of Motion – Warnervale Town Centre Viability  <u>Staff report on the viability of developing the 1,100 units proposed for Warnervale Town Centre and possible variation of proposed densities to ensure viable town centre development.</u>	12 May 2010  Cr Eaton / Cr Best	F2004/00535-07  A consultant has been engaged and commenced work on the report responding to this question.
3	Environment and Planning Services	8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes  <u>Investigate and report back to Council on the best use of the Clause 14 (3) (b), funds for improving conservation outcomes.</u>	14 July 2010  Cr Wynn / Cr Eaton	F2004/12208  Report drafted and being reviewed taking into account the CLEP template and proposed CLEP clauses.  A report is being prepared for mid 2012.
4	Corporate Services	Q109/10 – Regional Hospital Cutbacks  <u>"It has been reported in the media that the Federal Government has redirected hospital funding into the regions, reportedly resulting in substantial cutbacks to our regional hospital at Gosford. As the Central Coast is a region and that the Federal Government funding adjustment was indicated to favour the regions how is it that this region appears to have suffered a health funding cutback?"</u>	13 October 2010  Cr Best	F2004/11290  A response will be made to the meeting of 26 April 2012.
5	Community and Recreation Services	8.2 - Notice of Motion – Acknowledgement of the Darkinjung People  <u>Defer this item to allow time to further consider this matter and receive further information.</u>	27 October 2010  Cr Graham / Cr Eaton	F2004/06248  Councillor briefing has been postponed.  A Councillor Business update has been issued on this matter.



No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
6	Infrastructure Management	<p>7.1 - Notice of Motion - Regional Push to Reinstate F3 Link</p> <p>1 <i>Form a whole of Government Regional Partnership to include Gosford City Council, Wyong Shire Council and appropriate Sydney Councils (if required), Central Coast State Government Members and Federal Government Members with a view to organising a deputation to raise this issue with the Federal Government.</i></p> <p>2 <i>Urge the Regional Partnership to take-up Mr Swan's offer to receive representation from the Central Coast Regional Partnership to have the F3 Link funding reinstated in the 12-13 budget.</i></p>	<p>25 May 2011</p> <p>Cr Best / Cr Eaton</p>	<p>F2004/06677</p> <p>A letter has been issued to the Minister for Resources and Energy. A report will be submitted to Council once a response has been received.</p> <p>A follow up email has been sent from the General Manager to the Minister for the Central Coast and Minister for Resources and Energy.</p> <p>Still waiting on a response from the Minister for the Central Coast. It is understood that he is waiting on advice from the Minister for Roads and Ports.</p> <p>It is intended that a status report be submitted to Council in March, following a possible meeting between the Mayor and General Manager with the Federal Minister for Infrastructure and Transport.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
7	Environment and Planning Services	<p>6.5 - Notice of Motion - Destruction of Natural Environment and Indigenous Heritage at Norah Head</p> <p>1 <u>Acknowledge</u> the community groups that contribute to the highly successful phenomena of whale watching at Norah Head.</p> <p>2 <u>Request</u> the General Manager to provide a staff report on the resultant human impact on the natural environment around Soldiers Beach at Norah Head and the report should cover preliminary details of current and proposed initiatives available for Council's consideration in managing the escalating damage to the natural and indigenous heritage.</p> <p>3 <u>Request</u> the report be prepared in partnership with the appropriate agencies and indigenous community.</p> <p>4 That, upon consideration of the requested report, the local land council be <u>invited</u> to address the Council meeting.</p>	<p>13 July 2011</p> <p>Cr Best / Cr Vincent</p>	<p>F2004/00580</p> <p>A report is currently being prepared and will be reported to Council in mid 2012.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
8	Environment and Planning Services	<p>8.2 - Notice of Motion - Coal Seam Gas (CGS) Inquiry</p> <p><i>That Wyong Shire Council:</i></p> <ol style="list-style-type: none"> <li>1 <u>Write and thank</u> the State Government for banning the chemicals used in the tracking process.</li> <li>2 <u>Support</u> the Coal Seam Gas (CSG) inquiry being undertaken by the NSW Legislative Council;</li> <li>3 <u>Call</u> on the NSW Government to ensure the role of councils is adequately considered in dealing with CSG exploration and production; and independently assessed.</li> <li>4 <u>Calls</u> on the government to institute a full moratorium on all forms of coal seam gas drilling until the environmental, social and health impacts have been rigorously and</li> <li>5 <u>Rejects</u> suggestions by industry that coal seam gas development is appropriate in residential areas, and calls on the government to rescind exploration licences over residential areas.</li> <li>6 <u>Place</u> a prohibition on coal seam gas exploration and mining in important bushland, valuable farmland, groundwater aquifers and public lands.</li> </ol>	<p>14 September 2011</p> <p>Cr Wynn / Cr Vincent</p>	<p>F2004/11916</p> <p>Letter has been sent and awaiting response.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
9	Environment and Planning Services	<p>5.3 - Notice of Motion - Submission to the Planning System Review Committee</p> <p>1 <i>Request the General Manager to make a submission to the planning system review committee highlighting problems with the current planning system including:</i></p> <ul style="list-style-type: none"> <li>a <i>delays particularly with rezonings, but also with other government agencies,</i></li> <li>b <i>uncertain outcomes even after land has been rezoned for development,</i></li> <li>c <i>infrastructure provision including alternative funding mechanisms such as muni bonds,</i></li> <li>d <i>more local flexibility, one size does not fit all,</i></li> <li>e <i>more local authority, empowering council to make decisions on minor rezonings and rezonings in line with adopted strategic plans</i></li> <li>f <i>cheaper, simpler system.</i></li> </ul> <p>2 <i>Request the General Manager to schedule a briefing, in late January or early February, on the issues paper with a view to developing a Council submission to the issues paper.</i></p>	<p>26 October 2011</p> <p>Cr Eaton / Cr Wynn</p>	<p>F2004/00550</p> <p>Councillor Briefing held on 1 February 2012. Submission prepared and referred to Councillors for comment.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
10	Environment and Planning Services	<p>8.2 - Notice of Motion - Development Applications for Retail Liquor Outlets &amp; 8.6 Notice of Motion - Proliferation of Alcohol Outlets</p> <p>1 <u>Make representation to the Crime Prevention Partnership Committee to establish a working party of this group to provide advice on any Development Application submitted for a Retail Liquor Outlet.</u></p> <p>2 <u>If the crime prevention partnership Committee group can not form a working party then Council will <u>establish</u> a licensed premises reference group comprising of:</u></p> <p>a) Council Officers, including Rangers</p> <p>b) NSW Police Local Area Commander</p> <p>c) A NSW Office of Liquor and Gaming Representative</p> <p>d) Central Coast Area Health Representative</p> <p>3 <u>Reject the further proliferation of alcohol availabilities through the recent push by the Australian Association of Convenience Stores to sell alcohol in local petrol stations.</u></p> <p>4 <u>Make formal representation on behalf of its residents and ratepayers to the current Productivity Commission's Inquiry into the industry's proposal with the grounds for objection to include but not limited to:</u></p> <p>.....(Please see minutes for complete resolution.)</p>	<p>12 October 2011</p> <p>Cr Wynn / Cr Best</p>	<p>F2004/07052</p> <p>Letters have been sent in respect of Resolutions 1, 2, 3 &amp; 4; awaiting responses.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
11	Corporate Services	Q29/11 - Carbon Tax on Council <i>"Mr General Manager, now that the Federal Government has levied its new carbon tax and that the costing methodology is clearer, could staff please update Council on what extra costs will now likely be passed on to the ratepayers and also as to what compensation is available to offset this new tax on Council?"</i>	9 November 2011 Cr Best	F2004/06579 Monitoring impacts forecasted will be included in the 2012-16 CSP, Annual Plan, 4YDP and LTFP. A response will be submitted to 26 April 2012 meeting.
12	Community and Recreation Services	8.1 - Notice of Motion - Improved Library Services 1 <u>Recognise</u> the rapid adoption of e-book reader technology and likely phasing out of paper books and the implications of this for Council's Library Service. 2 <u>Consider</u> a report on: a entry into this technology possibly by way of trials, b benefits and disbenefits c budgetary implications (if any).	23 November 2011 Cr Eaton / Cr McNamara	F2006/00444 A Library Strategic Plan will be completed in the 2012/13 Financial Year that addresses these issues.
13	Environment and Planning Services	8.2 – Notice of Motion – Wildlife Corridor Road Kill 1 <u>Note</u> that its planned east-west major wildlife corridor is now being formalised. 2 <u>Confirm</u> that it seeks to provide safe aerial and terrestrial passage through the corridor by addressing safety in the 2 major road networks (the F3 and the Pacific Highway) that cut through the corridor causing major wild life road kill issues. 3 <u>Seek</u> assistance from the NSW RTA and the Federal Government to address the issue of safer wild life corridor crossings as seen on the NSW mid north coast. 4 <u>Receive</u> a report on the outcomes with regard to the request for assistance from the NSW RTA and the Federal Government.	14 December 2011 Cr Best / Cr Wynn	F2004/06946 Letters sent. When a response is received it will be reported to Council at a future meeting.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
14	Environment and Planning Services	<p>8.3 – Notice of Motion – State of the Shire Studies</p> <p>1 <i>Reiterate the significance of the State of the Shire report (now encompassing the State of the Environment report) in providing a meaningful indicator of the health of our environment and our environmental performance.</i></p> <p>2 <i>Acknowledge the results of the State of the Shire report outlining a continuing decline in seven out of eleven environmental indicators and utilise these results to inform Council's deliberations in relation to its Strategic and Annual Plan for 2012/2013.</i></p> <p>3 <i>Consider the following at the February 2012 Workshop:</i></p> <p>A <i>as part of the Annual Plan deliberations, resourcing specific studies that will provide baseline data to enable more precise reporting and measurement on the health of our environment, in responding to these declining environmental indicators .</i></p> <p>B <i>give specific consideration, as part of the 2012/2013 Annual Plan process, to the resourcing of projects that will address current information gaps and enhance Council's ability to assess the decisions it makes in relation to the principle of 'improve and maintain'.</i></p>	<p>14 December 2011</p> <p>Cr Wynn / Cr Best</p>	<p>F2004/07518</p> <p>The action required in A and B are incorporated in Environment and Natural Resources Business Plan for 2012/2013 and after, and internal movements are being undertaken to provide the necessary resources.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
15	Environment and Planning Services	<p>8.4 – Notice of Motion – Westfield \$750m Tuggerah Development (JOBS, JOBS, JOBS)</p> <p>1 <i>Note the preparedness of Westfield Group to commence its 750 million dollar Tuggerah Gateway development adjoining the F3 Freeway.</i></p> <p>2 <i>Note that the development will be modelled on the highly successful Norwest Business Park concept and will deliver some 2,000 jobs during construction, over 7,000 jobs on completion and delivering a total of 35,000 jobs in the region over the next 20 years.</i></p> <p>3 <i>Reaffirm its commitment to local job generation, having regard to this region's unemployment rate of twice the state average and a youth unemployment rate of a massive 32%.</i></p> <p>4 <i>Seek to further advocate to have the necessary State Government zonings and approvals expedited, while recognising that it is not the consent authority.</i></p> <p>5 <i>Request the General Manager to report on the progress of the development to date and any impediments which are delaying the delivery of this key infrastructure and job generating project.</i></p>	14 December 2011 Cr Best / Cr Eaton	F2009/00960 Letter sent to DoPI 21 December 2011. Council report will be prepared following a response from DoPI.
16	Environment and Planning Services	<p>Q34/11 – Purchase of Sections of Remaining Undeveloped Land at Wadalba Hill</p> <p><i>“Could staff please advise on any State or Federal funding schemes that may be available to purchase sections of the remaining undeveloped land at Wadalba Hill for conservation purposes?”</i></p>	14 December 2011 Cr Vincent	F2005/00562 A report is being prepared for a Council meeting for 26 April 2012 meeting.



No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
17	Corporate Services	<p>Q35/11 – Assistance to Wyong Historical Society</p> <p><i>“Could staff please advise on the assistance that can be provided by Council to the Wyong Historical Society in their endeavours to recover from the recent fire at the Alison Homestead?”</i></p>	<p>14 December 2011</p> <p>Cr Vincent</p>	<p>C2011/05301</p> <p>A report on this matter will be considered at 26 April 2012 meeting.</p>
18	Infrastructure Management	<p>8.4 - Notice of Motion - Fast Tracking Warnervale Road</p> <p>1 <u>Note</u> its current commitment of \$2.08M to the reconstruction of Minnesota Road and the upgrade of Louisiana Road.</p> <p>2 <u>Consider</u> as a matter of urgency, all options to fast track the total reconstruction of the former rural road, now urban highway, known as Warnervale Road.</p> <p>3 <u>Support</u> in principle and encourage staff to thoroughly investigate the recently announced state government "infrastructure renewal scheme" which seeks to assist councils to fast track critical infrastructure projects within the 12-13 budgetary cycle.</p> <p>4 <u>List</u> this important strategic infrastructure program as a matter of urgency for discussion and consideration at Council's upcoming annual budgetary and strategic planning workshop.</p> <p>5 <u>That</u> in the event that Council does not seek to pursue the State Government's "infrastructure renewal scheme" funding or as the project may be ineligible, Council <u>recognises</u> its responsibility to fund this critical infrastructure via Section 94 Funds or other revenue streams within the 2012-2013 Management Plan.</p>	<p>8 February 2012</p> <p>Cr Best / Cr Eaton</p>	<p>F2004/07773</p> <p>Council has submitted an expression of interest to the DLG for subsidised loan funding for the renewal and upgrade of Warnervale Road and Minnesota Road as part of its 2012/13 budget process. The process involves the Department forwarding Council a detailed application form which needs to be completed by March. All this action is in hand.</p> <p>The matter of Warnervale Road reconstruction was discussed at the Councillor Workshop. Funds of \$3.2M are allocated in the draft 2012/13 capital expenditure for this work between Ebony Drive and Monarch Drive.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
19	Environment and Planning Services	<p>8.5 - Notice of Motion - Granny Flat, Second Dwelling Contribution Waiver</p> <ol style="list-style-type: none"> <li>1 <u>Reaffirm</u> its commitment to the principles of affordable housing and its importance in assisting a broad cross section of our community and recognise that Section 94 contributions may be prohibitive to many affordable housing projects.</li> <li>2 <u>Note</u> the decision of Gosford City Council to assist in facilitating affordable housing through the trial waiver of Section 94 contributions for granny flats.</li> <li>3 <u>Support</u> this initiative thereby establishing a regional approach to affordable housing.</li> <li>4 <u>Waive</u> Section 94 contributions for granny flats on a trial basis till September 2012, concurrent with Gosford City Council and that the outcome of this be reported to Council.</li> <li>5 <u>Receive</u> the report in a timeframe for inclusion in the 2012-13 Annual Plan.</li> <li>6 <u>Implement</u> the trial by way of reporting those relevant development applications to Council for determination.</li> </ol>	<p>8 February 2012 Cr Best / Cr Symington</p>	<p>F2004/00552 Councillor update issued 23 February 2012 outlining the implementation of this resolution.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
20	Environment and Planning Services	<p>8.6 - Notice of Motion - Ongoing Approval from State Government for Part 5 Assessments for Maintenance Works</p> <p>1 <u>Request</u> the General Manager to investigate options contained within relevant legislation to enable longer term approvals (including licences) to be issued for annual and repeat activities undertaken by Council within, on the foreshore and adjacent to the Shire's lakes, and other locations in relation to Part 5 Assessments.</p> <p>2 <u>Request</u> the General Manager to report back on the current costs borne by Council due to the need to apply for approvals and licences on an individual basis, with a view to minimising and/or avoiding any unnecessary waste of staff resources and ratepayer funds.</p>	8 February 2012 Cr Symington / Cr Eaton	F2004/07773 A report will be submitted to a meeting in May 2012.
21	Environment and Planning Services	<p>8.7 - Notice of Motion - Tree Vandalism Norah Head</p> <p>1 <u>Note</u> with concern acts of environmental vandalism in relation to the poisoning of several mature trees in Mazlin Reserve at Norah Head.</p> <p>2 <u>Direct</u> the General Manager to urgently prepare a report regarding the actions and responses available to Council concerning acts of environmental vandalism in general, and specifically in relation to the poisoning of several mature trees in Mazlin Reserve at Norah Head.</p> <p>3 <u>Direct</u> the General Manager to discuss the possibility and capacity of Council to erect and maintain a "view blocking" barrier in the report.</p>	8 February 2012 Cr Symington / Cr Wynn	F2012/00194 A report is being prepared for 26 April 2012 meeting.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
22	Community and Recreation Services	<p>5.1 – Notice of Motion – Status of Women Committee</p> <p>1 <u>Acknowledge</u> the significance of the United Nations International Women’s Day.</p> <p>2 <u>Launch</u> the WSC “Status of Women Committee” on United Nations International Women’s Day”, Thursday 8 March 2012.</p> <p>3 <u>Promote</u> International Women’s Day through the media and community networks.</p>	22 February 2012 Cr Matthews / Cr McBride	F2012/00343 Council will be hosting a breakfast for International Women’s Day acknowledging the significance contribution women make in our community. An EOI was advertised for the Status of women Committee with 20 applications received. Successful applicants will be announced at the breakfast. Council is also supporting the Successful Business Women’s Network luncheon.
23	Infrastructure Management	<p>5.2 – Notice of Motion – Subsidised Tipping for Residential Ratepayers</p> <p>1 <u>Note</u> the current entitlement for ratepayers to dispose of bulk waste is 6 free kerbside pick ups per household, per annum.</p> <p>2 <u>Note</u> that some ratepayers who choose to transport their waste directly to the Buttonderry Waste Management Facility are being charged in accordance with WSC fees and charges schedule.</p> <p>3 <u>Consider</u> broadening the current waste management regime to accommodate those residents that transport their waste directly to the Buttonderry Waste Management Facility.</p> <p>4 <u>Direct</u> the General Manager to report on flexible options to facilitate a more equitable waste disposal regime, such as, but not limited to, providing subsidised tipping coupons in rate notices.</p> <p>5 <u>Recognise</u> the benefits of a flexible waste management policy that is more equitable and encourages responsible waste disposal.</p> <p>6 <u>Consider</u> a report on the recycling targets set by the State Government, the cost to ratepayers and alternative schemes available.</p>	22 February 2012 Cr Best / Cr McNamara	F2004/06747 Information needed to be obtained. It is anticipated that a report will be submitted to Council in April.
24	Corporate Services	<p>Q4/12 - Status of Alison Homestead</p> <p>“Can staff please report on the status of Alison Homestead in relation to the recent event?”</p>	22 February 2012 Cr Matthews	F2011/02693 A report on this matter will be considered at 26 April 2012 meeting.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
25	Environment and Planning Services	Q5/12 - Wadalba Wildlife Corridor (WWC) Management Plan <i>"Mr General Manager, further to Q36/11 answered on 22 February 2012, may I further seek advice as to; who took the decision to defer monitoring, when was the decision made, and what meeting was it reported to Council? Also did Council seek concurrence from DECC/OEH/EPA as I understand they are parties to this matter and did they concur with deferring monitoring commencement of the WWC?"</i>	22 February 2012 Cr Best	F2005/00562 An answer will be prepared for 26 April 2012 meeting.
26	Community and Recreation Services	Q7/12 - Submissions to Access Federal Government's Graffiti Grants Scheme <i>"Could staff please advise if Council has made a submission to access the Federal Government's new Graffiti Grant scheme? The Federal Government has allocated \$3 million from the Proceeds of Crime Fund to help local councils clean up and prevent graffiti. Grants of \$50,000 to \$150,000 are currently being offered to local governments to invest in measures including cleaning up graffiti, reducing graffiti through improved lighting, CCTV in graffiti hotspots and preventing graffiti through better education."</i>	22 February 2012 Cr Vincent	F2004/07937 Staff have reviewed grant guidelines against Wyong Shire Graffiti Strategy to identify possible projects. Staff will be attending Northern Wyong Graffiti forum to explore partnership opportunities on 28/2/12. Grant applications due 16/3/12. Funding eligibility between \$50,000 and \$150,000
27	Corporate Services	Q8/12 - Employment and Replacement of Apprentices and Trainees <i>"Can staff please report on the details, over the past 5 years, of the employment and placement of all apprentices and trainees employed by WSC?"</i>	22 February 2012 Cr Symington	F2004/07718 Details will be provided for 26 April 2012 meeting. HR Manager will seek clarification directly from Councillor Symington on the specific details sought to ensure an appropriate response is provided.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
28	Community and Recreation Services	<p>7.2 – Notice of Motion – Completion of Lake Cycleway</p> <p>1 <i>Reiterate</i> its support for the missing link cycleway connection through Wyrabalong National Park at North Entrance, as a priority project.</p> <p>2 <i>Seek</i> to convene a working group, consisting of the members for The Entrance and Wyong and representatives of the Premiers Office, the National Parks and Wildlife Service, Councillors and Council staff, to progress this key initiative.</p> <p>3 <i>Seek</i> additional funding resources for the project.</p>	14 March 2012 Cr Eaton / Cr Best	F2004/07891 Meeting of stakeholders to be convened by Sport Leisure and Recreation.
29	Community and Recreation Services	<p>7.4 – Notice of Motion – Community Forum to Discuss Access and Disability within the Shire</p> <p>1 <i>Facilitate</i> a community forum to discuss access and disability in Wyong Shire.</p> <p>2 <i>Note</i> the objective of the forum is to achieve a community led approach to future engagement, consultation, service provision and infrastructure regarding access and disability in Wyong Shire.</p> <p>3 <i>Invite</i> residents, community groups, service providers and relevant agencies to the forum.</p>	14 March 2012 Cr McBride / Cr Matthews	F2004/07891 Resourcing requirements currently being considered.
30	Infrastructure Management	<p>Q10/12 – Pipeline and capacity of Mangrove Creek Dam</p> <p><i>“Could staff please advise on what the capacity of the Mangrove Creek Dam would be if the pipeline had been operational following completion in June 2011, and assuming Council was able to pump the maximum was as permitted by the current licence?”</i></p>	14 March 2012 Cr Matthews	F2007/01127 A Councillor Business Update will be prepared by the end of March.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE  
14 MARCH 2012**

	<b>Department</b>	<b>Question on Notice / Notice of Motion</b>	<b>Date Asked/ Councillor</b>	<b>Status</b>
1	Corporate Services	Q23/11 - Projected Additional Revenue Raised by Charging School to Utilise Sports Grounds	24 August 2011 Cr Vincent	An answer is included in this business paper.
2	Environment and Planning Services	Q26/11 - Pioneer Dairy	14 September 2011 Cr McBride	An answer is included in this business paper.
3	Infrastructure Management	5.1 - Notice of Motion - Waste Levy Charges	26 October 2011 Cr Webster / Cr McNamara	A report is included in this business paper.
4	Environment and Planning Services	Q33/11 - Powerful Owl	23 November 2011 Cr Wynn	An answer is included in this business paper.
5	Infrastructure Management	Q1/12 - Culvert Erosion of Creek at Bruce Crescent, Warnervale	8 February 2012 Cr Eaton	An answer is included in this business paper.
6	Environment and Planning Services	Q9/12 Contributions Raised from Section 94A Fees	22 February 2012 Cr Symington	An answer is included in this business paper.
7	Corporate Services	7.1 – Notice of Motion – Central Coast Venues for Off Site Workshops – Weekend Workshops	14 March 2012 Cr Graham / Cr Vincent	The Integrated Planning Team has included the request in the project planning for the Strategic Plan 2013-17.