



Canton Beach All Access Playground was recently named as one of the best in Australia at the Parks and Leisure National Awards 2014

Wyong Shire Council

Business Paper

ORDINARY COUNCIL MEETING

10 September 2014

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MEETING NOTICE

The **ORDINARY COUNCIL MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber,**
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 10 SEPTEMBER 2014 at 5.30 pm,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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7 QUESTIONS ON NOTICE ASKED

At the conclusion of the meeting and at the discretion of the Mayor, Council may meet with staff in an informal, non-decision making mode for a period of no more than 30 minutes.

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2013/02042-02 - D11673780

MANAGER: Lesley Crawley, Manager

AUTHOR: Fiona Kurtz; Councillor Services Officer

The provisions of Chapter 14 of the *Local Government Act, 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

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

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2013/02042-02 - D11673783

MANAGER: Lesley Crawley, Manager

AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

Briefings proposed for this meeting and future meetings to be held in the Wilfred Barrett and Tim Farrell Committee Rooms:

Date	Briefing	Directorate
10/9/2014	Bushfire works Plan	Property and Economic Development
10/9/2014	Social return on Investment	Community and Recreation Services
10/9/2014	Library Future - Overview	Community and Recreation Services
10/9/2014	Central Coast Regional Growth and Infrastructure Plan Discussion Paper	Development and Building

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting 10 September 2014 D11699756

Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Bushfire works plan	Property and Economic Development		10/09/2014
Social Return on Investment	Community and Recreation Services		10/09/2014
Library Future - Overview	Community and Recreation Services		10/09/2014
Central Coast Regional Growth and Infrastructure Plan Discussion Paper	Development and Building		10/09/2014
Art House	Community and Recreation Services		24/09/2014
Customer Service	Community and Recreation Services		24/09/2014
TBC--NBNC Co Briefing for the Fibre to the Node trial in Northern Sector	GM Unit		24/09/2014
Brand Update (Confidential)	Community and Recreation Services		24/09/2014
Precinct 7A s. 94 Contributions	Property and Economic Development		24/09/2014
INSPECTION - Norah Head Boat Ramp	Community and Recreation Services		01/10/2014
2013/14 End of Financial Year accounts (pre-exhibition)	GM Unit		08/10/2014
CONFIDENTIAL: Building Certification Business	Development and Building		08/10/2014
Facts of and Strategy for Tidy Towns & LandCare	Community and Recreation Services		22/10/2014
Regional Playgrounds	Community and Recreation Services		22/10/2014
CCRDC Update - Graeme Inchley & Greg South	GM Unit		26/11/2014
Community Facilities Strategy Update	Community and Recreation Services		26/11/2014
2014/15 Q1	GM Unit		26/11/2014
Ward Forums Annual Review	Community and Recreation Services		11/03/2015
Wyong Employment Zone - results of DCP and S94 contributions Plan/Biocertification update, DCP amendment update	Property and Economic Development	November	

1.3 Address By Invited Speakers

TRIM REFERENCE: F2013/02042-02 - D11673791
MANAGER: Lesley Crawley, Manager
AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

There have been no requests to address the Ordinary Meeting at the time of printing the Business Paper.

RECOMMENDATION

That Council receive the report on Invited Speakers.

ATTACHMENTS

Nil

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2013/02042-02 - D11673802
MANAGER: Lesley Crawley, Manager
AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 27 August 2014.

RECOMMENDATION

*That Council **confirm** the minutes of the previous Ordinary Meeting of Council held on Wednesday 27 August 2014.*

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Minutes - Ordinary Meeting 27 August 2014 | D11686345 |
| 2 | Minutes - Confidential Session of the Ordinary Meeting 27 August 2014 - | D11691843 |

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 27 August 2014
COMMENCING AT 5.00PM**

PRESENT

Councillors D J Eaton (Chairperson), R L Graham, K G Greenwald, L R Y Nayna, L S Taylor, D P Vincent and L D Webster.

IN ATTENDANCE

General Manager, Director Development and Building, Acting Director Infrastructure and Operations, Acting Director Property and Economic Development, Director Community and Recreation Services, General Counsel, IT and Operations Manager, Marketing and Brand Coordinator, Chief Financial Officer and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.00pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

John Hardwick delivered the opening prayer and Councillor Vincent read an acknowledgment of country statement.

APOLOGIES

An apology for the inability to attend the meeting was received on behalf of Councillors Best and Troy due to attendance at the Parks and Leisure Conference. An apology for the inability to attend the meeting was also received on behalf of Councillor Matthews due to a family emergency.

RESOLVED unanimously on the motion of Councillor VINCENT and seconded by Councillor WEBSTER:

933/14 That Council accept the apologies and grant leave of absence from the meeting.

All reports were dealt with in sequential order.

1.1 Disclosures of Interest

Item 3.2 - Amendments to Development Contribution Plans

Councillor Vincent declared a pecuniary interest in the matter for the reason that he resides in the Budgewoi Contribution Plan area and is affected by the plan changes. Councillor Vincent left the chamber at 5.16pm, took no part in discussion, did not vote and returned to the chamber at 5.17pm.

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor TAYLOR:

934/14 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor WEBSTER:

935/14 That Council allow meeting practice to be varied.

936/14 That Council use the exception method to deal with the balance of the Agenda.

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

937/14 That with the exception of report numbers 1.4, 2.1, 3.3, 3.4, 3.5, 4.5, and 6.1 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

938/14 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

939/14 That Council receive the report on Invited Speakers.

1.4 Confirmation of Minutes of Previous Meeting

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor EATON:

940/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 13 August 2014 with the following amendment to items 1.1 Disclosure of Interest and 7.1 - Federal Government Funding for the National Whale Trail:

'Item 7.1 – Federal Government Funding for the National Whale Trail

Councillor Nayna declared a non-pecuniary significant interest in the matter for the reason that he is employed by the member for Dobell and the motion called for direct action on her behalf.. Councillor Nayna left the chamber at 7.44pm, took no part in discussion, did not vote and returned to the chamber at 7.52pm.'

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

941/14 That Council consider the following matter in Confidential Session, pursuant to Section 10 A (2) (c) of the Local Government Act 1993:

6.1 Toukley Caravan Park

6.2 Extension of Operation and Management Contracts of the Central Coast Holiday Parks

942/14 That Council note its reason for considering Report No 6.1 - Toukley Caravan Park and 6.2 - Extension of Operation and Management Contracts of the Central Coast Holiday Parks as they contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

943/14 That Council request the General Manager to report on these matters in open session of Council.

2.1 Proposed Additional Use of Crown Reserves R170146 and R85574 at Tuggerah Parade, Long Jetty

Councillor Vincent left the meeting at 5.07pm and returned to the meeting at 5.09pm during consideration of this item.

Councillor Greenwald left the meeting at 5.13pm and returned to the meeting at 5.15pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GRAHAM:

944/14 That Council request Crown Lands Division to add the purpose of "Urban Development" to Tuggerah Lake (R170146) Public Recreation Reserve Trust and Long Jetty Recreation (R85574) Reserve Trust for Public Recreation.

2.2 Proposed Grant of Easement for Electricity Purposes to AusGrid at Wyong

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

- 945/14 That Council grant an easement for a kiosk style electricity substation 5.3m x 3.3m to AusGrid over Lot 1 Section 7 DP 3136 Margaret Street, Wyong.
- 946/14 The Council grant an easement for electricity & other purposes 2.2m wide to AusGrid over Lot 1 Section 7 DP 3136 Margaret Street, Wyong.
- 947/14 That Council grant a right of carriageway 10.1m wide and variable width to AusGrid over Lot 1 Section 7 DP 3136 Margaret Street, Wyong.
- 948/14 That Council sign the AusGrid Deed of Agreement for Easement which will allow access to the Site for the purpose for constructing a substation kiosk and electricity supply to service The Art House development on the same Council land.
- 949/14 That Council authorise the Common Seal of Wyong Shire to be affixed to all related documents as required.
- 950/14 That Council authorise the Mayor and General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and AusGrid.

3.1 Approval of 2013/14 Capital Projects to be Continued in 2014/15

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

- 951/14 That Council approve the proposed capital projects to be continued in 2014/15 as detailed in this report.
- 952/14 That Council approve the adjustments to the 2014/15 Capital Works budget to accommodate projects continuing from 2013/14 and other emergent initiatives as detailed in this report.

3.2 Amendments to Development Contribution Plans

Councillor Vincent declared a pecuniary interest in the matter for the reason that he resides in the Budgewoi Contribution Plan area and is affected by the plan changes. Councillor Vincent left the chamber at 5.16pm, took no part in discussion, did not vote and returned to the chamber at 5.17pm.

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor WEBSTER:

- 953/14 That Council exhibit the proposed amendments in accordance with Clause 28 of Part 4 of the Environmental Planning and Assessment Regulations 2000.
- 954/14 That Council adopt the proposed amendments subject to no objections being received as a result of the public exhibition.

3.3 2013-17 Strategic Plan Business Report (Q4)

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor WEBSTER:

- 955/14 That Council receive the Q4 Business Report on progress against the 2013-17 Strategic Plan.
- 956/14 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.

3.4 Wyong Education & Business Precinct Masterplan and Amendment to Wyong Local Environmental Plan 2013

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor NAYNA:

- 957/14 That Council initiate the Local Environmental Plan "Gateway" process by the preparation of a Planning Proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979.
- 958/14 That Council forward the Planning Proposal to the Department of Planning and Environment requesting a "Gateway" determination, pursuant to Section 56(1) of the Environmental Planning and Assessment Act 1979.
- 959/14 That Council refer the planning proposal to appropriate public authorities for comment, subject to the determination of the Gateway Process, pursuant to Section 56(2) of the Environmental Planning and Assessment Act 1979.
- 960/14 That Council advise the Department of Planning and Environment that it does intend to apply for plan making delegations for the planning proposal, pursuant to Section 23 of the Environmental Planning and Assessment Act 1979.
- 961/14 That Council place on public exhibition the draft Wyong Education and Business Precinct Masterplan for a period of 28 days once a "gateway determination" has been received.
- 962/14 That Council direct the General Manager to submit a further report to Council on the outcomes of the above process.
- 963/14 That Council authorise the General Manager to make representations to, and seek interest from, a wide variety of education providers to be part of Councils Education and Business Precinct.

3.5 Link Road, Warnervale - Southern Section North From Watanobbi - Completion of Preconstruction Work

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor GREENWALD:

964/14 That Council engage Aurecon, under the provisions of Section 55(3)(i) of the Local Government Act NSW, due to the extenuating circumstances in which Aurecon possesses a substantial body of historical knowledge, data and records concerning the previous design work in the Link Road project.

965/14 That Council concur that a satisfactory result to either Council or other consultant firms would not result by inviting tenders for the completion of the design of Stage 2 of the project.

966/14 That Council authorise the General Manager to negotiate and accept a specific proposal from Aurecon to complete the work, within the limits of the current budget allocation and subject to the General Manager being satisfied that the proposal represents good value for money to the Council.

4.1 End of Financial Year Update on Environmental Planning & Assessment and Local Government Act Developer Contributions

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

967/14 That Council receive the report on End of Financial Year Update on Environmental Planning & Assessment and Local Government Act Developer Contributions.

4.2 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 7 August 2014

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

968/14 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 7 August 2014.

4.3 Results of Water Quality Testing for Beaches and Lake Swimming Locations

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

969/14 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

4.4 Works in Progress - Water Supply and Sewerage

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

970/14 That Council receive the report on Works in Progress - Water Supply and Sewerage.

4.5 Activities of the Development Assessment and Building Certification Compliance and Health Units

Councillor Vincent left the meeting at 6.06pm and returned to the meeting at 6.07pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor TAYLOR:

971/14 That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of July 2014.

4.6 Investment Report for July 2014

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

972/14 That Council receive the Investment Report for July 2014.

4.7 Outstanding Questions on Notice and Notices of Motion

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

973/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

CONFIDENTIAL SESSION

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor TAYLOR:

974/14 That Council move into Confidential Session.

At this stage of the meeting being 6.12pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

OPEN SESSION

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

975/14 That Council move back into Open Session.

Council resumed in open session at 6.29pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

6.1 Toukley Caravan Park

976/14 That Council note the contents of this report.

977/14 That Council delegate to the General Manager the power to negotiate for the possible acquisition of this site at an advantageous price to Council.

978/14 That Council request a further report be provided if advantageous terms are negotiated for the site.

6.2 Extension of Operation and Management Contracts of the Central Coast Holiday Parks

979/14 That Council exercise an option to extend by one (1) year the period of the four Holiday Park Management contracts:

**CPA/204591 – Toowoona Bay Holiday Park
CPA/204588 – Norah Head Holiday Park
CPA/204589 – Canton Beach Holiday Park
CPA/204590 - Budgewoi Holiday Park**

at an estimated value of \$2.1M for the one year term. The estimate is based on the forecast figures in Council's Long Term Financial Plan.

QUESTIONS ON NOTICE

There were no questions on notice.

THE MEETING closed at 6.31pm.

2.1 Amendment to Planning Proposal in Respect of 414 Old Maitland Road (Old Farm), Mardi

TRIM REFERENCE: RZ/14/2012 - D11645440

MANAGER: Scott Cox, Director

AUTHOR: Jenny Mewing; Strategic Planner

SUMMARY

This report seeks Council's endorsement of a modification to an existing Planning Proposal in respect of land at 414 Old Maitland Road (Old Farm), Mardi.

RECOMMENDATION

- 1 That Council resolve to revise to the Planning Proposal in respect of land at 414 Old Maitland Road (Old Farm) to incorporate a Retail/Tourism Village development in addition to the currently proposed rural residential/rural village development.**
- 2 That Council, forward the revised Planning Proposal to the Minister to seek a revised Gateway determination in accordance with Section 56(6) of the Environmental Planning and Assessment (EP & A) Act, 1979.**
- 3 That Council undertake community and government agency consultation, in accordance with the requirements attached to any revised Gateway determination.**

BACKGROUND

An existing Gateway determination exists for the rezoning of land at 414 Old Maitland Road, Mardi (the subject site) for the purposes of a rural residential/rural village development. The proposal, at present, intends for approximately 300 rural residential/rural village lots comprising:

'An identified rural village area containing rural housing lots at a density of 1 dwelling per 2000m² of suitably zoned land. Rural dwellings would be provided in the form of:

- *rural residential lots;*
- *rural village housing; along with*
- *small restaurants and community facilities' and*

'Areas subject to environmental protection. Including areas designated as

- *Environmental Living – allowing for rural residential lots with a minimum of 1 hectare; and*
- *Environmental Conservation – allowing for rural residential lots with a minimum of 40 hectares'.*

2.1 Amendment to Planning Proposal in Respect of 414 Old Maitland Road (Old Farm), Mardi (contd)

The yield estimates for the concept plan are for approximately 270 lots in the village zoning and 30 lots in environmental living and conservation areas.

Council at its meeting held on 27 March 2013,

“RESOLVED unanimously on the motion of Councillor Best and Seconded by Councillor Graham:

- 337/13 *That a Planning Proposal be prepared to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, for the rural residential/rural village development of Old Farm.*
- 338/13 *That Council, forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a “Gateway Determination”, pursuant to Section 56 of the EP & A Act, 1979.*
- 339/13 *That Council require, subject to the “Gateway Determination,” the proponent enter into a Funding Agreement with Council in accordance with Council’s Planning Proposal Procedure to recover the costs involved in further progressing the proposal.*
- 340/13 *That Council authorise the General Manager (or delegate) to sign the Funding Agreement.*
- 341/13 *That Council undertake community and government agency consultation, in accordance with the requirements attached to the “Gateway Determination”.*
- 342/13 *That a further report be submitted to Council to report on results of community consultation.*
- 343/13 *That Council request that the Gateway Panel meet with the Mayor and interested Councillors prior to their determination of this matter.”*

CURRENT STATUS

In accordance with Council’s resolutions of 27 March 2013, the following actions have been undertaken:

- A Planning Proposal was prepared to enable a rural residential/rural village on the subject site and was issued to the Department of Planning and Environment (DoP&E), formerly, Department of Planning and Infrastructure (DoPI), on 22 May 2013 (337/13 and 338/13).
- DoP&E provided Councillors with a briefing of the Gateway process on 27 July 2013 (343/13).

2.1 Amendment to Planning Proposal in Respect of 414 Old Maitland Road (Old Farm), Mardi (contd)

- A Gateway determination was issued to proceed with the proposal, dated 25 September 2013 (Attachment 1).
- Formal Agency Consultation was undertaken in accordance with the requirements of the Gateway determination between 14 October and 8 November 2013 (341/13)
- A Funding Agreement between Council and the Proponent was executed by the General Manager on (339/13 & 340/13) in May 2014.

During the formal Agency Consultation period up until the signing of the Funding Agreement, additional liaison with the Department of Trade and Investment (Mineral Resources Branch (DT&I-MRB) and Mine Subsidence Board (MSB) had been required to determine the quality and extent extractive resources beneath the subject site, and the impact the proposal may have on this resource. This issue has since been resolved and the proposal has been given the endorsement by both DT&I-MRB and MSB to proceed.

Since signing the Funding Agreement, the Proponent has undertaken numerous investigative studies. These studies, in the main, have been finalised and support the progression of the proposal. Pending the finalisation of the remaining investigations, Community Consultation of the Proposal can commence.

THE PROPOSAL

The Proponent has recently requested an amendment to the scope of the Proposal, namely, the incorporation of a 'retail/tourist' type village (Attachment 2). By way of comparison, the Proponent has referred to the Tourist Village at Hunter Valley Gardens (Attachment 3).

The Proponent is seeking the inclusion of an allowance of approximately 6,500m² to be zoned or enabled to permit relevant land uses including restaurants, boutique stores, and potentially, accommodation.

Whilst it is acknowledged that the Proposal at present includes opportunity for a rural village, this does not adequately address the more intensive tourist/retail/business uses proposed. Such uses have a larger tourist and retail business focus, which has not been the subject of previous investigation nor assessment. On this basis, a revised Planning Proposal and Gateway determination will be required.

ISSUES ANALYSIS

The outcomes of the investigative studies being undertaken for the current proposal will not be materially affected by the proposed variation. Predominantly, these studies have been assessing the existing site conditions (e.g. flora and fauna, drainage and hydrology etc.) therefore, additional land uses are not considered to have a substantial impact on the findings. The variation may however require a revision to the current social impact assessment.

DRAFT

2.1 Amendment to Planning Proposal in Respect of 414 Old Maitland Road (Old Farm), Mardi (contd)

A revised assessment of the proposal incorporating the retail/tourist variation in terms of its consistency with relevant local, regional and state strategies, policies and legislative requirements, is also necessary, given the retail/business/commercial intent, not considered as part of the original proposal. An assessment of the following has been undertaken (Attachment 4) for this purpose:

- Wyong Shire Community Strategic Plan (April 2013);
- Wyong Shire Retail Strategy (October 2013);
- Economic Development Strategy (July 2014)
- Wyong Shire Settlement Strategy (November 2013);
- Central Coast Regional Strategy (2008);
- Regional Economic Development and Employment Strategy (2010);
- State Environmental Planning Policies; and
- Section 117 Ministerial Directions.

In summary, the proposed variation is generally consistent with the above and enables an alternative and viable land use and economic activity within the western area of the Shire. Inconsistencies of the proposal with the above can be justified by relevant strategies and the outcomes of investigative studies which have been undertaken on the subject site.

OPTIONS

Option 1 – Proceed with Current Gateway Determination – NOT RECOMMENDED

Proceeding with the current proposal will result in the future development of the Old Farm site (subject to the successful rezoning) which will provide for an emerging trend of large lot rural residential living.

Whilst a valid proposal in its own right in terms of meeting residential/dwelling demand and targets, the existing proposal does not provide for flow on employment and economic activity within the Shire.

Option 2 – Request Revised Gateway Determination - RECOMMENDED

The amendment to the current proposal will enable the emerging trend for large lot rural residential living to be achieved in addition to enabling the establishment of tourism, an alternative economic stream, within the western area Shire.

CONSULTATION

In the event that the current Planning Proposal is revised and a Gateway determination, additional Agency Consultation is likely. Subject to the support of the DoP&E, concurrent Agency and Community Consultation may be undertaken.

The outcomes of this consultation will be reported to Council as per Resolution 342/13 of 27 March 2013.

DRAFT

GOVERNANCE AND POLICY IMPLICATIONS

The Planning Proposal process, including revision of existing Planning Proposals is governed by the EP&A Act, 1979 and Council's Planning Proposal Procedure.

CONCLUSION

A request for an amendment to the current Gateway determination for a retail/tourist type village for the Old Farm site has been assessed on its merits against relevant local, regional and state strategies, policies and legislative requirements. This assessment has identified that there is justification for seeking an amendment to the current determination to incorporate this type of future development.

ATTACHMENTS

- | | | |
|----------|--|-----------|
| 1 | Current Gateway Determination | D11673112 |
| 2 | Proponent Submission | D11673092 |
| 3 | Hunter Valley Gardens Information & Photographs | D11673098 |
| 4 | Assessment - Local, Regional & State Strategies, Policies and Legislative Requirements | D11677528 |

DRAFT



Planning & Infrastructure

Mr Michael Whittaker
 General Manager
 Wyong Shire Council
 PO Box 20
 WYONG NSW 2259

Contact: Glenn Horal
 Phone: (02) 4348 5000
 Fax: (02) 4323 6573
 Email: Glenn.Horal@planning.nsw.gov.au
 Postal: PO Box 1148, Gosford NSW 2250

Our ref: PP_2013_WYONG_007_00 (13/08907)
 Your ref: RZ12/2012

Dear Mr Whittaker,

Planning proposal to amend Wyong Local Environmental Plan (LEP) 1991 or draft Wyong LEP 2012

I am writing in response to your Council's letter dated 22 May 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land known as the 'Old Farm Site' at 414 Old Maitland Road, Mardi for large lot residential/rural village and environmental protection purposes and amend the minimum lot size and if applicable, other development standards for the subject land.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Direction 5.1 Implementation of Regional Strategies is justified by the conditionally endorsed Wyong Settlement Strategy. No further approval is required in relation to this Direction.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Glenn Hornal of the regional office of the department on 02 4348 5000.

Yours sincerely,


Neil McGaffin 25.9.13
Acting Deputy Director General
Planning Operations & Regional Delivery

Encl:
Gateway determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated plan making reporting template



Gateway Determination

Planning proposal (Department Ref: PP_2013_WYONG_007_00): to rezone land at Mardi for large lot residential/rural village and environmental protection purposes.

I, the Acting Deputy Director General, Planning Operations and Regional Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wyong Local Environmental Plan (LEP) 1991 or draft Wyong LEP 2012 to rezone land known as the 'Old Farm Site' at 414 Old Maitland Road, Mardi for large lot residential/rural village and environmental protection purposes and amend the minimum lot size and if applicable, other development standards for the subject land should proceed subject to the following conditions:

1. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - impacts on biodiversity, flora and fauna (including impacts on koala habitat)
 - land use conflict
 - flooding, drainage and servicing arrangements including water, sewer, other utilities
 - Aboriginal and Non-Aboriginal heritage
 - bushfire hazard and acid sulfate soils
 - traffic impacts including public transport, pedestrian and bicycle planning
 - acoustic impacts and social impacts
 - requirements for open space and community facilities
 - emergency services and state or local infrastructure provision

2. Once the above additional information has been obtained and consultation with public authorities has been undertaken, Council is to update its consideration of the below S117 Directions and State policies to reflect the outcome of the work and consultation undertaken:
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.2 Mine Subsidence and Unstable Land
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 6.2 Reserving Land for Public Purposes
 - 3.5 Development Near Licensed Aerodromes
 - State Environmental Planning Policy (SEPP) 44 – Koala Habitat Protection

3. Council is to demonstrate that the planning proposal satisfies the requirements of SEPP 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

4. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning, lot size, urban release area and if applicable, other development standards maps, which are at an appropriate scale and clearly identify the

WYONG PP_2013_WYONG_007_00 (13/08907)



Planning & Infrastructure

subject lands. Council is also to update the planning proposal to include a satisfactory arrangements clause.

5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act or groups and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:
 - Hunter – Central Rivers Catchment Management Authority
 - Transport for NSW – Roads and Maritime Services
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Department of Primary Industries – Agriculture (S117 Direction 1.2 Rural Zones)
 - Office of Environment and Heritage (S117 Direction 2.3 Heritage Conservation)
 - Mine Subsidence Board (4.2 Mine Subsidence and Unstable Land)
 - NSW Trade and Investment – Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - Darkinjung Local Aboriginal Land Council (S117 Direction 2.3 Heritage Conservation)
 - Guringai Tribal Link Aboriginal Consultative Group (S117 Direction 2.3 Heritage Conservation)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 25th day of September 2013.

Neil McGaffin
Acting Deputy Director General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning & Infrastructure



Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wyong Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_WYONG_007_00	Planning proposal to rezone land known as the 'Old Farm Site' at 414 Old Maitland Road, Mardi for large lot residential/rural village and environmental protection purposes and amend the minimum lot size and if applicable, other development standards for the subject land.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 25 September 2013

Neil McGaffin
Acting Deputy Director-General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_WYONG_007_00
Date Sent to Department under s56	22/05/2013
Date considered at LEP Review Panel	19/09/2013
Gateway determination date	25/09/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information:

Darramalong Downs

REQUEST TO VARY PLANNING PROPOSAL RZ/14/2012

Date 15.08.2014.

ANOTHER QUALITY PROJECT BY
THE TRANSNATIONAL GROUP OF COMPANIES



REQUEST TO VARY PLANNING PROPOSAL RZ/14/2012

Application Date 15.08.2014.

INTRODUCTION

On the 25th September, 2013 WSC received Gateway approval for its Planning Proposal for "The Old Woodbury Farm" Site located on Old Maitland Rd Mardi.

Included in the Approval to Councils Planning Proposal was the applicant's proposal for the following:

(To quote Councils Proposal)

"The current indicative concept plan (Figure 2) proposes:

- 'An identified rural village area containing rural housing lots at a density of 1 dwelling per 2000m² of suitably zoned land. Rural dwellings would be provided in the form of:
 - rural residential lots;
 - rural village housing; along with
 - Small restaurants and community facilities.'

The rezoning proposal is now well advance and progressing well.

However following a more comprehensive analysis and market research review, The Proponent holds the view that opportunities exist for the expansion of the original proposal so as to create a "WORKING TOURIST VILLAGE" rather than its initial concept of "small restaurants and community facilities".

The concept adds an exciting perspective to the overall concept but equally will bring considerable benefits to the Shire of Wyong as a whole with the creation of:

- A focal point of destination for local and state wide visitors.
- Employment opportunities, considerable in number and focused at the tourist and service industry.
- Job training opportunities for the youth sector of the community.
- Creation of new businesses.
- The creation of a generally enhanced view of the Wyong Shire and what it represents in the State of N.S.W.

Accordingly we respectfully request you accept this submission as or FORMAL REQUEST TO VARY THE W.S.C. PLANNING PROPOSAL RZ 14/2012 to accommodate this Project.

.....
Signed
Laurie Denton.
TRANSNATIONAL GROUP OF COMPANIES.



Darramalong Downs

Secure Country Village Life Style - Commuter Convenience

REQUEST TO VARY PLANNING PROPOSAL RZ 14/2012

INDEX:

BASIC PROJECT SITE OVERVIEW

1. General introduction to site

PROPOSAL

1. Site Specific Request.

GENERAL PROJECT INFORMATION

1. General introduction to site
2. Location Map.
3. Description
4. Indicative Site Layout
5. List of Proposed Uses.
6. Precinct Plan.
7. Site photos
8. Demonstrative Photos

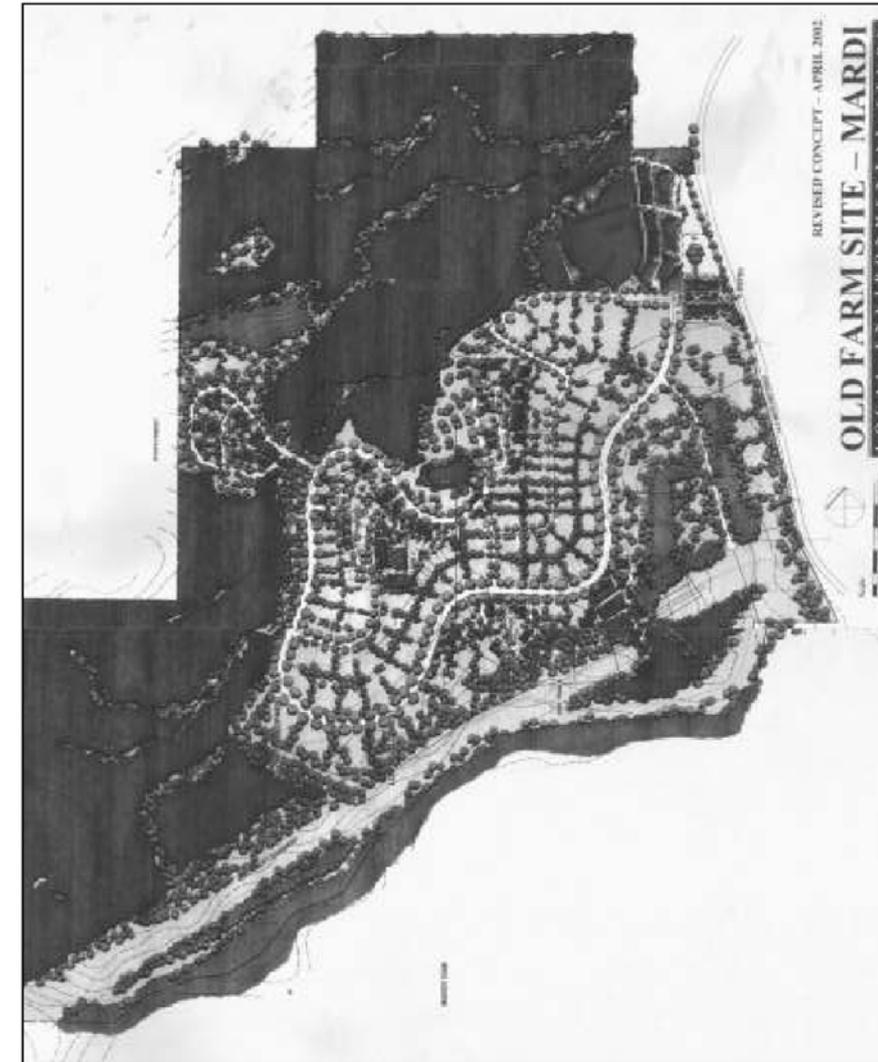
REZONING SUPPORT DOCUMENTATION

9. WSC Zoning Proposal RZ/14/12
10. Gateway Committee approval dated 25.09.13



Yarramalong Downs

Secure Country Village Life Style - Commuter Convenience



1HR 30MINS from Sydney GPO.

Located just 1.3LKMS off the Freeway Interchange, at Tuggerah and at the start of the famous Yarramalong Valley this exclusive development is not 'just a residential project'. **This is Pinnacle Living at it's best.**

A gated community with a beautiful balance of small acreages, executive housing lots, villas and townhouses all incorporated in a rural village theme, this is the dream list of executive living.

Close to the City and built in its own valley, Yarramalong Downs has only trees and nature for neighbours.

In addition to the secure estate entry, this living estate includes shops, restaurants, beautiful water features, serviced offices (for those still championing business) and on site administration and associated services such as landscaping contractors, house cleaners and the like.



Darramalong Downs

Secure Country Village Life Style - Commuter Convenience

PROPOSAL TO VARY WSC PLANNING PROPOSAL/14/2012.

We request that the planning proposal RZ/14/2012 be modified so as to include for the following:

Floor area of 6,500M2

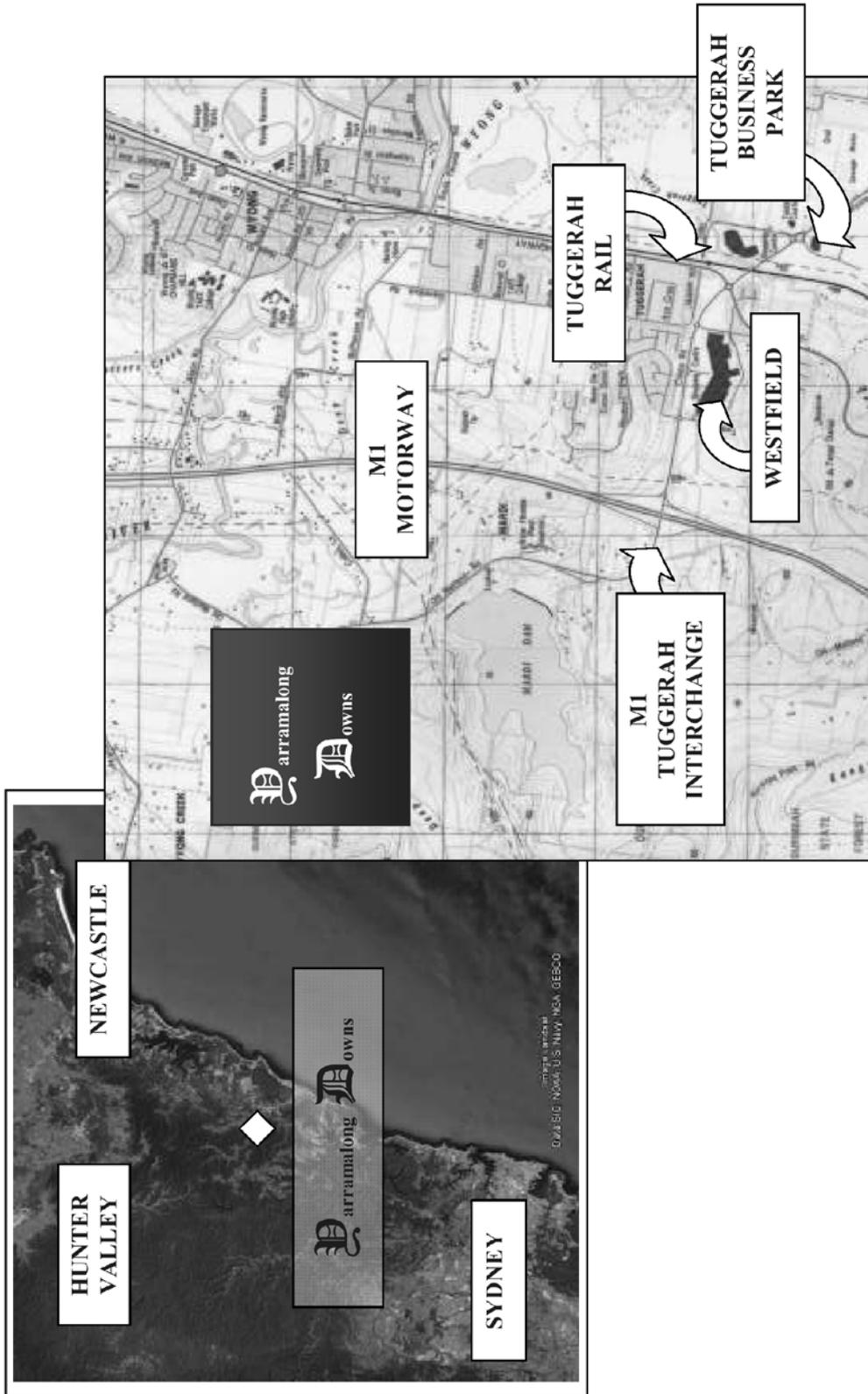
It is intended that the focus of the development will be tourism which as such will require a wide variety of permissible uses. The proposal is intended to be not unlike The Hunter Valley Gardens Project (Located in the Hunter Valley) which will be used as a template.

Permissible uses should include the following:

Serviced office space (for estate administration and resident uses)	Boutique fashion
Speciality Shops	Motel
Restaurant, bistro, out door eatery, coffee shop, food and ice cream shop, cookie shop, lolly shop, Chocolate shop, bakery, delicatessen, convenience store.	Boutique fashion, Chemist, Book shop, Gem Shop, Fur outlet, Art Shop,
Tavern, Micro Brewery, Micro Distillery, Cellar Door Wine outlet	Massage/Hair/skin/body shop
Wedding/Function reception centre including chapel.	Public Toilets/Community Hall
Tourist Accommodation	

arramalong Downs

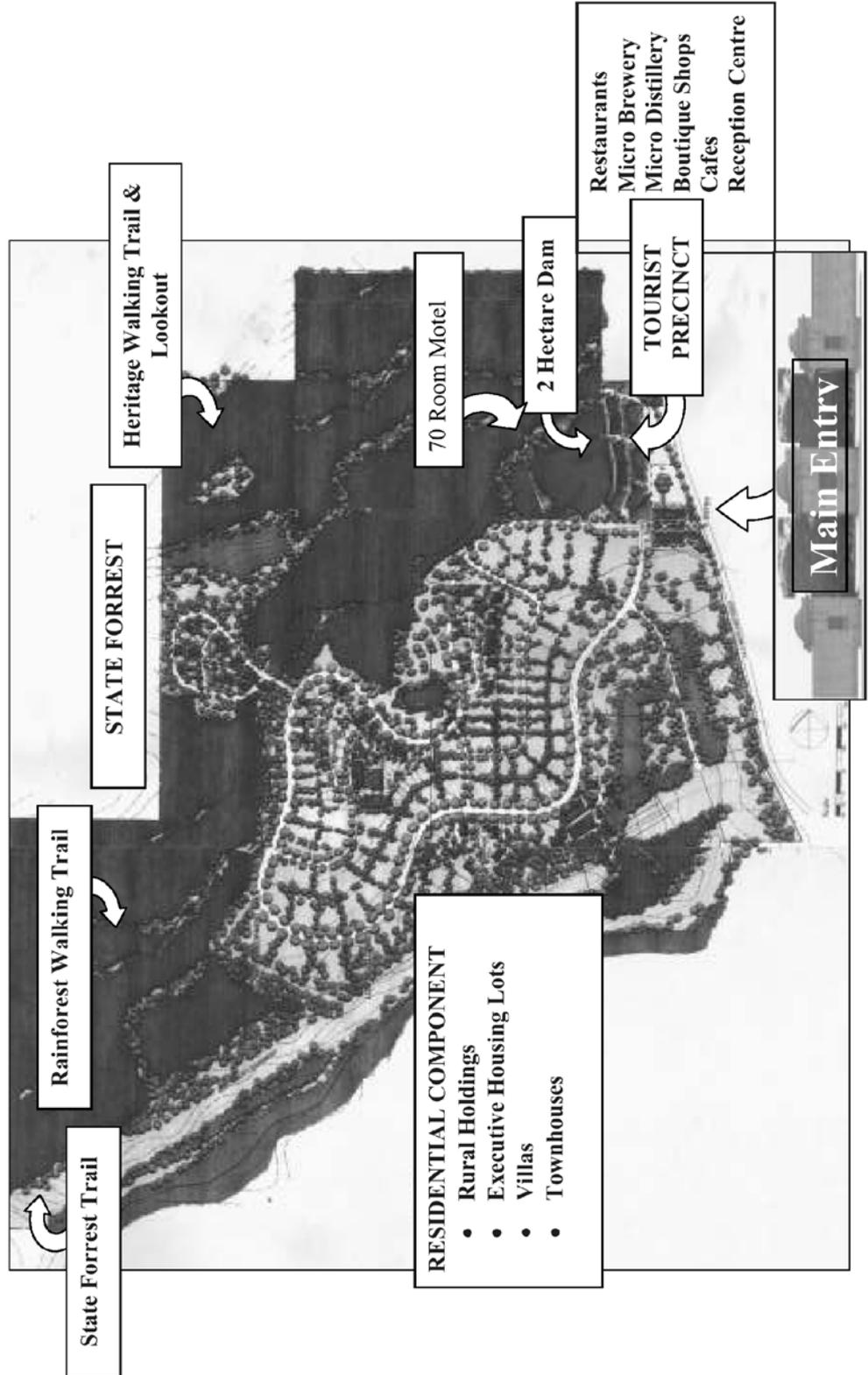
Secure Country Village Life Style - Commuter Convenience





Parramalong Downs

Secure Country Village Life Style - Commuter Convenience



Parramalong Downs

Secure Country Village Life Style - Commuter Convenience



COMPARATIVE AERIAL PERSPECTIVE USING HUNTER VALLEY GARDENS (Approx 5,250 M2 O/A Building Areas)



LOCATION DRAWING -
Old Maitland Rd Frontage

Darramalong Downs

Secure Country Village Life Style - Commuter Convenience

INTENDED USE OF ARCHITECTURE STYLES –Predominately Old English but with innovative use of 21st Century Architecture



PROPOSED PRECINCT LAYOUT with the Tourist Village located in P2.



PROPOSED ZONING – TO BE DISCUSSED



WELCOME TO Village

it's right on your doorstep!

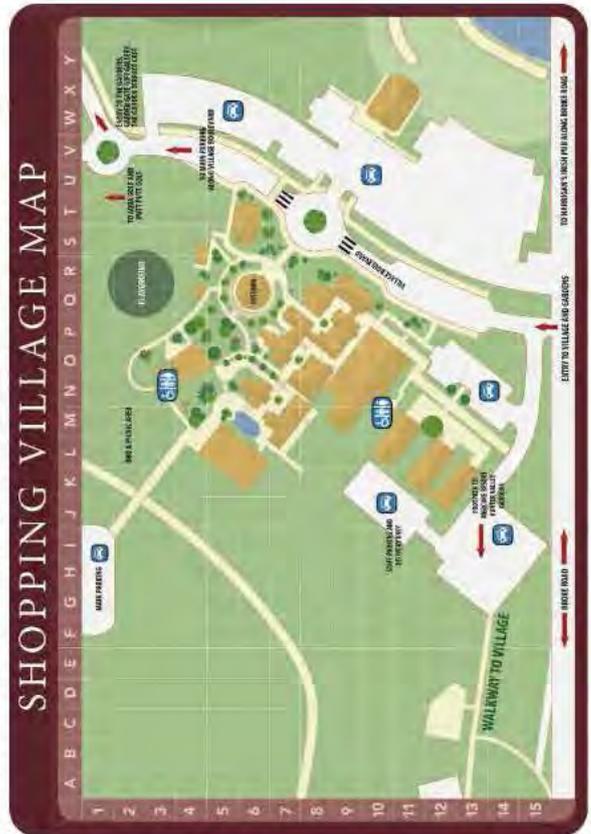
Friendly - Vibrant - Chic - Fun - Unique and Inspiring. Hunter Valley Gardens Shopping Village has it all!

Imagine this... over 23 boutique shops and restaurants clustered among landscaped gardens, with ample parking, an enclosed children's playground and a relaxed and friendly (no stress) atmosphere. Why would you bother to shop anywhere else?

Hunter Valley Gardens Shopping Village offers a unique shopping experience. Combining pleasant shopping, smaller crowds and easy access with fabulous restaurants, cafes, galleries, fashion, home-ware, gift-shops and numerous other boutique specialty shops and attractions as well as the best salon in town, Hunter Valley Gardens Shopping Village has created a exceptional shopping and dining experience for visitors and locals alike.

With an abundance of choice, every visitor is sure to find that special something. **Hunter Valley Gardens Shopping Village** has a welcoming ambience and village charm that makes everyone feel like a local. And if you need a break from shopping, relax with a coffee at your choice of cafes, or simply take a stroll through the beautiful gardens.

And best of all it is just up the road - in fact it's right on your doorstep!



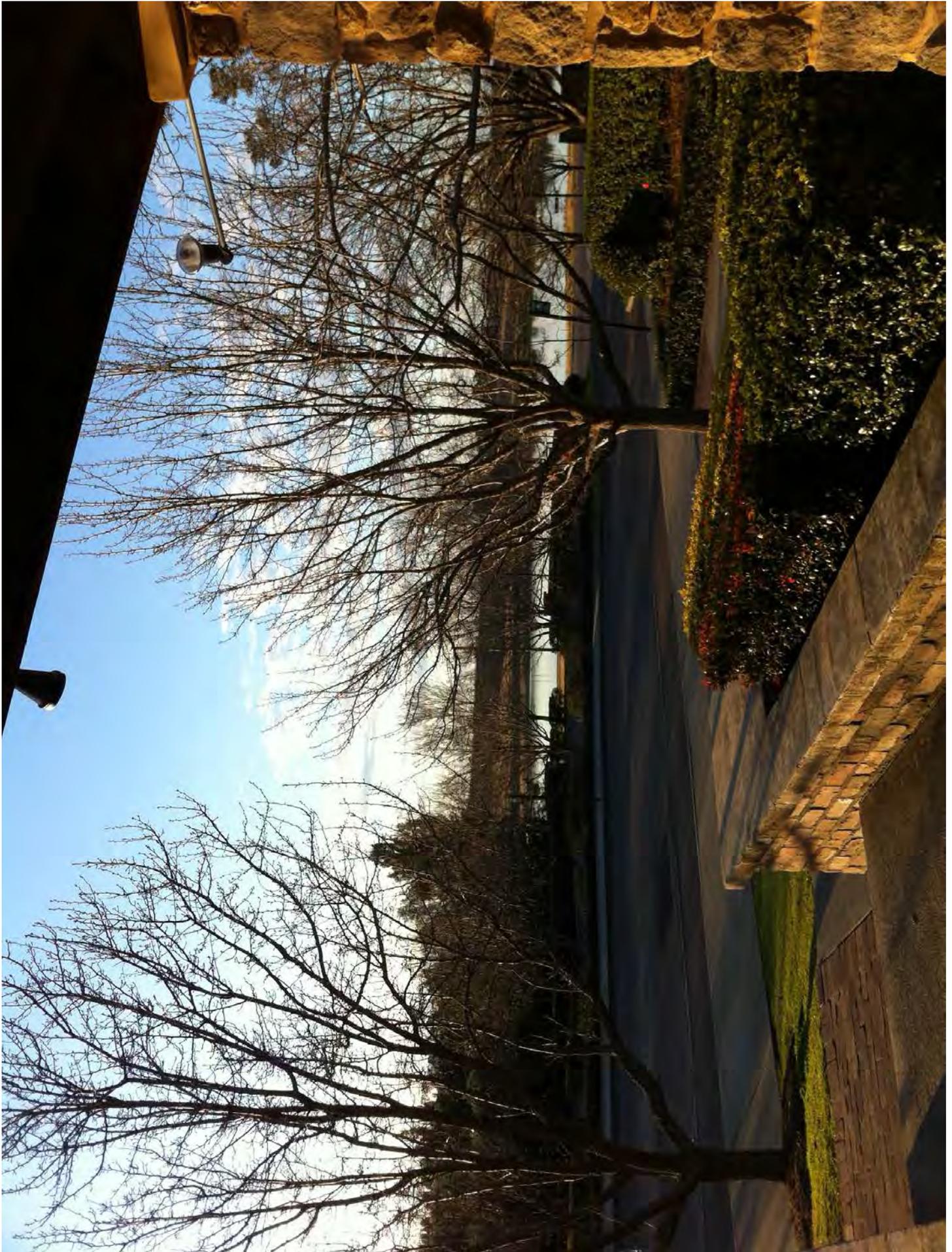
Shopping Village HUNTER VALLEY GARDENS

Retailers

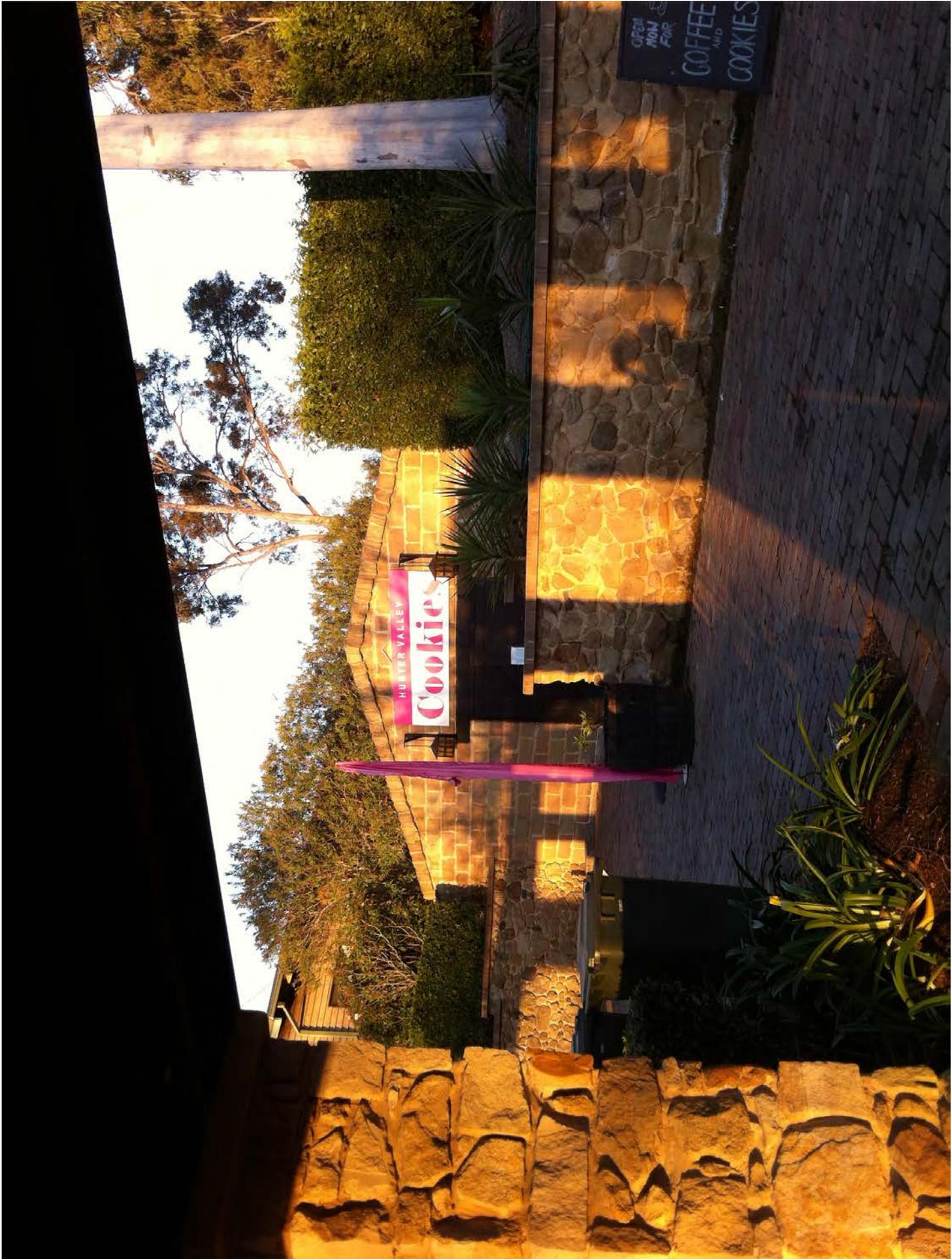
FASHION & ACCESSORIES		PAGE 13
Wilson & Hunter	MAP REF N8	PAGE 13
Wilson & Hunter Emporium	MAP REF N7	PAGE 13
HEALTH & BEAUTY		PAGE 6
Zen Hair Skin Body	MAP REF O9	PAGE 6
RECREATION & FUN		PAGE 7
Aqua Golf & Putt Putt	MAP REF U1	PAGE 7
Hunter Valley Gardens	MAP REF Y1	PAGE 18
RESTAURANTS & CAFÉS		PAGE 8
And the Winner is Oscars	MAP REF O4	PAGE 8
Bliss Coffee	MAP REF P9	PAGE 9
Taste of the Country	MAP REF O7	PAGE 9
The Cellar Restaurant	MAP REF O10	PAGE 8
GOURMET DELIGHTS		PAGE 10
Hunter Valley Chocolate Company	MAP REF Q8	PAGE 11
Hunter Valley Cookies	MAP REF L12	PAGE 10
Hunter Valley Liqueurs & Baerami Olives	MAP REF Q7	PAGE 10
GIFTS & HOMEWARES		PAGE 14
Beautiful Things	MAP REF O8	PAGE 17
Candelabra	MAP REF M7	PAGE 14
Christmas in the Vines	MAP REF Q4	PAGE 15
Gems 4U	MAP REF T6	PAGE 15
Pulp Addiction	MAP REF P7	PAGE 16
The Twig	MAP REF N6	PAGE 17
The Waiters Friend	MAP REF P8	PAGE 16
Village Books	MAP REF S6	PAGE 14
Wine Glass Gallery	MAP REF Q10	PAGE 17
FASHION & ACCESSORIES		PAGE 13
Pokolbin Convenience Store	MAP REF R4	PAGE 12
The British Lolly Shop	MAP REF O9	PAGE 11
The Garden Cellars	MAPREF M11	PAGE 12

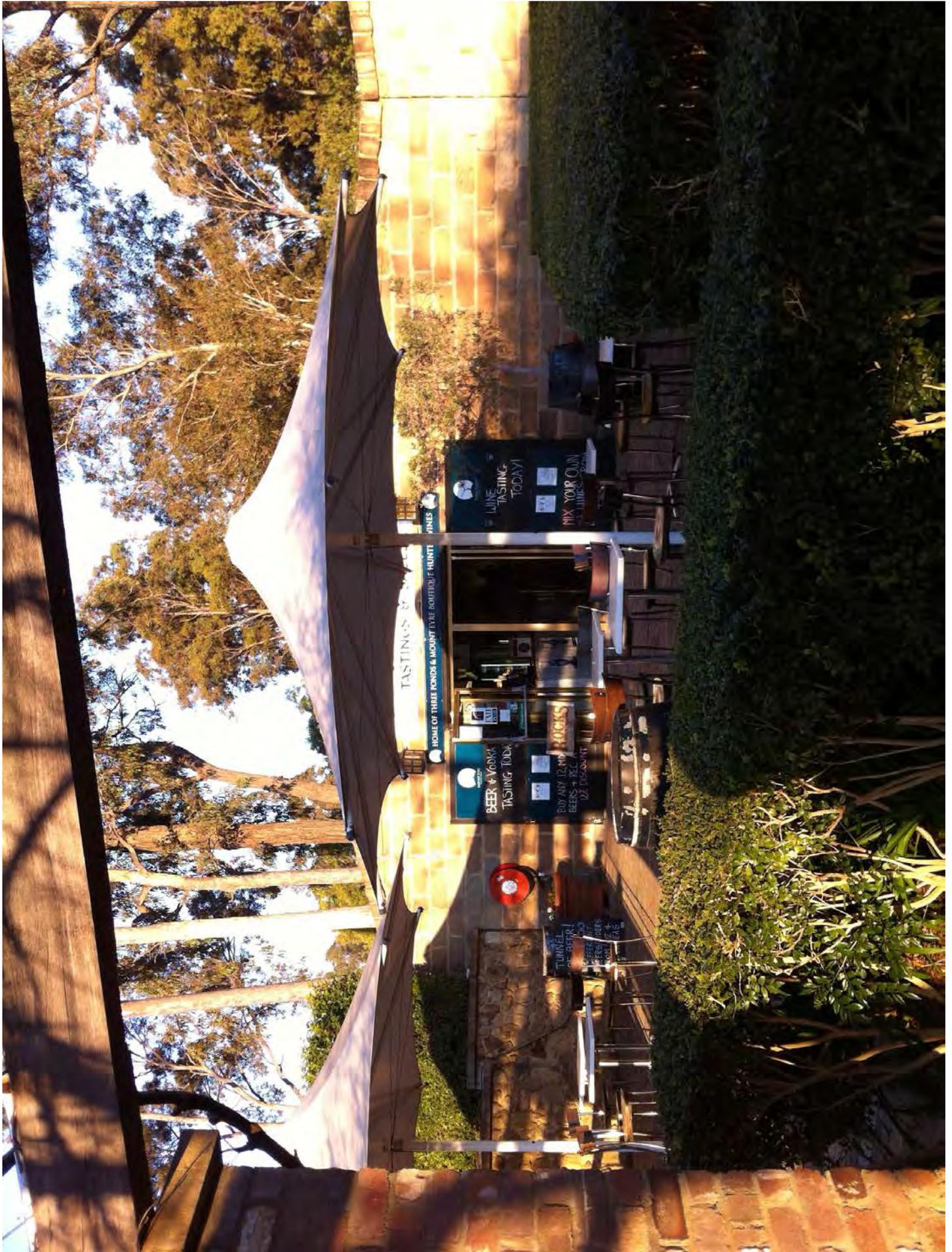












Action	Applicable	Assessment/Comment
planning.		
Natural Hazards		
7.1 Councils are to prepare (or update) floodplain, estuary and coastal zone management plans in order to reduce risks from natural hazards. These plans must be completed and considered in planning decisions made within the areas that they apply to.	N	Not Applicable
7.2 LEPS will zone areas subject to high hazard to reflect the capabilities of the land.	Y	The outcomes of investigative studies have identified an area of the site suitable for development which avoids and/or mitigates against these risks (where present).
7.3 In order to manage the risks associated with climate change, councils will undertake investigations of lands with the potential to be affected by sea-level rise and inundation to ensure that risks to public and private assets are maintained.	N	Not Applicable
7.4 LEPS will zone waterways to reflect their environmental, recreational or cultural values.	N	Not Applicable
7.5 LEPS will make provision for adequate setbacks in areas at risk from coastal erosion and/or ocean-based inundation in accordance with Coastal Management Plans. Until these plans are made by the Minister for Environment and Climate Change, councils cannot zone land or approve new development or redevelopment in potential hazards areas, unless assessed within a risk assessment framework adopted by the Council.	N	Not Applicable
Water		
8.1 The local water authority and councils are to implement WaterPlan2050, having regard to the dwelling and employment capacity targets in the Regional Strategy over the next 25 years, and take part in the future reviews of these capacity targets.	N	Not Applicable

Action	Applicable	Assessment/Comment
8.2 Councils must incorporate appropriate water efficiency, integrated water cycle management and water sensitive urban design initiatives in local planning, development standards, policies and LEPs.	N	Not Applicable
8.3 Develop water sharing plans and implement environmental flows to improve waterway health, as outlined in the existing and proposed water sharing plans, and relevant catchment action plans, whilst providing water for forecast population growth.	N	Not Applicable
8.4 Require new residential development to comply with BASIX targets to reduce water consumption and energy consumption.	N	Not Applicable
8.5 Ensure that LEPs seek to improve existing land use conflicts within defined water catchment areas.	N	Not Applicable
8.6 At each review of the Regional Strategy, an assessment is to be carried out on the capacity of the water supply system to adequately meet forecast housing and employment capacity targets.	N	Not Applicable
Regional Infrastructure		
9.1 The Department of Planning and relevant NSW Government Agencies are to undertake a number of strategies that will plan for the future growth to implement the Central Coast Regional Strategy, 2008.	N	Not Applicable
9.2 The Department of Planning is to review the population and employment capacity targets contained within this Strategy, as part of five-yearly reviews.	N	Not Applicable
9.3 Councils are to identify suitably-located and appropriately-zoned land for new water supply; wastewater treatment and recycling; and resource recovery infrastructure, to support growth in major regional centres and major towns.	N	Not Applicable
Regional Transport		

Action	Applicable	Assessment/Comment
10.1 The Ministry of Transport, the Roads and Traffic Authority and local councils are to implement strategic bus corridors with improved bus priority on all corridors.	N	Not Applicable
10.2 The NSW Government is committed to planning and delivering a new Town Centre, including the station and interchange. Bus services that reflect the centre's important role as a Town Centre will be introduced.	N	Not Applicable
10.3 For centres that are subject to redevelopment strategies, councils are to identify, in consultation with the Ministry of Transport, passenger interchanges that are centrally located, visible from public areas and well connected to both pedestrian and bicycle paths.	N	Not Applicable
10.4 The Roads and Traffic Authority is to continue to plan and implement upgrades to the Pacific Highway, the Central Coast Highway, Terrigal Drive, Avoca Drive and Sparks Road and to incorporate bus priority and cycleway initiatives where justified and feasible.	N	Not Applicable
10.5 Not applicable to Wyong.	N	Not Applicable
10.6 Assess and evaluate proposals to widen parts of the F3 Freeway. Progress investigations into the F3 Freeway and M2 Motorway connection. As a result of the Federal Government's review of the F3 Freeway and M7 Motorway corridor selection and the AusLink corridor strategies – <i>Sydney urban corridor strategy, 2007</i> and <i>Sydney-Brisbane Corridor Strategy, 2007</i> – undertake preliminary planning for a new connection from the M7 to north of the Hawkesbury River. The Ministry of Transport will also participate in these reviews.	N	Not Applicable
10.7 The NSW Government is to continue to improve the reliability and increase the capacity of rail services by continuing to implement the Rail Clearways project, in accordance with the State Plan.	N	Not Applicable
10.8 The NSW Government is to facilitate greater use of rail for freight movement and reduce the impact of road freight movement by promoting greater efficiency of road	N	Not Applicable

Action	Applicable	Assessment/Comment
freight movements, and developing a series of strategies to reduce emissions from diesel vehicles, reduce noise impacts from freight movements, activities around the domestic intermodal terminals, as well as the movement of construction materials and bulk fuel.		
10.9 Councils and the Department of Planning are to ensure there is sufficient zoned employment land near major transport nodes to meet targets set by the Regional Strategy, through the preparation of LEPs and the North Wyong Shire Structure Plan.	Y	The proposed retail/tourist component will be located in close proximity to the M1 Motorway.
10.10 Concentrate employment in areas that allow for efficient public transport servicing, such as centres and specialised key nodes.	Y	The proposed retail/tourist component will be located in close proximity to the M1 Motorway.
10.11 Council and the NSW Government to investigate opportunities for additional or improved forms of regional public transport, subject to future funding.	N	Not Applicable
10.12 Councils and the NSW Government to work together to align walking and cycling networks with public transport routes to improve accessibility to public transport. This will include the completion of the NSW Coastal Cycleway network.	N	Not Applicable
10.13 Councils in conjunction with State Government will develop strategies that identify future improvements to the capacity of road, rail, bus services to cater for population growth, and to identify infrastructure investment priorities in conjunction with future review of the Regional Strategy.	N	Not Applicable
10.14 The NSW Government, in partnership, with councils and the community, to develop and implement TravelSmart and other travel demand management initiatives, including those focussed on major trip generating land uses.	N	Not Applicable

Central Coast Regional Strategy Sustainability Criteria

An assessment of the proposal against the CCRS Sustainability Criteria has been undertaken as follows. The proposal is consistent with the criteria and where inconsistent, can be justified by a relevant strategy or investigative study outcome.

Criteria	Requirements	Consistency (Y/N)	Comment
<p>Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.</p>	<p>Development is consistent with the CCRS, the relevant residential strategy, North Wyong Structure Plan (NWSSP), applicable regional infrastructure plan, Metropolitan Strategy and relevant section 117 directions. The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on government methodology for determining infrastructure contribution. Preparedness to enter into development agreement</p>	N	<p>The inconsistency of the proposal with the CCRS is justified by the Department of Planning and Environment's (DoP&E) endorsement of the Wyong Shire Settlement Strategy, in September 2013. All on site infrastructure and connection to reticulated water and sewerage services for future development is to be provided by the Proponent at their expense. The above requirements are to be incorporated into a site specific chapter of Council's Development Control Plan 2013.</p>
<p>Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.</p>	<p>Accessibility of the area by public transport and appropriate road access in terms of: Location/land use: to existing networks and related activity centres. Network: the areas potential to be serviced by economically efficient public transport services. Catchment: the area's ability to contain or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle</p>	Y	<p>The subject site is in close proximity to the Tuggerah interchange of the M1 Pacific Motorway, enabling a high level of accessibility to the Central Coast region and greater Sydney or Hunter regions.</p>

Criteria	Requirements	Consistency (Y/N)	Comment
	<p>use goals</p> <p>No net negative impact on performance of existing sub regional road, bus, rail, ferry and freight management.</p>		
<p>Housing Diversity</p> <p>Provide a range of housing choices to ensure a broad population can be housed.</p>	<p>Contributes to the geographic market spread of housing supply, including any government targets established for housing for the aged or disabled or affordable housing.</p>	Y	<p>The proposal aims to provide rural residential housing to cater for a 'high end' market. This type of housing is in current demand in Wyong Shire.</p>
<p>Employment Lands</p> <p>Provide regional/local employment opportunities to support the Central Coast's expanding role in the wider regional and NSW economies.</p>	<p>Maintains or improves the existing level of subregional employment self-containment.</p> <p>Meets subregional employment capacity targets.</p>	Y	<p>The proposal will enable a diversification of current employment opportunities, by offering a tourism-based job market.</p> <p>Additionally, the proposal will provide for short term employment opportunities through associated planning and construction work of the future subdivision and associated dwellings.</p>
<p>Avoidance of Risk</p> <p>Land use conflicts and risk to human health and life is avoided.</p>	<p>Where relevant, available safe evacuation route (flood and bushfire).</p> <p>No residential development within the 1:100 floodplain.</p> <p>Avoidance of physically constrained land.</p> <p>High Slope</p> <p>Highly erodible</p> <p>Avoidance of land use conflicts with adjacent, existing or future land use and rural activities planned under the Regional Strategy.</p>	Y	<p>The outcomes of investigative studies have identified an area of the site suitable for development which avoids and/or mitigates against these risks (where present).</p>

Criteria	Requirements	Consistency (Y/N)	Comment
<p>Natural Resources Natural resource limits are not exceeded/environmental footprint minimised.</p>	<p>Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows. Demonstrates most efficient/suitable use of land Avoids identified significant agricultural land Avoids impacts on productive resource lands, extractive industries, coal, gas and other mining, fishing and aquaculture. Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy. Requires demonstration of efficient and sustainable supply solution.</p>	Y	<p>As a requirement for future development, all on site infrastructure and connection to reticulated water and sewerage services for future development is to be provided by the Proponent at their expense. The proposal will result in a loss of agricultural land (Class 3 and 4). Given the limited capacity of this land, the loss is not significant. Full extraction mining has been discounted from occurring beneath the site; however future mine plans may require first workings in the form of headings and access tunnels in the area. Appropriate building guidelines to be adopted in accordance with Mine Subsidence Board guidelines.</p>
<p>Environment Protection Protect and enhance biodiversity, air quality, heritage and waterway health.</p>	<p>Consistent with the approved Regional Conservation Plan. Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity. This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitat. Maintains or improves existing environmental conditions for air quality. Maintains or improves existing environmental conditions for water quality and quantity. Consistent with community water quality objectives for</p>	Y	<p>The outcomes of investigative studies have identified an area of the site suitable for development which predominantly avoids vegetated areas or areas exposed to flooding risks. The proposal is able to achieve an 'improve or maintain' biodiversity outcome on-site, utilising non like-for-like biometric vegetation types as per the Biobanking Assessment Calculator. The maintenance and management of significant vegetation within the site is to be documented within a community plan of management.</p>

Criteria	Requirements	Consistency (Y/N)	Comment
	recreational water use and river health. Consistent with catchment and stormwater management planning. Protects areas of Aboriginal cultural heritage values.		A due diligence assessment of the site has been undertaken in consultation with relevant stakeholders. Management and maintenance of significant areas are to be identified, documented and submitted as part of any future development application for the site. The above requirements are to be incorporated into a site specific chapter of Council's Development Control Plan 2013.
Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	Available and accessible services.	Y	A social impact assessment has identified that existing facilities and embellishment thereof (via applicable development contributions) will be adequate for future residents of the site.

Regional Economic Development and Employment Strategy (REDES)

An assessment of the Strategies proposed by the REDES has been undertaken for the proposal below. Where applicable, the retail/tourist components of the strategy are consistent.

Strategy	Applicable (Y/N)	Assessment/Comment
Strengthening the Regional Economy		
Securing new jobs and supporting existing jobs	Y	The proposal amendment will facilitate employment.
Attracting new business to the region	Y	The proposal amendment will provide tourism for the region
Supporting business growth by developing existing small and medium sized enterprises (SMEs)	N	Not Applicable
Developing Future Skills		
Designating the Central Coast as a learning region	N	Not Applicable
Boosting skills	N	Not Applicable
Strengthening business/education partnerships	N	Not Applicable
Providing targeted skills programs	N	Not Applicable
Increasing Knowledge and Innovation		
Developing research programs	N	Not Applicable
Establishing knowledge precincts	N	Not Applicable
Establish a Central Coast Research Centre	N	Not Applicable
Encouraging Innovation	N	Not Applicable
Ensuring an Adequate Supply of Lands for Employment		
Ensuring land supply	N	Not Applicable
Streamlining planning processes	N	Not Applicable
Focus on Centres Development		
Provision of Infrastructure to Support Economic Growth		
Marketing the Region as a Business Location	N	Not Applicable

State Environmental Planning Policies (SEPPs)

The proposal has been assessed against relevant SEPPs as follows.

The proposal is considered consistent with relevant policies, subject to the final outcomes of investigative studies.

SEPP	Comment
<p>44 – Koala Habitat</p> <p>Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:</p> <ul style="list-style-type: none"> (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones 	<p>The outcomes of investigative studies have identified an area of the site suitable for development which predominantly avoids vegetated areas.</p> <p>An assessment of the proposal against SEPP 44 is currently pending.</p>
<p>55 – Contaminated Land</p> <p>Aims:</p> <ul style="list-style-type: none"> to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment (a) by specifying when consent is required, and when it is not required, for a remediation work, and (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and (c) by requiring that a remediation work meet certain standards and 	<p>A stage 1 contaminated land assessment has been undertaken.</p> <p>Additional (Stage 2, 3 & 4) investigations and reports will be required to be undertaken/ prepared prior to the lodgement of future development applications for the subject site.</p> <p>Additionally, a hazardous material survey is to be undertaken prior to demolition and redevelopment.</p> <p>The above requirements are to be incorporated into a site specific chapter of Council's Development Control Plan 2013.</p>

SEPP	Comment
notification requirements.	
SEPP (Infrastructure) 2007	
Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.	<p>The amendment of the proposal to incorporate a tourist/retail component consisting of approximately 6,500m² will classify future development as 'Traffic generating development' and require future development applications to be referred to the NSW Roads and Maritime Service.</p> <p>The proposal has previously been reviewed by RMS, however additional comment will be sought from this agency regarding the tourist/retail component when community consultation is undertaken.</p>

Section 117 Ministerial Directions

An assessment of the proposal against the applicable Section 117 Ministerial Directions has been undertaken. The proposal is primarily consistent with relevant directions, and in instances where there is an inconsistency, these can be justified by relevant strategies, investigative studies, design and development controls.

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	Applicable. The proposal does not affect land within an existing or proposed business or industrial zone.
1.2 Rural Zones	
Aims to protect the agricultural production value of rural land. Applies when a planning proposal affects land within an existing or proposed rural zone.	Applicable. The proposal will result in a loss of agricultural land (Class 3 and 4). Given the limited capacity of this land, the loss is not significant. The Department of Planning and Environment (DOP&E) has endorsed the Wyong Shire Settlement Strategy (WSS), in September 2013. The WSS identifies that the subject site is a medium priority area, being <i>moderate(ly) suitability to support future settlement due to the effect of a range of "land suitability" considerations</i> for rural residential development. The inconsistency with this Direction is therefore justified.
1.3 Mining, Petroleum Production and Extractive Industries	
Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	Applicable. The proposal seeks to enable rural residential development within an identified mine subsidence district. Following consultation with the Department of Trade and Investment (Mineral Resources) full extraction mining has been discounted from occurring beneath the site, however future mine plans may require first workings in the form of headings and access tunnels in the area. Appropriate building guidelines to be adopted in accordance with Mine Subsidence Board guidelines. The proposal is not inconsistent with this Direction.
1.4 Oyster Aquaculture	

Direction	Comment
<p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.</p>	<p>Not applicable.</p> <p>The proposal is not located within a Priority Oyster Aquaculture Area.</p>
1.5 Rural Lands	
<p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p>	<p>Not applicable.</p> <p>SEPP (Rural Lands) 2008 does not apply within the Wyong LGA.</p>
Environment & Heritage	
2.1 Environmental Protection Zones	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The outcomes of investigative studies have identified an area of the site suitable for development which predominantly avoids vegetated areas.</p> <p>The proposal is able to achieve an 'improve or maintain' biodiversity outcome on-site, utilising non like-for-like biometric vegetation types as per the Biobanking Assessment Calculator.</p> <p>The maintenance and management of significant vegetation within the site is to be documented within a community plan of management.</p> <p>The proposal is therefore considered consistent with this Direction.</p>
2.2 Coastal Protection	
<p>Aims to implement the principles in the NSW Coastal Policy.</p> <p>Applies when a planning proposal applies to land in the coastal zone as defined in the Coastal Protection Act 1979.</p>	<p>Not applicable.</p> <p>The site of the proposal is not within the Coastal Zone.</p>
2.3 Heritage Conservation	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>Applicable.</p> <p>There are a number of known and surveyed Aboriginal sites/objects located on the subject site.</p>

Direction	Comment
Applies when the relevant planning authority prepares a planning proposal.	A due diligence assessment of the site has been undertaken in consultation with relevant stakeholders. Management and maintenance of significant areas are to be identified, documented and submitted as part of any future development application for the site. The above requirements are to be incorporated into a site specific chapter of Council's Development Control Plan 2013. It is considered that the proposal is consistent with this Direction.
2.4 Recreational Vehicle Areas	
Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.	Applicable.
Applies when the relevant planning authority prepares a planning proposal.	The proposal is considered consistent with this Direction as it does not propose to develop land for recreational vehicle usage.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.	Applicable. The proposal seeks to enable rural residential development.
Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	The proposal seeks to provide a form of housing which is in limited supply within the broader central coast region. The subject site can be serviced by connection to the existing water and sewer reticulated systems. It is considered that the proposal is consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	
Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.	Applicable.
Applies when the relevant planning authority prepares a planning proposal.	The proposal does not seek to specifically enable caravan parks or manufactured homes, however it does not seek to exclude or remove existing provisions relating to this purpose. It is therefore considered that the proposal is consistent with this Direction.
3.3 Home Occupations	
Aims to encourage the carrying out of low impact small business in dwelling houses.	Applicable.
Applies when the relevant planning authority prepares a planning proposal.	The proposal does not seek to alter the permissibility of home occupations. It is therefore considered that the proposal is consistent with this Direction.
3.4 Integrating Land Use & Transport	
Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by	Applicable.

Direction	Comment
<p>walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates, alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>The proposal seeks to enable rural residential development.</p> <p>A traffic study will be required to be undertaken prior to a Development Application (DA) being lodged for the subdivision of the site. This requirement will be incorporated into a site specific chapter of Council's Development Control Plan 2013.</p> <p>It is considered that undertaking the above will result in the proposal being consistent with this Direction.</p>
<p>3.5 Development Near Licensed Aerodromes</p>	
<p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>Not applicable.</p> <p>The proposal is not located in the vicinity of a licensed aerodrome.</p>
<p>3.6 Shooting Ranges</p>	
<p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	<p>Not applicable.</p> <p>The proposal does not seek to affect, create, alter or remove a zone or provision relating to shooting ranges.</p>
<p>Hazard & Risk</p>	
<p>4.1 Acid Sulfate Soils</p>	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>	<p>Applicable.</p> <p>An investigative study undertaken by JBS&G (2014) has identified that it is unlikely that soils underlying the site contain ASS/PASS properties.</p> <p>The proposal is therefore considered consistent with this Direction.</p>
<p>4.2 Mine Subsidence & Unstable Land</p>	
<p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p>	<p>Applicable.</p> <p>The subject site is located within the Wyong Mine Subsidence District.</p>

Direction	Comment
<p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>	<p>Following consultation with Department of Trade and Investment (Mineral Resources) full extraction mining has been discounted from occurring beneath the site; however future mine plans may require first workings in the form of headings and access tunnels in the area. Appropriate building guidelines to be adopted in accordance with Mine Subsidence Board guidelines.</p> <p>It is considered the proposal is consistent with this Direction.</p>
<p>4.3 Flood Prone Land</p> <p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>	<p>Applicable.</p> <p>The outcomes of investigative studies have identified an area of the site suitable for development which predominantly avoids areas exposed to flooding risks.</p> <p>Further documented evidence may be required to be undertaken prior to lodgement of a DA for the subdivision of the site.</p> <p>It is considered that the proposal is consistent with this Direction.</p>
<p>4.4 Planning for Bushfire Protection</p> <p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>Applicable.</p> <p>The outcomes of investigative studies have identified an area of the site suitable for development which predominantly avoids vegetated areas or areas exposed to bushfire risks.</p> <p>Relevant controls are to be incorporated into a site specific Chapter of Council's Development Control Plan 2013.</p> <p>Subject to the above, it is considered that the proposal is consistent with this Direction.</p>
Regional Planning	
5.1 Implementation of Regional Strategies	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.</p>	<p>Applicable.</p> <p>The inconsistency of the proposal with the CCRS is justified by the Department of Planning and Environment's (DoP&E) endorsement of the Wyong Shire Settlement Strategy, in September 2013.</p>
<p>5.2 Sydney Drinking Water Catchments</p> <p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>	<p>Not Applicable.</p> <p>The proposal is not located within Sydney's hydrological catchment.</p>

Direction	Comment
<p>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</p> <p>Aims to ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Far North Coast Region.</p>
<p>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</p> <p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p>Not Applicable.</p> <p>The proposal is not located between Port Stephens and Tweed Shire Councils.</p>
<p>5.8 Second Sydney Airport: Badgenys Creek</p> <p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgenys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.</p>
<p>Local Plan Making</p>	
<p>6.1 Approval and Referral Requirements</p>	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The planning proposal does not seek to include provisions which require concurrence from other agencies.</p> <p>It is therefore considered the proposal is consistent with this Direction.</p>
<p>6.2 Reserving Land for Public Purposes</p>	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p>	<p>Not Applicable.</p> <p>Future site development may incorporate provisions for open space; however these are proposed to be managed by way of Community Title through a Community Plan of</p>

Direction	Comment
Applies when the relevant planning authority prepares a planning proposal.	Management. The proposal is consistent with this Direction.
6.3 Site Specific Provisions	
Aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.	Applicable. The proposal does not seek to enable a specific use on the site which is not permissible under existing zones. It is therefore considered the proposal is consistent with this Direction.
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.	Not Applicable. This Direction does not apply to Wyong LGA.

2.2 Amendment to DCP 2013 - Site Specific Development Provisions for Land at Mardi and Chittaway Point

TRIM REFERENCE: RZ/14/2012 - D11646914

MANAGER: Scott Cox, Director

AUTHOR: Jenny Mewing; Strategic Planner

SUMMARY

This report seeks Council's endorsement for the preparation and exhibition of amendments to Wyong Development Control Plan (DCP) 2013 to incorporate site specific development provisions for land at Mardi and Chittaway Point.

RECOMMENDATION

- 1 That Council endorse the preparation and exhibition of amendments to DCP 2013 to incorporate development provisions for land at Mardi and Chittaway Point, which are currently subject to rezoning proposals RZ/14/2012 and RZ/7/2009.**
- 2 That Council receive a further report on the results of the exhibition.**

BACKGROUND

Council at its meeting held on 27 March 2013, with regard to Lot 36 DP 755249; Lot 41 DP 123953; Lot 1 DP 229971; Lot 1 DP 229970; Lot 1 DP 120512; Lot 101 DP 604655; Lot A DP 396415 and Lot 1 DP 554423 (414 Old Maitland Road) Mardi.

"Resolved unanimously on the motion of Councillor Best and seconded by Councillor Graham:

- 337/13 That a Planning Proposal be prepared to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, for the rural residential/rural village development of Old Farm.
- 338/13 That Council, forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.
- 339/13 That Council require, subject to the "Gateway Determination," the proponent enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.
- 340/13 That Council authorise the General Manager (or delegate) to sign the Funding Agreement.

- 341/13 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".
- 342/13 That a further report be submitted to Council to report on results of community consultation.
- 343/13 That Council request that the Gateway Panel meet with the Mayor and interested Councillors prior to their determination of this matter.
- 343/13 That Council request that the Gateway Panel meet with the Mayor and interested Councillors prior to their determination of this matter."

Council at its meeting held on 24 July 2013, with regard to Lots 1-3 DP 21536, Lot 1 DP 1014033, Lot 1 DP 22467 & Lots 10-11 DP 1177776, (19-23 Geoffrey Road) Chittaway Point

"Resolved unanimously on the motion of Councillor Best and seconded by Councillor Nayna:

- 939/13 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, to enable residential development and environmental conservation/management.
- 940/13 That Council forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.
- 941/13 That Council request the General Manager to apply to accept plan making delegations for the rezoning.
- 942/13 That Council require, subject to the "Gateway Determination," the proponent enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.
- 943/13 That Council authorise the General Manager (or delegate) to sign the Funding Agreement.
- 944/13 That Council note that additional information will need to be submitted prior to proceeding to public exhibition/consultation.
- 945/13 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".
- 946/13 That Council consider a further report on results of community consultation."

CURRENT STATUS

In the case of both of the above sites, Planning Proposals proposing amendments to Wyong Local Environmental Plan (LEP) 2013 have been prepared and issued with a Gateway determination by the Department of Planning and Environment (DoP&E) to proceed.

Further, the proposals for both sites have been the subject of Agency Consultation and relevant investigative studies by the respective Proponents. The Proponents for both proposals have also signed funding agreements with Council for the progression of the respective Planning Proposals.

THE PROPOSAL

A number of attributes on the sites have been identified that will require specific management and design solutions during subsequent subdivision and development (subject to the Planning Proposals being finalised and the amending LEP Instruments being notified). These have been identified as a consequence of the outcomes of Agency Consultation and investigative studies.

In order to ensure that appropriate and coherent development outcomes can be achieved, it is proposed to prepare site specific Chapters for the two sites which would sit within Part 6 – Location Specific Development Provisions of DCP 2013.

The proposed provisions would relate to the following matters:

- Subdivision design & staging;
- Servicing;
- Flooding, drainage, stormwater and water cycle management;
- Traffic and transport;
- Open space;
- Land contamination and acid sulfate soils;
- Vegetation retention and bushfire management; and
- Aboriginal heritage.

Given that both Planning Proposals are approaching Community Consultation phase, it is intended that, subject to Council's endorsement, the amending Chapters of DCP 2013 are exhibited concurrently with the respective Proposals.

OPTIONS

Option 1 – Business as Usual (NOT RECOMMENDED)

In the event that development provisions are not provided for the sites, development potential and eventual lot yield cannot be estimated for the sites. This inherently results in time delays for the lodgement and assessment of applications for subdivision.

Option 2 – Prepare amending Chapters to DCP 2013 (RECOMMENDED)

2.2 Amendment to DCP 2013 - Site Specific Development Provisions for Land at Mardi and Chittaway Point (contd)

This option provides greater certainty for the development potential of the subject site. This option enables future applicants to have an understanding of Council's requirements, and consequently, have expectations for the development of the sites which are not unrealistic.

This option also provides greater certainty for Council's Assessment staff, as it will establish the information required to be submitted with an application for the subdivision of the sites.

CONSULTATION

Given that both Planning Proposals are approaching Community Consultation phase, it is intended that, subject to Council's endorsement, the amending Chapters of DCP 2013 are exhibited concurrently with the respective Proposals.

Exhibition would occur in accordance with the provisions of Division 4, Section 57(1) of the Environmental Planning and Assessment (EP&A) Act, 1979 and Part 3, Division 2, Clause 18 of the EP&A Regulation, 2000. Notice would be provided within the Central Coast Express Advocate and the plan exhibited for a minimum of 28 days.

In addition to the statutory requirements, both Proposals and the draft Chapters would be referred to relevant Government Agencies.

GOVERNANCE AND POLICY IMPLICATIONS

The purpose and preparation of DCPs is guided by Part 3, Division 6 of the EP&A Act, 1979 and Part 3 of the EP&A Regulation, 2000.

With regard to the recommendations of this report, the proposed amendment to DCP 2013 will provide guidance on facilitating development that is permissible (subject to the Planning Proposals being finalised and the amending LEP Instruments being notified), which is consistent with the provisions of Part 3, Division 6, Section 74BA of the EP&A Act, 1979.

CONCLUSION

In order to ensure greater levels of certainty for the future subdivision and development of sites at Mardi and Chittaway Point, (subject to the respective Planning Proposals being finalised and the amending LEP Instruments being notified), it is recommended that site specific provisions in the form of amendments to Part 6 of DCP 2013 are prepared and publicly exhibited. It is also recommended that a further report is prepared to advise Council of the outcomes of the exhibition process.

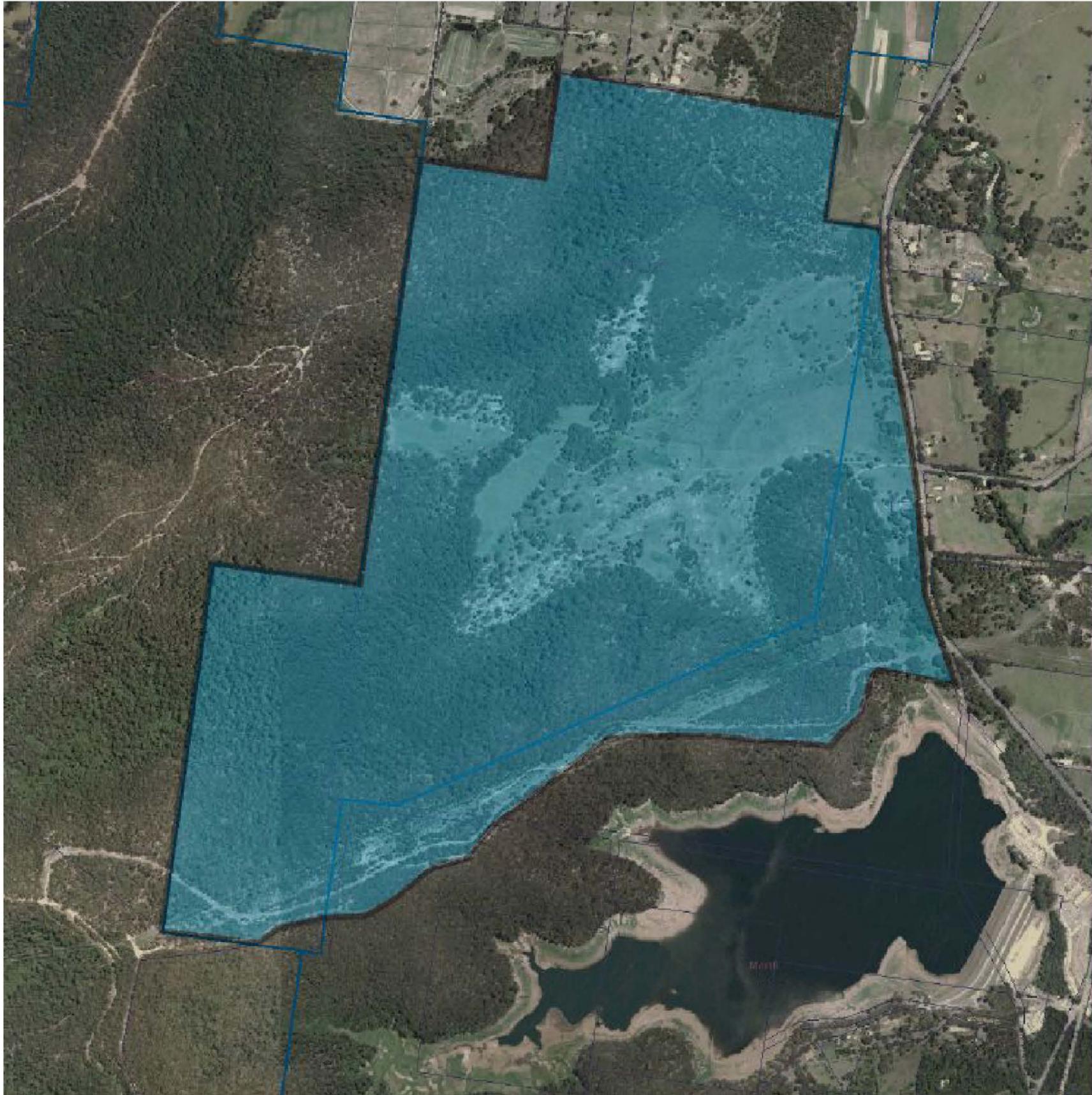
ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Chittaway Point Locality Plan (A3 Colour) | D11675701 |
| 2 | Old Farm, Mardi Locality Map (A3 Colour) | D11675715 |



**CHITTAWAY POINT
LOCALITY MAP**





**'OLD FARM' MARDI
LOCALITY MAP**



**2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
Development Application No 887/2013 – 44 Seniors Living Dwellings
Development Application No 939/2013 – 44 Seniors Living Dwellings**

TRIM REFERENCE: DA/887/2013 - D11659859

MANAGER: Scott Cox, Director

AUTHOR: Mark Greer; Senior Development Planner

SUMMARY

Two development applications have been received for the erection of 88 self care Seniors Living dwellings at Glengara Retirement Village in Tumbi Umbi. The applications have been examined having regard to Wyong Local Environmental Plan (WLEP) 1991, the matters for consideration detailed in section 79C of the Environmental Planning and Assessment (EP&A) Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The matter is referred to Council due to the variation for height sought being greater than 10%.

Applicant	Retire Australia
Owner	as above
Application No	DA 887/2013 - 44 Seniors Living Dwellings DA 939/2013 - 44 Seniors Living Dwellings
Description of Land	Lot 712 DP 1083816, No 25 Jaeger Road, Tumbi Umbi
Site Area	4.524 hectares
Zoning	2(a) General Residential WLEP 1991 (now R2 Low Density Residential WLEP 2013)
Value	DA 887/2013 - \$11.325M DA 939/2013 - \$11.325M

DRAFT

RECOMMENDATION

- 1 That Council, grant consent to Development Applications No 887/2013 and 939/2013 subject to the conditions detailed in the schedule attached to the report.**
- 2 That Council advise those who made written submissions of its decision.**

2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
Development Application No 887/2013 – 44 Seniors Living Dwellings
Development Application No 939/2013 – 44 Seniors Living Dwellings
(contd)

PRECIS

Proposed Development	Both applications involve the construction of 44 self-care seniors living dwellings within two 3 storey apartment buildings each containing 22 dwellings. A total of four buildings will be erected on the subject site.
Permissibility and Zoning	The subject allotment was zoned residential 2(a) under WLEP 1991. The zone was changed to R2 under WLEP 2013. The proposed development was prohibited under WLEP 1991 and remains a prohibited use under WLEP 2013. The use is permissible under SEPP (Seniors Living)
Relevant Legislation	State Environmental Planning Policy (Seniors Living) State Environmental Planning Policy No 1 – Development Standards State Environmental Planning Policy No 65 – Design Quality of Residential Development
Current Use	Seniors living estate Retirement Village
Integrated Development	NSW Rural Fire Service NSW Office of Water
Submissions	DA 887/2013 – 18 submissions DA 939/2013 – 20 submissions

THE SITE

The subject site is located at the southern end of Jaeger Road at Tumbi Umbi. The site is bounded by Silver Gull Place to the north; rural-residential properties on Benjamin Close to the west; a floodplain and Mingara Recreation Club to the east; and the existing Glengara Retirement Village to the south/south-west.

The site forms part of the Glengara Retirement Village, a seniors living and self care facility comprising 280 dwellings owned by “Retire Australia”. At present the Glengara estate has established eighteen stages of residential development including recreational and leisure amenities.

By way of other development of the Glengara estate, the land has been partly filled over time and as a result there are several minor undulations. A watercourse extends through the site adjacent to the existing village. Apart from a cluster of native tree growth along the western boundary of the land, the land is void of vegetation.

Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi

Development Application No 887/2013 – 44 Seniors Living Dwellings

Development Application No 939/2013 – 44 Seniors Living Dwellings
(contd)



Figure 1: Aerial view of the subject site shown in white outline

THE PROPOSED DEVELOPMENT

Development consent is sought for two development applications comprising 44 self-care seniors living dwellings in two, 3 storey apartment buildings each containing 22 dwellings. The dwellings comprise a mix of 1 and 2 bedrooms with private balcony space. Each building provides a basement car park for 20 vehicles with two elevators (and stairways) for accessibility and 7 visitor car spaces. A porte-coche is located on the western side of the buildings to assist accessibility. Both developments are set back 30 metres to the neighbouring western boundary, primarily to satisfy bush fire safety requirements and also to provide extensive landscaping.

The major civil works necessary for both applications such as roads, water/sewer, benching, retaining etc., will be constructed as part of the seniors living development approved under DA 889/2013 for 40 units. In this regard, the site of the subject applications will require only site specific work such as the basement car park excavation.

2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
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Development Application No 939/2013 – 44 Seniors Living Dwellings
(contd)



Figure 3: East elevation of blocks 1 and 2 (same in both applications)

VARIATIONS TO POLICIES

Table 1: Variations to Policies

Clause	40(4)(a)
Standard	Height - “the height of all buildings in the proposed development must be 8 metres or less”
LEP/DCP/SEPP	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004,
Extent of variation and departure basis	The proposed height of the building exceeds the 8 metre limit by 1.5 metres, representing a variation of 18.75%. The departure identified is discussed later in this report.

HISTORY

Land Zones

The land was zoned 2(a) ‘Residential’ and 7(c) ‘Scenic Protection’ in February 1991. The land was subsequently rezoned in its entirety to 2(a).

In December 2013, the land became an R2 zone under WLEP 2013.

Glengara Retirement Estate

The Glengara estate began in the mid 1990’s and has increased incrementally since with a series of staged approvals. The estate has been completed to stage 18, although stage 13 is currently under construction.

The multi seniors living dwelling approvals are noted as:

- DA 697/97 stages 1 and 2
- DA 2153/98 stages 3 to 6
- DA 930/00 stages 7 and 8
- DA 3137/00 stages 9 to 13
- DA 3138/00 stages 14 to 18
- DA 889/2013 for 44 units

2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
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(contd)

The site of the current application was the subject of a previous development approval (DA 12/1997) for a 43 lot subdivision in 1997.

SUBMISSIONS

Any submission from the public.

The applications were advertised in accordance with DCP 2005 Chapter 70 - Notification of Development Proposals with 18 submissions being received for DA 887/2013 and 20 submissions for DA 939/2013. The general issues raised in relation to both applications are outlined and addressed below.

- **Increased traffic in local area**

Comment

The forecast traffic movements from the development suggests that traffic heading west toward the Sydney/Newcastle freeway or Westfield Shopping centre would access through local public roads (Jaeger Road) to Wyong Road. Destinations to the east such as Bay Village, Erina Shopping centre, The Entrance and coastal regions would access via Hansens Road. It is noted that both pedestrian and vehicular access direct to the Mingara Leisure Club can be gained from an existing bridge crossing within the Glengara Retirement Village.

Likely occupant movement would be an even split between the west and east traffic destinations. Furthermore traffic associated with this nature of development is generally of a lower volume than traditional residential unit developments.

In this regard the expected traffic generated from the development would have negligible impact on local roads. The traffic assessment report accompanying the application was reviewed by Council's Traffic Engineer and found to be satisfactory.

- **Impact from construction activity**

Comment

There will be additional traffic and some inconvenience during the construction phase. In order to minimise these impacts appropriate conditions of consent will be imposed to ensure that construction activity is confined to certain days and times. A Construction Management Plan will be required for assessment by the PCA prior to the issue of the Construction Certificate.

2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
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(contd)

- **Concern for increase in flooding**

Comment

Extensive flood modelling was undertaken by the applicant and reviewed by Council Hydrologist and Development Engineer. The width of the drain was enlarged as a result of staff assessment.

The improvement to the drainage channel would have no detrimental impact to local flooding subject to approved engineering designs.

NSW Office of Water reviewed the channel works and provided General Terms of Approval.

- **Impact to rural and residential zone**

Comment

The properties immediately to the west of the site are zoned E4 Environmental Living. Submissions raise concern over the impact of high-rise adjacent to the semi-rural zone and residential zone.

A generous separation of 30 metres from the western boundary to the development will be provided. In addition the existing vegetation will be retained along the boundaries. All vegetation within neighbouring properties is not affected by the proposed development and provides screening. Whilst the retained vegetation will not totally screen the buildings from view, the filtered visual contact from the semi-rural lands to the subject site is not significant with no appreciable impact on local amenity.

A separation of 50 metres to the neighbouring R2 zone to the north is provided.

- **Devaluation of land**

Comment

The land has been zoned residential for some time with a subdivision approval for 43 lots granted in 1997. Although never developed, the expectation has been that a form of residential development could be established commensurate with state planning and local zoning provisions.

Applicants have a right under the provisions of the Environmental Planning and Assessment Act to apply for developments that achieve the aim of orderly and economic use and development of land. There is no evidence to suggest the development would have a negative impact on adjoining land values as the area is residential zoned. In addition, the impact on land values is not a planning consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and has been reinforced by planning and development decisions in the NSW Land and Environment Court.

2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
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- **Over-development for the zone**

Comment

The concern is raised that the zoning provisions provide for two storey development not three storeys as proposed. The zone provisions are acknowledged however approval is sought under SEPP (Housing for Seniors or People with a Disability) 2004 which permits development to 8.00 metres, similar to a vertical envelope for three storey development. In this instance however the design of the building extends beyond the 8.00m limit to 9.50m. Furthermore in respect to over-development, it is noted that although the building exceeds the SEPP height provisions, the building separation to boundaries compliments Council's development controls for high-rise design. Distance to the rural, residential and Mingara complex are generous alleviating amenity concerns.

The body of the report will note the height of the building in respect to the policy provisions, however given the expanse of the site, the proposals are considered to be in character with the zone objectives.

- **Inappropriate high-rise design for elderly occupants**

Comment

The developments have been designed specifically for use by those older than 55 years of age or people with a disability. The policy notes special design parameters for accessibility from all parts of the development including parking, elevator access and the floor layout of the units.

- **Impact to wetland**

Comment

Concern is raised regarding the impact on the nearby wetland between Mingara athletic field and Thornbill Grove. The development does not propose any changes to the wetland which is located on Mingara's sports and recreation club property. DA 889/2013 for 40 units was approved recently and will accommodate the major civil works for the Glengara site.

The wetland's primary purpose is a wet detention basin to the Mingara and Glengara developments and also captures significant over land flow from the local rural/residential zones and filters content for final discharge to Council's drainage systems. Although not mapped as Endangered Ecological Community (EEC) the basin acts as a wildlife refuge attracting bird species to the water feature.

The current applications do not propose any major site disturbance other than basement excavation. As such no impact to the wetland is envisaged.

2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
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(contd)

- **The development could become a slum**

Comment

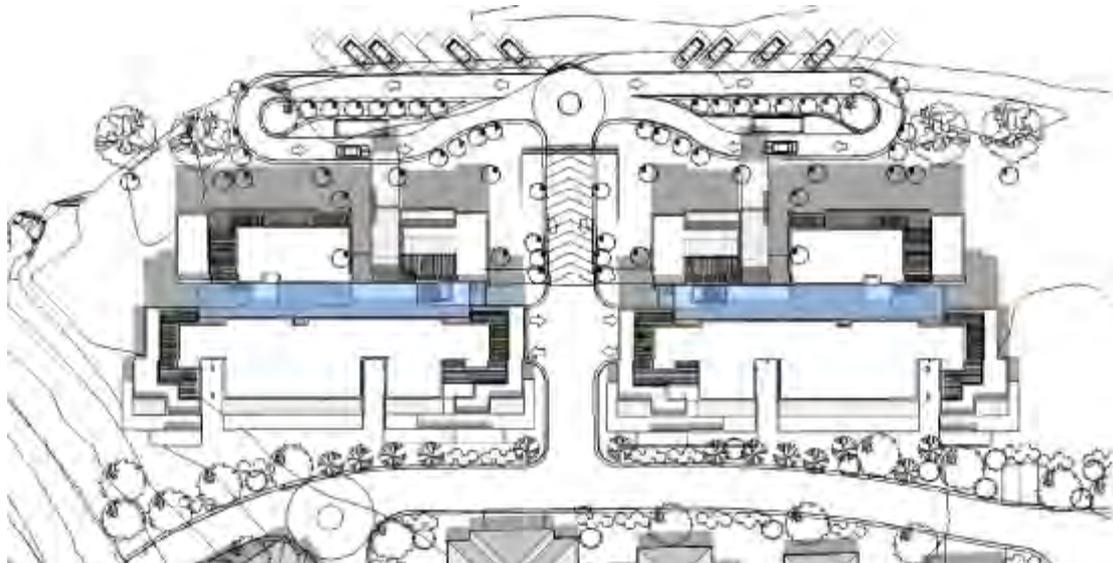
Concern is raised that the development could become a public housing style building. The development is a continuation of the Glengara Retirement Village Estate which has established dwellings, facilities and landscaping. There is no reason to suggest that the development would be any less quality to that already developed at the estate. It is noted that Council's consent will specify occupancy for seniors as required under the policy.

An inspection of the village has indicated that the site is well maintained and unlikely to develop into a slum

- **Inaccurate DA information including shadow diagrams**

Comment

Correct, staff identified that the shadow diagrams contain errors in respect to solar trajectories. However a review of the anticipated shadow cast from the buildings would suggest that all shadowing can be contained within the development site without impact to existing residences.



Shadow diagram at 9am September

In summary, the issues raised in objection to the development have been duly considered in assessment of the application, however are not sufficiently valid to warrant refusal of the application. Notwithstanding, conditions of consent will address concerns over construction activity.

2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
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(contd)

Any submission from public authorities.

NSW Rural Fire Service

The land is subject to the risk of bushfire. The application was reviewed by NSW Rural Fire Service (RFS) who supported the proposed development in both applications and granted a bush fire safety authority.

The bush fire safety authority required special construction methods to achieve a Bushfire Attack level of 12.5 (BAL) rating for the buildings and asset protection zones of 30 metres.

NSW Office of Water

The NSW Office of Water supported both proposals granting General Terms Of Approval (GTA's) providing conditions which include special construction measures for the low flow drainage line near the western boundary. It is noted that the major work required to improve the 'Mingara' channel will be undertaken as part of the civil works for DA 889/2013.

INTERNAL CONSULTATION

Council's Development Engineer

The application was reviewed with the following comments:

- The basement floor level, set at 9.0m AHD, is below the calculated 1 % Annual Exceedence Probabilty (AEP) and Probable Maximum flood (PMF) flood level. The basement level accommodates car parking and storage space and is not considered part of habitable rooms within the building. Adequate flood proofing of the basement could be undertaken to protect vehicles and stored items during the 1 % AEP and PMF events.
- The PMF level previously calculated is approximately 10.4m AHD (CH 300.0) at the single span bridge. The conditions required by DA/889/2013 include the construction of the single span bridge. The underside of the bridge must be above the PMF level to avoid any obstructions to the floodway capacity. The subject application includes road design, longitudinal sections and plan view levels detailing the deck level of the bridge at 10.2m which is approximately 600mm lower to comply with the conditions of DA/889/2013. It is noted that the levels along Road No.1 will need to be adjusted to suit the future bridge deck levels.

Council's Development Engineer raises no objection subject to the imposition of conditions on consent.

2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
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(contd)

Council's Transportation Engineer

The applicant submitted a Traffic Assessment Report with each application in support of the proposed developments. Following a review of this document no objection was raised subject to appropriate conditions of consent.

Council's Senior Health and Building Surveyor

The proposal represents a series of Class 2 and Class 7(a) buildings subject to standard BCA requirements. No objection was raised subject to appropriate conditions of consent.

EXTERNAL CONSULTATION

State Environmental Planning Policy No 65 – Design Quality of Residential Flat Building

This policy applies to development of three or more storeys and four or more units with an aim to improving the design quality of residential flat development in New South Wales.

SEPP 65 requires an assessment of the application under the provisions of the policy. In accordance with SEPP 65, a Design Verification Statement was prepared by 'ADG Architects'. This statement provides detailed discussion as to how the proposed development satisfies each of the ten (10) design principles of SEPP 65. The Statement also provides detailed discussion in relation to height, bulk and scale of the proposed development which supports the SEPP 1 objection.

The applications were presented to the Central Coast Design Review Panel (DRP) on 14 May 2014 for comment. Both applications received the highest grade awarded ("A") for architectural merit from the DRP, requiring no significant change to the design.

The minutes from the meeting noted:

Panel's Recommendation

a Recommend approval with minor amendments.

Panel's Comments

This is a combined report for DA/887/2013 and DA/939/2013 accounting for a total of 88 seniors living dwellings. The Panel supports in principle both DAs observing that the architectural planning of the buildings complies with the vast majority of the principles and guidelines of the RFDC. Furthermore, the proposed DAs, as an extension of the Glengara Retirement Village, are well suited to completing the larger retirement precinct. Several issues are raised hereafter for the architects' to address.

2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
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(contd)

Context

Although the building envelopes proposed are large in footprint and length, they are appropriate in this location in their relationship to existing development and because of the attributes of the site allowing good separation distances.

Scale

The height and bulk are acceptable.

Built Form

The Panel would prefer to see a separate common pedestrian residential entry directly from the street for each of the blocks linked to an internal pedestrian circulation system. This would be a better outcome than pedestrians having to use the proposed roads to access their dwellings and would be a better outcome visually because the common entries would be more easily identifiable.

The proposal relies on an underground carpark that protrudes above ground level and is to varying degrees visible as part of the façade. The documents provided only give indicative advice as to how this would be treated visually. The designers should ensure that landscape mounding and planting, along with any minor walls and fences, are incorporated into the design to mitigate the effects of the carpark. As the four buildings are essentially the same designs (albeit mirror imaged) it is important that they be visually differentiated. Consider the use of subtly changed colour schemes, detailing, materials and textures to differentiate each block. Furthermore, signage and naming along with lighting and specific species planting could also be used to subtly distinguish between each block.

Density

Appropriate.

Resource, Energy and Water Efficiency

The site development should consider the following:

- *passive and active solar design (including solar hot water and PV)*
- *efficient energy and water systems*
- *non-toxic materials and finishes with low embodied energy / water content*
- *capture and re-use of grey and rainwater*

Landscape

Similar to the comments made under Built Form in terms of treatments to differentiate the four buildings, it is suggested that different “highlight” trees/shrubs could also be used to emphasize the different buildings.

2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
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(contd)

As it is presented the DAs appear to emphasize the importance of car access and roads whereas pedestrian pathways are often disconnected from each other and from peak thoroughfares through the site. Ensure in any revised landscape plan that the network of pedestrian paths is well connected, leads from important areas to the common entries, and that suitable treatment of the roads and paving signal shared zones.

Amenity

Satisfactory subject to the comments under Built Form being addressed.

Social Dimensions

Satisfactory.

Safety and Security

Satisfactory assuming that the total site development is monitored in this regard.

Aesthetics

Refer to Built Form.

Comment

The SEPP 65 comments were noted with the applicant making the recommended changes to the design.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application. This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope/ combat/withstand these potential impacts. In this particular case, the following matters are considered to warrant further discussion, as provided below:

**2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
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Sustainable Building Design: The proposed building works trigger initiatives for energy and water efficiency.

Bushfire Protection: The site is identified as bushfire prone land and was referred to the NSW RFS for comment. The RFS recommended conditions relating to bushfire mitigation measures to be included with any consent granted.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are discussed for Council's information.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

a Wyong Local Environmental Plan WLEP 1991

Zoning and Permissibility

Under the LEP, the proposed development is defined as "Housing for older persons, people with a disability", which is prohibited in the 2(a). However, as the land is zoned "primarily for urban purposes," the proposed development is permissible on the land by virtue of the provisions of SEPP (Housing for Senior's or People with a Disability), 2004.

b Wyong Local Environmental Plan WLEP 2013

The application was lodged prior to commencement of Wyong Local Environmental Plan 2013. Clause 1.8A (Savings provision relating to development applications), of WLEP 2013 requires that the development application be determined as if the WLEP 1991 was determinative to operate with WLEP 2013 being given appropriate consideration as it if were certain and imminent.

Under the provisions of WLEP 2013, the proposed developments would be defined as "Senior Housing" which is a prohibited use in the R2 Residential Zone. However, this type of development would be permissible by virtue of the provision of the SEPP.

Services

Clause 7.9 states that the consent authority must not grant consent to the carrying out of any development on any land unless adequate electricity supply, water supply and facilities for the disposal and management of sewage and drainage, and suitable vehicular access are available to that land.

The site has the ability to connect to Council's reticulated water and sewer supply and suitably drain stormwater drainage from the site.

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Flooding

Clause 7.2 states that development must minimise risk to life and property associated with impact of flooding. While the southern part of the land nearby the drainage channel is subject to flooding the natural ground at the sites of the high-rise buildings is above the known flood level. Notwithstanding, the basement level is below flooding and will be protected from inundation as part of the engineering design.

c Relevant SEPP's

i State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The application is the subject of assessment under SEPP (Housing for Seniors or People with a Disability) 2004.

The application documentation was supported with a comprehensive review on the development standards outlined in the policy. Refer to attachment to this report.

With the exception of Clause 40 – 'Development Standards, Building Heights' the application is found to be compliant with the criteria and therefore consistent with the policy objectives. In respect to Clause 40 in the SEPP, the policy states the following criteria:

"40 Development standards—minimum sizes and building height

***4 Height in zones where residential flat buildings are not permitted
If the development is proposed in a residential zone where residential flat buildings are not permitted:***

a The height of all buildings in the proposed development must be 8 metres or less, and

Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48(a), 49(a) and 50(a).

b A building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and

Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

c A building located in the rear 25% area of the site must not exceed 1 storey in height.

2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
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The proposed development exceeds the 8m height limit specified in Clause 40(4)(a). The proposed development has a maximum height of 9.50 metres when measured from the ground level (RL 12m AHD) to the top of level two ceiling (RL 21.5m AHD). The variation to the standard equates to 1.5 metres, representing an 18.75% variation to the allowable maximum. Accordingly, a variation to the height limitation identified under Clause 40(4)(a) is sought to approve the proposed developments.

ii State Environmental Planning Policy No 1 – Development Standards

SEPP No 1 provides flexibility in the application of planning controls of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a) (i) and (ii) of the Environmental Planning and Assessment Act (Act), which are to encourage proper and appropriate land management within the natural environment.

Land and Environment Court has outlined the procedure for considering SEPP1 objections. The application is assessed in accordance with this procedure and having regard for the objections lodged by the applicant. See “Attachment” for a full copy of the applicant’s SEPP 1 objection. For ease in reporting, both SEPP 1 objections, which are identical, are reported together and assessed below.

Is the planning control in question a development standard?

Yes - Clause 40(4)(a) specifies a numerical value of 8.00 metres. The inclusion of a numerical height under Clause 40(4)(a) classifies as a development standard.

The extent of departure to the standard of Clause 40(4)(a) is 18.75% over three quarters the length of the building.



Figure 4: image of building block with green shading representing part of building above limit SEPP height

Council’s delegation does not extend to assuming the concurrence of NSW Planning and Infrastructure for the use of SEPP 1 in this instance as the extent of variation is greater than 10%. In this respect if Council was of a mind to approve the application, concurrence of the NSW Planning and Infrastructure for the use of SEPP 1 must be sought.

2.3 **Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi**
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What is the underlying object or purpose of the standard?

While the SEPP does not explain the origin of the 8.00 metre height limit, reference is drawn to the aim of the policy - “to encourage the provision of housing that will... be of good design...and achieving a built form that responds to the character of the site.” A fair assumption is that 8.00 metres represents the vertical parameter typical for a three storey building in residential zones.

The proposal has been designed to meet the architectural standards of SEPP 65 – ‘Design Quality of Residential Flat Building’. The design principles of SEPP 65 focus on high architectural quality by not just designing an aesthetically pleasing building but also ensuring that the design responds to the site and the local area. The proposed developments respond adequately to the character of the site and surrounding locality.

Does compliance with the development standard tend to hinder the attainment of the objects specified in Section 5 of the EP & A Act.

The objects of the ‘Act’ are noted as:

a To encourage:

- i The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,***
- ii The promotion and co-ordination of the orderly and economic use and development of land,***
- iii The protection, provision and co-ordination of communication and utility services,***
- iv The provision of land for public purposes,***
- v The provision and co-ordination of community services and facilities, and***
- vi The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and***
- vii Ecologically sustainable development, and***
- viii The provision and maintenance of affordable housing, and***

2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
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- b To promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and***
- c To provide increased opportunity for public involvement and participation in environmental planning and assessment.***

Compliance with the development standard in SEPP (Housing for Seniors or People with a Disability) 2004 hinders the development potential of the land and the provision of more varied and affordable residential opportunities for aged living.

The increased height will not have any impacts given the large site setbacks in respect to overshadowing and will not require an extension of infrastructure or services beyond that of a compliant building.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The site is a relatively large parcel (4.5 hectares) of residentially zoned land surrounded by the same 2(a) (now R2) zone and semi-rural land and open space. Normally, height restrictions are reserved for smaller suburban blocks where confinement of vertical space is at a premium. In this instance because of the size of the land, the design of the development affords larger separations of the buildings to neighbouring boundaries – 30 metres to the west and 40 metres to the north (the south is part of the Glengara estate while the east is open space).

The benefit of the liberal building setback to boundaries is that the 1.50 metre increase in building height is less tangible to surrounding properties and as a result visual impacts are less noticeable. Strict compliance with the SEPP height limit would be immeasurable from most vantage points given that the site is not considered as a view corridor.

The recently gazetted Wyong Local Environmental Plan 2013 does not contain any height restrictions for this site preferring to suggest that specific development guidelines consider the consequences of building heights.

Is the objection well founded?

The SEPP 1 objection is considered to be well founded and demonstrated a satisfactory resolve of the underlying purpose of the development standard.

Conclusion

It is considered that suitable justification is provided in the SEPP 1 Objection to indicate that the imposition of the maximum height provision under clause 40(4)(a) of the SEPP Housing for Seniors or People with a Disability) 2004 is unreasonable and unnecessary in this case.

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(contd)

d Relevant DCP's

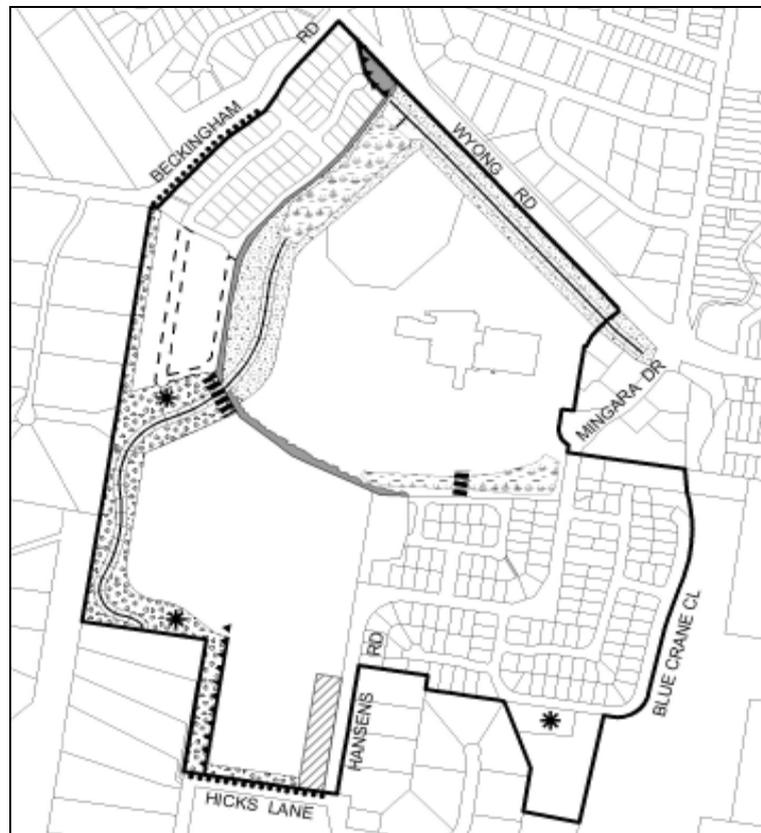
Wyong Development Control Plan 2013

i Chapter 6.13 - Tumbi Valley Residential

Development Control Plans 2005 and 2013, apply to the subject site and development. Specifically Chapter 6.13 Tumbi Valley Residential (formerly DCP 2005 Chapter 79 – Lower Tumbi Valley Urban Release Area) provides development principles as a guideline for future development of the site. The plan is carried over from previous guidelines that for the most part have been implemented through residential subdivisions of Hansens Road, Beckingham Road and the Glengara Retirement Estate. In effect the only remaining land to develop is the subject site, approximately 10% of the total DCP precinct.

Chapter 6.13 appears to suggest a continuation of the Jaeger Road subdivision which was adopted prior to Glengara establishing the retirement village. The vision was for conventional subdivision surrounding the Mingara Club site. In effect subdivisions were established at a similar time to Glengara undertaking the initial stages of its seniors living development.

Notwithstanding the progression of development through the precinct, the current applications although not a conventional subdivisions promotes the same design principles encouraged by the DCP. In this regard a street pattern with appropriate building lines and pedestrian access is generally consistent with the DCP.



2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
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Figure 4: Chapter 6.13 Layout Plan

ii Chapter 2.4 – Multiple Dwelling Residential

The application has been submitted under the provisions of the SEPP Senior's Living which prevails over Council's DCP. The proposal is consistent with the aims and objectives of the DCP by providing a dwelling type that is functional and of high architectural quality. The application was reviewed against DCP Chapter 2.4 with those controls adopted where the SEPP is silent. The proposal is generally consistent with DCP 2.4 proposing building separations commensurate with the height of the building.

iii Chapter 3.6 – Tree Management

The site of the development is comprises scattered vegetation some of which can be retained with selective tree removal for fire protection. No vegetation removal is necessary on neighboring properties.

THE LIKELY IMPACTS OF THE DEVELOPMENT

a Built Environment

Context and Setting

The proposed developments are located in an existing residential area which is mostly low density residential and characterised by moderate to large dwellings and the Glengara Retirement Village a seniors living and self-care facility of 280 dwellings owned and operated by "Retire Australia

The proposals are considered to be compatible with the local area. The issue of compatibility was reviewed under the relevant planning principles set down in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*.

These planning principles evolved through establishing the compatibility of a proposal in the urban environment.

Where compatibility between a building and its surroundings is desirable, two major aspects of importance are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions require consideration.

- 1 *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*

and,

- 2 *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

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Although three storeys, the developments are compatible with the nearby residential and semi-rural communities by providing appropriate separation to achieve transitional context – 105 metres to rural dwellings and 70 metres to residential zoned dwellings.

Built form

The bulk and scale of the proposal has been given due consideration so as not to create an adverse impact upon the streetscape and neighbouring properties.

To assist in assessing the non-compliance of the height issue and bulk and scale, planning principals adopted through case law were considered. The findings of *Veloshin v Randwick Council 2007* established an approach to assessing the impact of a proposal with respect to the height of the building and its bulk and scale as identified in the following principles.

a Are the impacts consistent with impacts that may be reasonably expected under the controls?

Given the broad parameters of the site, the development has been designed sympathetically with the local area. Suitable transition buffers are provided to the semi-rural zone to the west and residential zone to the north whilst the wetland to the east provides unencumbered amenity.

b How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?

The development is proposed under the SEPP (Housing for Seniors or People with a Disability) 2004 policy, design criteria that provides for development to 8.00 metres. In a confined urban zone with restricted space opportunities, development exceeding the height limit is likely to create amenity concerns. In particular overshadowing and view impacts would be prominent issues to address. However given the expanse of the site the issues normally associated with the urban context are substantially less of an impact and thus tolerable under the objectives of the SEPP.

c Does the area have a predominant existing character and are the planning controls likely to maintain it?

The predominant existing character of the area is established by the residential zoned communities of Jaeger Road and Sandpiper Way to the north and the Glengara Village to the south. The Mingara Recreation complexes lay immediately to the east, providing ancillary support to the surrounding urban areas.

The planning controls established under the zone and SEPP provisions would appropriately maintain the character of the area.

d Does the proposal fit into the existing character of the area?

The proposal is considered to be consistent with the character of the area notwithstanding the three storey aspect of the design. The broad context of the site provides for a sympathetic setting.

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e Is the proposal consistent with the bulk and character intended by the planning controls?

The SEPP height control (8.00 metres) provides for three storey development. The design of the development is consistent with the bulk intended by the SEPP criteria in so much that it adheres to the concept of three storeys set by the nominal standard.

The design of the development was rewarded for high quality architecture by the SEPP 65 DRP complimenting on the bulk and scale and its acceptability.

f Does the proposal look appropriate in its context?

It is considered that the bulk and scale of the proposal is consistent with the character of the immediate locality.

Impact to views

Given that the building exceeds the height limit set by SEPP (Housing for Seniors or People with a Disability) 2004, the potential impact to existing views from surrounding residences is worth further assessment. 'Planning Principles' established by case law identify how view sharing should be considered in assessing development. The findings of *Tenacity Consulting v Warringah Council 2004* established a four step approach for assessing the impact of development on views; 1st - establish the value of the view, 2nd - establish source of view, 3rd - establish extent of the impact and finally 4th - establish reasonableness of the impact.

Views from neighbouring residences across the subject site are valued not for iconic reasons, but for space importance, the real value of which is the openness of the view rather than direct vision to a focal point.

The view toward the site from western neighbouring properties in Benjamin Close is extensively screened by native vegetation within those properties. In effect the view of the proposed buildings will be filtered by the vegetation with no appreciable impacts or loss of view envisaged.

Traffic and access

Each development proposes basement car parking to accommodate 40 parking spaces and 7 visitor spaces (94 spaces in total). Each development of two unit blocks has a combined accessway to the internal road network of the village estate from a service road.

There are two vehicular ingress/egress locations: one to Jaeger Road in the north, the other from the internal road network of Glengara Estate to Hansens Road in the east.

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Anticipated traffic practices from the development suggests that traffic heading west toward the Sydney/Newcastle freeway or Westfield Shopping centre would access through local public roads such as Jaeger Road onto Wyong Road. Conversely, destinations to the east such as Erina Shopping centre, The Entrance and coastal regions would access via Hansens Road. It is noted that both pedestrian and vehicular access direct to the Mingara Leisure Club is gained from an existing bridge crossing within the existing Glengara Retirement Village.

Anecdotal evidence in respect to the likely needs of the occupants suggests an even split between the west and east traffic destinations. Furthermore traffic associated with this nature of development is generally of a lower volume than traditional residential unit developments.

The local road network in either direction is considered capable of sustaining the additional traffic.

As a result the proposed development is considered to be satisfactory in terms of impacts on the built environment subject to the imposition of conditions of consent.

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of statutory and DCP compliance and in terms of the submissions received.

b Natural Environment

Ecology

Other than ground cover the site of the current application is relatively clear of native vegetation although some trees nearby the western boundary will be removed to establish bush fire protection.

The site adjoins an artificial wet drainage basin and apart from minor works above the basin level, no impact is anticipated on the function of the water basin. The subject site or nearby properties do not contain any Endangered Ecological Communities (EEC).

All relevant issues regarding the likely impacts on the natural environment have been considered and determined to be reasonable for the proposed development.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

A review of Council's Land Information mapping identifies the following constraints:

Land stability

The land has been partially filled over the years from other Glengara developments and was likely placed in an uncontrolled manner.

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The development proposes to undertake civil works inclusive of basement excavation, fill and retaining. Suitable conditions will be imposed to reflect engineering design requirements for land fill and retaining walls prior to the issue of the Construction Certificate.

Drainage and Flooding

The site can be broken into two areas divided by the existing 'Mingara' drain. The main area to the north of the drain generally slopes to the east towards the 'Mingara' drain at an average of 2%. The smaller area to the south of 'Mingara' drain is currently battered north towards the drain but will be filled as part of the proposed development.

The existing open channel conveys water from the proposed site, in addition to upstream flows, to the existing downstream constructed wetland.

Immediately upstream of the wetland a berm has been constructed.

This berm allows the storage of runoff within 'Mingara' drain to act as a detention basin prior to discharging to the wetlands. The existing wetlands collect the discharge from the site and release the treated water into an existing open drain which runs parallel to Wyong Road and then conveys the water to Tumbi Umbi Creek.

The applicant proposes to upgrade the 'berm' drain. NSW Office of Water provided GTA's for the applicant to undertake the proposed drain improvement subject to the issue of a Controlled Activity Approval. Specific requirements in terms of design and construction were noted in the GTA's along with landscaping treatment commensurate with a riparian zone.

The design of the buildings mitigates the risk to life and property from flooding by providing an appropriately constructed building with safe evacuation route to flood free ground.

Bush Fire

The risk to fire to the subject site extends from the neighbouring rural residential zoned properties to the west. The proposed developments require a 30 metre asset protection zone to the fire source and as such are setback that dimension to the western boundary. As a precaution the building will adopt a construction rating of BAL 12.5.

The design of the buildings mitigates the risk to life and property from bush fire by providing an appropriately constructed building with safe evacuation route from the flame zone risk.

The site is considered suitable for the following reasons:

- The site allows for generous separation distances to the adjoining rural, residential and recreational properties.
- The design of the buildings represents high architectural quality.
- The development provides for much needed residencies for seniors.
- The accessible location of the site to public transport and the Mingara Recreational complex, shops and services.
- The compatibility of the proposal within the locality.
- Utilities and services are adequate for the site.

2.3 Proposed Seniors Living Developments for Glengara Retirement Village at Tumbi Umbi
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- Close proximity to local transport infrastructure.
- The site is reasonably level with minimal cut and fill.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

The submissions have been addressed previously in the report.

THE PUBLIC INTEREST

The public interest is best served by the orderly and economic use of the land for which it is zoned. The intent of SEPP Seniors Living is to encourage the provision of housing including residential care facilities. Council has identified the need for aged housing in Wyong Shire with the Central Coast becoming an attractive destination for retirement.

The wider interest of the public to have access to aged housing is best served through approval of the seniors development.

OTHER MATTERS FOR CONSIDERATION

Contributions

The proposed senior living dwellings attract a contribution payment under Section 94 of the EP&A Act 1979.

Contributions are also applicable under the Water Management Act 2000 for the water and sewer connections.

CONCLUSION

The proposal has been assessed using the heads of consideration in S79C of the EP&A Act 1979.

There were no significant issues arising from the assessment of the application. Minor improvements were made to the design of the building to reflect comments from the SEPP 65 panel. Public concern over traffic, flooding and land valuation is addressed in the report, and the issues alone do not warrant refusal of the application. It is generally considered the proposed development is suitable for approval subject to conditions.

**2.3 Proposed Seniors Living Developments for Glengara Retirement Village
at Tumbi Umbi
Development Application No 887/2013 – 44 Seniors Living Dwellings
Development Application No 939/2013 – 44 Seniors Living Dwellings
(contd)**

ATTACHMENTS

1	Draft Approval Conditions - DA 887/2013	D11359050
2	Draft Approval Conditions - DA 939/2013	D11358520
3	SEPP (Housing For Seniors Or People With A Disability) 2004 Compliance Table	D11659741
4	Applicant's Objection under SEPP 1	D11659812
5	Photos of the site	D11659821
6	Development Plans DA 939/2013 (A3 Colour)	D11673107
7	Development Plans DA 887/2013	D11673119

Date: 1 August 2014
Responsible Officer: Mark Greer
Location: Lot 712 DP 1083816
 25 Jaeger Road, TUMBI UMBI NSW 2261
Zoning: 2A Residential
Owner: Retire Australia
Applicant: Retire Australia
Date Of Application: 31 October 2013
Application No: DA/887/2013
Proposed Development: 44 self-contained care dwellings under Environmental Planning
 Policy (Housing for Seniors or People with a Disability) 2004
Land Area: 45240.00
Existing Use: Residential Unconnected WaterRes Vacant Land Sewer

PROPOSED CONDITIONS

Approved Plans

- The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent and any amendments in red made to the approved plans:

Title	Drawing No.	Rev	Date	Drawn By
Site plans, unit floor plans and elevations	DA02 9 sheets	5	2 June 2014	ADG Architects
Landscape plans	XS13-72 7 sheets	A	3 July 2014 2014	Xeriscapes

- All certificates and work requirements imposed as conditions of this development consent appropriate for the development are to be undertaken to the satisfaction of the Principal Certifying Authority (PCA).

Certificates – Application and Approval

- A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for each stage for the development must be submitted to and approved by the Principal Certifying Authority.

- 5 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 6 Compliance with the General Terms of Approval (GTA) issued by NSW Department of Primary Industries - Office of Water (or an agreed amendment to the GTA's) reference number 20ERM2013/1070, dated 1 July 2014 (copy attached to this development consent).
- 7 Compliance with the General Terms of Approval (GTA) issued by NSW Rural Fire Service date 12 December 2013 (copy attached to this development consent).

Prior to Release of Construction Certificate:

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

Approval from NSW Office of Water

- 8 A Construction Certificate will not be issued over any part of the site until a Controlled Activity Approval required under the Water Management Act from NSW Department of Primary Industries - Office of Water has been issued and provided to the Principal Certifying Authority (PCA).

Bush Fire Requirements

- 9 The proposed development has been assessed against the provisions of *Planning for Bushfire Protection 2006 (NSW)* and has been determined as having a Bushfire Attack Level (BAL) of 12.5. Prior to the issue of a Construction Certificate, construction details demonstrating compliance with *AS3959-2009 – Construction in Bushfire Prone Areas* and additional measures contained in *Appendix 3 of the PBP Guidelines* for the nominated BAL must be provided for the approval of the Accredited Certifier.

Contribution Payment Requirements

- 10 Prior to the issue of any Construction Certificate for each stage, the payment to Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Section 94 and Section 94A Contribution Plan. Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment.

Design Requirements

- 11 Prior to the issue of any Construction Certificate, documentation on how the units comply with the requirements for self-contained dwellings in Part 1 of Schedule 3 of SEPP (Housing for Senior's or People with a Disability) 2004 is to be submitted to the Principal Certifying Authority.

Dust Control Requirements

- 12 Prior to the issue of a Construction Certificate, suitable details must be provided for the approval of the Accredited Certifier of an appropriate system to control dust emissions from the site during construction works. The approved method of controlling dust emissions from the site is to be implemented and be maintained for the duration of construction works or each stage of works within the site.

Erosion and Sediment Control – Design Requirements

- 13 Prior to the issue of a Construction Certificate, a Soil and Water Management Plan detailing the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways must be provided for the approval of the Council. Required design drawings must include all major stages of construction and sequences of work together with treatments necessary at each of these stages. The design (Soil & Water Management Plans) drawings must be prepared in accordance with the Landcom publication '*Soils and Construction – Managing Urban Storm Water*' (*Blue Book*).

Filling and Haulage Requirements

- 14 An agreement with Council as the Roads Authority for the methodology of determining the reduced pavement life of the approved haulage route attributable to the construction of the development civil works. The agreement must be made prior to the issue of the Construction Certificate and shall include an agreed method of rectification at sole expense of the developer.

Flooding Design Requirements

- 15 Prior to the issue of a Construction Certificate, design drawings must be provided for the approval of the Accredited Certifier detailing the following requirements: -
 - A minimum floor level equivalent to the PMF Flood Level Australian Height Datum (AHD) for all habitable rooms within the proposed apartments, as defined within the Building Code of Australia.
- 16 Prior to the issue of a Construction Certificate, design drawings and specifications must be submitted for the approval of the Accredited Certifier for the following flooding characteristics applicable to the development:
 - All electrical outlets and fixtures below the 1% AEP flood level protected by a residual current device (safety switch).

Flood compatible materials must be used for all building materials used or placed below the flood planning level.

Stormwater Drainage - Design Requirements

- 17 The submission to the Council of detailed Stormwater Engineering Design Plans featuring:
 - The construction of a longitudinal stormwater drainage system to service the development including pipelines and inlet pits connecting to the proposed re-aligned drainage channel in accordance Council's *Civil Works Design Guidelines*.

The system shall be designed to incorporate emergency flows paths, stormwater quality control facilities, Gross Pollutant Traps, level spreaders and rock protection works at the outlets to ensure that stormwater flows are not concentrated but evenly dissipated into the downstream channel.

The engineering plans must be prepared in accordance with *AS/NZS3500.3:2004* and Council's Civil Works Design Guidelines, and be approved by the Council prior to issue of the Construction Certificate.

Retaining Walls - Structural Design Requirements

- 18 Prior to the issue of a Construction Certificate, a report prepared by a suitably qualified Registered Structural Engineer is to be provided for the approval of the Accredited Certifier/Council providing certification that the proposed structures are capable of accepting all anticipated live and dead loads. Such report is to include any recommendations on the structural upgrade of the existing structure.
- 19 Prior to the issue of a Construction Certificate, suitable detailed design drawings for all mass and or canti-levered retaining wall structures on the site are to be provided for the approval of the Council. Such design drawings are to be prepared by a suitably qualified Registered Structural Engineer in accordance with the requirements of AS 4678-2002 - *Earth Retaining Structures*. All retaining walls must be contained wholly within the property and designed so as to accommodate possible surcharge loading from vehicles or any future building construction within the adjoining property.

Basement Parking - Design Requirements

- 20 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
 - Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading.
 - Basement drainage system including a rising main designed and constructed in accordance with AS3500.
 - Flood protection of the basements to protect parked vehicles and stored items during the 1 % AEP and PMF storm events.

The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.

The submission to the Accredited Certifier of lighting design drawings for the carpark and public places. The design shall be prepared in accordance with the requirements of AS/NZS 1158, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier prior to issue of a Construction Certificate.

Vehicle Access and Parking - Design Requirements

- 21 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
 - Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.

- Pavement design able to withstand anticipated vehicle loading.
- Stormwater drainage system including stormwater quality control facilities.
- Service utilities.

The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.

Water and Sewer Services - Design Requirements

- 22 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

Prior to Commencement of Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

NSW Office of Water

- 23 The carrying out of any requirements necessary prior to commencement or works in the Controlled Activity Approval issued by NSW Office of Water.

Erosion and Sediment Control Requirements

- 24 Prior to works associated with the development commencing, soil erosion and sediment controls measures are to be provided on the development site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development* and the approved development plans.
- 25 Prior to works associated with the development commencing, a single all-weather hardstand access, extending from the kerb and gutter/edge of bitumen to the building under construction, is to be installed in order to provide appropriate access to the site during periods of inclement weather.
- 26 Prior to works associated with the development commencing, an appropriate sign to promote the awareness and importance of the maintenance of on-site sediment control techniques is to be provided on the most prominent sediment fence or erosion control device within the development site, for the duration of the project.

Filling and Haulage Requirements

- 27 Prior to works associated with the development commencing, details for the disposal of any spoil gained from the site and/or details of the source of fill/retaining stone and construction materials to be imported to the site, are to be provided and approved by the Principal Certifying Authority.
- 28 Prior to works associated with the development commencing, details are to be provided for the approval of Council as the Roads Authority, of the proposed routes to and from the site for heavy vehicle traffic accessing the site.

Roads - Preconstruction Requirements

- 29 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
 - Obtain a copy of in accordance with Council's *Civil Works Design Guidelines*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 30 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.
- 31 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

Site Requirements

- 32 The submission of a Construction and Environment Management Plan (CEMP) to the Principal Certifying Authority for approval prior to the commencement of works. The plan must outline the sequence and construction methodology, and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management.
- 33 Prior to works commencing the developer is to notify each land owner in writing in Sandpiper Way and Jaeger Road of impending construction activity.
- 34 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.

During Construction Works:

The following conditions must be satisfied during construction works.

NSW Office of Water

- 35 The carrying out of any requirements necessary during construction works in the Controlled Activity Approval issued by NSW Office of Water.

Approved Plans

- 36 A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

Earthworks and Haulage - Construction Requirements

- 37 During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.
- 38 All earthworks are to be limited to the area as indicated within the approved development plans. Any additional earthworks and the construction of associated retaining structures outside of the nominated areas, requires separate approval.
- 39 All materials other than fill imported to the site for civil works, shall have a resource recovery exemption made under the Protection of the Environment Operations (Waste) Regulation 2005.
- 40 All site fill material shall be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste published by the Department of Environment, Climate Change and Water NSW (now Office of Environment and Heritage). Site fill material shall be certified as VENM or ENM by a practising Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works.

Erosion and Sediment Control - Construction Requirements

- 41 All sediment and erosion control devices provided with respect to the development are to be periodically cleaned and maintained in an effective state for the duration of works. On the spot fines for non-compliance with this requirement may be issued under the provisions of the *Protection of Environment Operations Act, 2000*.

Flooding - Construction Requirements

- 42 The minimum floor level of each of the proposed villa buildings are to be at or above the calculated PMF Flood Level. Certification from a Registered Surveyor confirming that the minimum floor levels have been achieved must be submitted to the Principal Certifying Authority when the structure reaches floor level stage. **Note:** Framework associated with the buildings shall not to be erected until such time as the floor level certification is received.

Services/Utility Requirements

- 43 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 44 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:

- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
- AGL Sydney Limited for any change or alteration to gas line infrastructure;
- Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
- Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Site Requirements

- 45 Construction works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Friday and 7.00 am and 4 pm Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 46 Low impact external dwelling and civil work construction activity that does not involve excessive noise or have air quality implications can be undertaken after 12 noon on Saturday only, subject to no site ingress or egress via Sandpiper Way or Jaeger Road. Access to the site during that period must be via the existing Glengara Village access from Hansens Road.
- 47 Internal dwelling construction activity such as fit-out, finishing and painting can be undertaken after the specified construction hours subject to no site ingress or egress via Sandpiper Way or Jaeger Road. Access to the site during that period must be via the existing Glengara Village access from Hansens Road.
- 48 During the construction phase of the development, downpipes and the associated stormwater disposal system is to be suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water runoff. The Principal Certifying Authority for the development will not issue a compliance certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

Prior to Release of Occupation Certificate:

The following conditions must be satisfied prior to the release of an Occupation / Subdivision Certificate.

NSW Office of Water

- 49 The certification that all works required in the Controlled Activity Approval issued by NSW Office of Water have been undertaken in accordance with that approval.

BASIX Requirements

- 50 Prior to the issue of an Occupation Certificate, pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is mandatory that all the commitments listed in the BASIX Certificate applicable to the development are fulfilled.

Bush Fire – Compliance Requirements

- 51 Prior to the issue of an Occupation Certificate, the building shall be completed in accordance with the general terms of approval issued by NSW Rural Fire Service date 12 December 2013 and noted as:

A Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- A 30 metre asset protection zone (APZ) is to be provided from the western aspect of the proposed development to the property boundary. In accordance with section 88B of the 'Conveyancing Act 1919' a restriction to the land use shall be placed on the land requiring the provision of this APZ which shall be maintained as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

B Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

C Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

D Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

An Emergency/Evacuation Plan is to be prepared detailing the following:

- 1 under what circumstances will the complex be evacuated;
- 2 where will occupants be evacuated to;
- 3 roles and responsibilities of persons co-ordinating the evacuation;
- 4 roles and responsibilities of persons remaining with the complex after evacuation; and
- 5 a procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

E Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

F Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

- 52 Apart from NSW Rural Fires Service requirements, the building shall be completed in accordance with the provisions of *Planning for Bushfire Protection 2006 (NSW)* and requirements of AS 3959-2009 - *Construction of Buildings in Bushfire Prone Areas* and additional measures contained in *Appendix 3 of the PBP Guidelines*, for a Bushfire Attack Level of 12.5.

Building Code of Australia – Compliance Requirements

- 53 Prior to the issue of the Occupation Certificate, the building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.

Dilapidation Rectification Requirements

- 54 Prior to the issue of an Occupation Certificate, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant's expense.

SEPP 65 – Design Verification Requirements

- 55 Prior to the issue the Occupation Certificate, the Principal Certifying Authority shall receive a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the Design Quality Principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

Fencing Requirements

- 56 Perimeter fencing visible from a public thoroughfare view must be constructed in decorative materials compatible to the external finishes theme of the residential village and include landscaping features.

Filling and Haulage - Completion Requirements

- 57 All filled areas are to be compacted in accordance with the requirements of AS 3798-1996. The submission of test results and appropriate documentation attesting to this requirement having been achieved is to be provided for the approval of the Accredited Certifier prior to issue of the Occupation Certificate.
- 58 Prior to the issue of an Occupation Certificate, the developer shall determine the reduced pavement life for the haulage route using the agreed methodology identified in the agreement with Council as the Roads Authority, and complete the agreed rectification actions.

Landscaping Requirements

- 59 Prior to the issue of an Occupation Certificate, to ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

Roads – Compliance Requirements

- 60 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior to issue of the Occupation Certificate.
- 61 The submission to the PCA of a 'pre-opening Road Safety Check for the internal road network prepared by a Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved prior to the use and operation of the road network.

Seniors Living Compliance Requirements

- 62 Prior to the issue of an Occupation Certificate for each stage, the applicant must create a restriction as to user under the Conveyancing Act 1919 restricting the occupation of each dwelling in the subject development to:
- people aged 55 years or over or people with a disability as defined by the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*;
 - people who live with such people as defined in sub-clause above; and
 - staff employed to assist in the administration of and provision of services to housing provided in this development.

Stormwater – Compliance Requirements

- 63 The completion of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 64 The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Work as Executed Requirements

- 65 Prior to the issue of an Occupation Certificate, Works as Executed information for the development as identified in Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy and in electronic format in accordance with Council's 'CADCHECK' requirements.

Ongoing Operation:

The following conditions must be satisfied during use / occupation of the development.

No conditions

Date: 1 August 2014
Responsible Officer: Mark Greer
Location: Lot 712 DP 1083816
 25 Jaeger Road, TUMBI UMBI NSW 2261
Zoning: 2A Residential
Owner: Retire Australia
Applicant: Retire Australia
Date Of Application: 13 November 2013
Application No: DA/939/2013
Proposed Development: 44 self-contained care dwellings under Environmental Planning
 Policy (Housing for Seniors or People with a Disability) 2004
Land Area: 45240.00
Existing Use: Residential Unconnected WaterRes Vacant Land Sewer

PROPOSED CONDITIONS

Approved Plans

- The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent and any amendments in red made to the approved plans:

Title	Drawing No.	Rev	Date	Drawn By
Site plans, unit floor plans and elevations	DA03 9 sheets	5	2 June 2014	ADG Architects
Landscape plans	XS13-72 7 sheets	A	3 July 2014 2014	Xeriscapes

- All certificates and work requirements imposed as conditions of this development consent appropriate for the development are to be undertaken to the satisfaction of the Principal Certifying Authority (PCA).

Certificates – Application and Approval

- A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for each stage for the development must be submitted to and approved by the Principal Certifying Authority.

- 5 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 6 Compliance with the General Terms of Approval (GTA) issued by NSW Department of Primary Industries - Office of Water (or an agreed amendment to the GTA's) reference number 20ERM2013/1072, dated 1 July 2014 (copy attached to this development consent).
- 7 Compliance with the General Terms of Approval (GTA) issued by NSW Rural Fire Service date (copy attached to this development consent).

Prior to Release of Construction Certificate:

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

Approval from NSW Office of Water

- 8 A Construction Certificate will not be issued over any part of the site until a Controlled Activity Approval required under the Water Management Act from NSW Department of Primary Industries - Office of Water has been issued and provided to the Principal Certifying Authority (PCA).

Bush Fire Requirements

- 9 The proposed development has been assessed against the provisions of *Planning for Bushfire Protection 2006 (NSW)* and has been determined as having a Bushfire Attack Level (BAL) of 12.5. Prior to the issue of a Construction Certificate, construction details demonstrating compliance with *AS3959-2009 – Construction in Bushfire Prone Areas* and additional measures contained in *Appendix 3 of the PBP Guidelines* for the nominated BAL must be provided for the approval of the Accredited Certifier.

Contribution Payment Requirements

- 10 Prior to the issue of any Construction Certificate for each stage, the payment to Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Section 94 and Section 94A Contribution Plan. Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment.

Design Requirements

- 11 Prior to the issue of any Construction Certificate, documentation on how the units comply with the requirements for self-contained dwellings in Part 1 of Schedule 3 of SEPP (Housing for Senior's or People with a Disability) 2004 is to be submitted to the Principal Certifying Authority.

Dust Control Requirements

- 12 Prior to the issue of a Construction Certificate, suitable details must be provided for the approval of the Accredited Certifier of an appropriate system to control dust emissions from the site during construction works. The approved method of controlling dust emissions from the site is to be implemented and be maintained for the duration of construction works or each stage of works within the site.

Erosion and Sediment Control – Design Requirements

- 13 Prior to the issue of a Construction Certificate, a Soil and Water Management Plan detailing the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways must be provided for the approval of the Council. Required design drawings must include all major stages of construction and sequences of work together with treatments necessary at each of these stages. The design (Soil & Water Management Plans) drawings must be prepared in accordance with the Landcom publication '*Soils and Construction – Managing Urban Storm Water*' (*Blue Book*).

Filling and Haulage Requirements

- 14 An agreement with Council as the Roads Authority for the methodology of determining the reduced pavement life of the approved haulage route attributable to the construction of the development civil works. The agreement must be made prior to the issue of the Construction Certificate and shall include an agreed method of rectification at sole expense of the developer.

Flooding Design Requirements

- 15 Prior to the issue of a Construction Certificate, design drawings must be provided for the approval of the Accredited Certifier detailing the following requirements: -
- A minimum floor level equivalent to the PMF Flood Level Australian Height Datum (AHD) for all habitable rooms within the proposed apartments, as defined within the Building Code of Australia.
- 16 Prior to the issue of a Construction Certificate, design drawings and specifications must be submitted for the approval of the Accredited Certifier for the following flooding characteristics applicable to the development:
- All electrical outlets and fixtures below the 1% AEP flood level protected by a residual current device (safety switch).

Flood compatible materials must be used for all building materials used or placed below the flood planning level.

Stormwater Drainage - Design Requirements

- 17 The submission to the Council of detailed Stormwater Engineering Design Plans featuring:
- The construction of a longitudinal stormwater drainage system to service the development including pipelines and inlet pits connecting to the proposed re-aligned drainage channel in accordance Council's *Civil Works Design Guidelines*.

The system shall be designed to incorporate emergency flows paths, stormwater quality control facilities, Gross Pollutant Traps, level spreaders and rock protection works at the outlets to ensure that stormwater flows are not concentrated but evenly dissipated into the downstream channel.

The engineering plans must be prepared in accordance with *AS/NZS3500.3:2004* and Council's Civil Works Design Guidelines, and be approved by the Council prior to issue of the Construction Certificate.

Retaining Walls - Structural Design Requirements

- 18 Prior to the issue of a Construction Certificate, a report prepared by a suitably qualified Registered Structural Engineer is to be provided for the approval of the Accredited Certifier/Council providing certification that the proposed structures are capable of accepting all anticipated live and dead loads. Such report is to include any recommendations on the structural upgrade of the existing structure.
- 19 Prior to the issue of a Construction Certificate, suitable detailed design drawings for all mass and or canti-levered retaining wall structures on the site are to be provided for the approval of the Council. Such design drawings are to be prepared by a suitably qualified Registered Structural Engineer in accordance with the requirements of AS 4678-2002 - *Earth Retaining Structures*. All retaining walls must be contained wholly within the property and designed so as to accommodate possible surcharge loading from vehicles or any future building construction within the adjoining property.

Basement Parking - Design Requirements

- 20 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
 - Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading.
 - Basement drainage system including a rising main designed and constructed in accordance with AS3500.
 - Flood protection of the basements to protect parked vehicles and stored items during the 1 % AEP and PMF storm events.

The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.

The submission to the Accredited Certifier of lighting design drawings for the carpark and public places. The design shall be prepared in accordance with the requirements of AS/NZS 1158, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier prior to issue of a Construction Certificate.

Vehicle Access and Parking - Design Requirements

- 21 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
 - Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.

- Pavement design able to withstand anticipated vehicle loading.
- Stormwater drainage system including stormwater quality control facilities.
- Service utilities.

The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.

Water and Sewer Services - Design Requirements

- 22 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

Prior to Commencement of Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

NSW Office of Water

- 23 The carrying out of any requirements necessary prior to commencement or works in the Controlled Activity Approval issued by NSW Office of Water.

Erosion and Sediment Control Requirements

- 24 Prior to works associated with the development commencing, soil erosion and sediment controls measures are to be provided on the development site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development* and the approved development plans.
- 25 Prior to works associated with the development commencing, a single all-weather hardstand access, extending from the kerb and gutter/edge of bitumen to the building under construction, is to be installed in order to provide appropriate access to the site during periods of inclement weather.
- 26 Prior to works associated with the development commencing, an appropriate sign to promote the awareness and importance of the maintenance of on-site sediment control techniques is to be provided on the most prominent sediment fence or erosion control device within the development site, for the duration of the project.

Filling and Haulage Requirements

- 27 Prior to works associated with the development commencing, details for the disposal of any spoil gained from the site and/or details of the source of fill/retaining stone and construction materials to be imported to the site, are to be provided and approved by the Principal Certifying Authority.
- 28 Prior to works associated with the development commencing, details are to be provided for the approval of Council as the Roads Authority, of the proposed routes to and from the site for heavy vehicle traffic accessing the site.

Roads - Preconstruction Requirements

- 29 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
 - Obtain a copy of in accordance with Council's *Civil Works Design Guidelines*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 30 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.
- 31 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

Site Requirements

- 32 The submission of a Construction and Environment Management Plan (CEMP) to the Principal Certifying Authority for approval prior to the commencement of works. The plan must outline the sequence and construction methodology, and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management.
- 33 Prior to works commencing the developer is to notify each land owner in writing in Sandpiper Way and Jaeger Road of impending construction activity.
- 34 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.

During Construction Works:

The following conditions must be satisfied during construction works.

NSW Office of Water

- 35 The carrying out of any requirements necessary during construction works in the Controlled Activity Approval issued by NSW Office of Water.

Approved Plans

- 36 A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

Earthworks and Haulage - Construction Requirements

- 37 During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.
- 38 All earthworks are to be limited to the area as indicated within the approved development plans. Any additional earthworks and the construction of associated retaining structures outside of the nominated areas, requires separate approval.
- 39 All materials other than fill imported to the site for civil works, shall have a resource recovery exemption made under the Protection of the Environment Operations (Waste) Regulation 2005.
- 40 All site fill material shall be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste published by the Department of Environment, Climate Change and Water NSW (now Office of Environment and Heritage). Site fill material shall be certified as VENM or ENM by a practising Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works.

Erosion and Sediment Control - Construction Requirements

- 41 All sediment and erosion control devices provided with respect to the development are to be periodically cleaned and maintained in an effective state for the duration of works. On the spot fines for non-compliance with this requirement may be issued under the provisions of the *Protection of Environment Operations Act, 2000*.

Flooding - Construction Requirements

- 42 The minimum floor level of each of the proposed villa buildings are to be at or above the calculated PMF Flood Level. Certification from a Registered Surveyor confirming that the minimum floor levels have been achieved must be submitted to the Principal Certifying Authority when the structure reaches floor level stage. **Note:** Framework associated with the buildings shall not to be erected until such time as the floor level certification is received.

Services/Utility Requirements

- 43 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 44 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:

- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
- AGL Sydney Limited for any change or alteration to gas line infrastructure;
- Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
- Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Site Requirements

- 45 Construction works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Friday and 7.00 am and 4 pm Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 46 Low impact external dwelling and civil work construction activity that does not involve excessive noise or have air quality implications can be undertaken after 12 noon on Saturday only, subject to no site ingress or egress via Sandpiper Way or Jaeger Road. Access to the site during that period must be via the existing Glengara Village access from Hansens Road.
- 47 Internal dwelling construction activity such as fit-out, finishing and painting can be undertaken after the specified construction hours subject to no site ingress or egress via Sandpiper Way or Jaeger Road. Access to the site during that period must be via the existing Glengara Village access from Hansens Road.
- 48 During the construction phase of the development, downpipes and the associated stormwater disposal system is to be suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water runoff. The Principal Certifying Authority for the development will not issue a compliance certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

Prior to Release of Occupation Certificate:

The following conditions must be satisfied prior to the release of an Occupation / Subdivision Certificate.

NSW Office of Water

- 49 The certification that all works required in the Controlled Activity Approval issued by NSW Office of Water have been undertaken in accordance with that approval.

BASIX Requirements

- 50 Prior to the issue of an Occupation Certificate, pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is mandatory that all the commitments listed in the BASIX Certificate applicable to the development are fulfilled.

Bush Fire – Compliance Requirements

- 51 Prior to the issue of an Occupation Certificate, the building shall be completed in accordance with the general terms of approval issued by NSW Rural Fire Service date 12 December 2013 and noted as:

A Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- A 30 metre asset protection zone (APZ) is to be provided from the western aspect of the proposed development to the property boundary. In accordance with section 88B of the 'Conveyancing Act 1919' a restriction to the land use shall be placed on the land requiring the provision of this APZ which shall be maintained as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

B Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

C Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

D Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

An Emergency/Evacuation Plan is to be prepared detailing the following:

- 1 under what circumstances will the complex be evacuated;
- 2 where will occupants be evacuated to;
- 3 roles and responsibilities of persons co-ordinating the evacuation;
- 4 roles and responsibilities of persons remaining with the complex after evacuation; and
- 5 a procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

E Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

F Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

- 52 Apart from NSW Rural Fires Service requirements, the building shall be completed in accordance with the provisions of *Planning for Bushfire Protection 2006 (NSW)* and requirements of AS 3959-2009 - *Construction of Buildings in Bushfire Prone Areas* and additional measures contained in *Appendix 3 of the PBP Guidelines*, for a Bushfire Attack Level of 12.5.

Building Code of Australia – Compliance Requirements

- 53 Prior to the issue of the Occupation Certificate, the building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.

Dilapidation Rectification Requirements

- 54 Prior to the issue of an Occupation Certificate, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant's expense.

SEPP 65 – Design Verification Requirements

- 55 Prior to the issue the Occupation Certificate, the Principal Certifying Authority shall receive a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the Design Quality Principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

Fencing Requirements

- 56 Perimeter fencing visible from a public thoroughfare view must be constructed in decorative materials compatible to the external finishes theme of the residential village and include landscaping features.

Filling and Haulage - Completion Requirements

- 57 All filled areas are to be compacted in accordance with the requirements of AS 3798-1996. The submission of test results and appropriate documentation attesting to this requirement having been achieved is to be provided for the approval of the Accredited Certifier prior to issue of the Occupation Certificate.
- 58 Prior to the issue of an Occupation Certificate, the developer shall determine the reduced pavement life for the haulage route using the agreed methodology identified in the agreement with Council as the Roads Authority, and complete the agreed rectification actions.

Landscaping Requirements

- 59 Prior to the issue of an Occupation Certificate, to ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

Roads – Compliance Requirements

- 60 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior to issue of the Occupation Certificate.
- 61 The submission to the PCA of a 'pre-opening Road Safety Check for the internal road network prepared by a Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved prior to the use and operation of the road network.

Seniors Living Compliance Requirements

- 62 Prior to the issue of an Occupation Certificate for each stage, the applicant must create a restriction as to user under the Conveyancing Act 1919 restricting the occupation of each dwelling in the subject development to:
- people aged 55 years or over or people with a disability as defined by the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*;
 - people who live with such people as defined in sub-clause above; and
 - staff employed to assist in the administration of and provision of services to housing provided in this development.

Stormwater – Compliance Requirements

- 63 The completion of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 64 The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Work as Executed Requirements

- 65 Prior to the issue of an Occupation Certificate, Works as Executed information for the development as identified in Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy and in electronic format in accordance with Council's 'CADCHECK' requirements.

Ongoing Operation:

The following conditions must be satisfied during use / occupation of the development.

No conditions

1 SCHEDULE OF CONTRIBUTIONS

Southern Lakes District Administration	\$16,616.40
Southern Lakes District Open Space Works	\$134,941.30
Southern Lakes Community Facilities Works	\$112,739.40
Southern Lakes Drainage Tumby Creek Area	\$34,823.35
Wyong/Mingara/Tumby Ck Roads - Hansens Residential	\$16,136.95

SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 COMPLIANCE TABLE

REQUIREMENT	PROPOSAL	COMPLIES?
Chapter 1 – Preliminary		
Clause 4 - Land to which this policy applies		
Applies to land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if development for the purpose of dwelling-houses, residential flat buildings, hospitals,...is permitted on the land. Does not apply to Environmentally sensitive land as defined under Schedule 1.	The land is zoned 2(a) Residential with dwellings permitted in the zone. The land is not identified as being within any environmentally sensitive land defined under Schedule 1 of the SEPP as described within the Wyong LEP 1991 or within SEPP 71.	Yes Yes
Clause 5 – Relationship to other environmental planning instruments		
(3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.	The permissibility of the development is sought through the SEPP a prevailing document over the WLEP 1991.	Yes
Chapter 2 – Key concepts		
Clause 8 – Seniors		
seniors are any people aged 55 or more years, people who are resident at a facility at which residential care is provided, people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.	The development will provide housing for people who are defined as “seniors under the SEPP.	Yes
Clause 10 – Seniors housing		
Seniors housing is residential accommodation to be used permanently for seniors or people with a disability consisting of: (c) a group of self-contained dwellings,	The development will provide housing for seniors in the form of self-care dwellings.	Yes
Clause 13– Self contained dwellings		
self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis. in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.	As discussed above, the proposed development comprises self-contained dwellings. The dwellings are noted as “in-fill self-care housing” with each apartment contains bedrooms, kitchens, bathrooms and a laundry. The applicant notes that whilst meals, cleaning services and personal and nursing care are available to residents, these are not included as standard within the development and are provided on a “user-pay” basis.	Yes

Chapter 3 – Development for Seniors Housing		
Part 1- General		
Clause 15 – What Chapter does		
Chapter 15 allows the seniors housing development despite the provisions of any other environmental planning instrument if the development is carried out on land zoned primarily for urban purposes.		Yes
Clause 18 – Restrictions on occupation of seniors housing allowed under this Chapter		
(1) Development allowed by this Chapter may be carried for the accommodation of seniors or people who have a disability, people who live within the same household with seniors or people who have a disability or staff employed to assist in the administration of and provision of services to housing provided under this Policy.	The development will accommodate persons in accordance with this clause and the consent will be conditioned accordingly.	Yes
Clause 19 – Use of seniors housing in commercial zones		
Development allowed by this Chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes.	The subject site is not located within a commercial zone.	N/A
Clause 21 – Subdivision		
Land on which development has been carried out may be subdivided with consent	Subdivision does not form part of this application.	Yes
Clause 23 – Development on land used for the purposes of an existing registered club		
(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that is used for the purposes of an existing registered club unless the consent authority is satisfied that...	The subject land does not include a registered club.	N/A
Part 1A – Site compatibility certificates		
Clause 24 – Site compatibility certificates required for certain development applications		
The proposed development does not require a Site Compatibility Certificate		
Part 2 – Site Related Requirements		
Clause 26 – Location and access to facilities		
Written evidence must be provided proving access to: <ul style="list-style-type: none"> Shops, banks, retail & commercial facilities. Community services & recreation facilities. Practice of a general medical practitioner. For access to comply, facilities must be: <ul style="list-style-type: none"> not more than 400 metres from the site that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, A transport service must be: <ul style="list-style-type: none"> not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to above that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive), 	A letter was provided by Glengara verifying that access to these facilities is available for future residents. The site is serviced by a bus which stops at Mingara Recreation Club less than 400m from the development site via a predominantly level route. "Red Bus" advises that buses start at 9.0am and finish 4.0pm and operate approximately each hour. Bus services are also available on Hansens Road and Beckingham Road. In addition, a village bus provides twice daily services to nearby retail, recreational, commercial and health facilities.	Yes

and the gradient along the pathway from the site to the public transport services is in accordance with the above.		
Clause 27 – Bushfire prone land		
A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled <i>Planning for Bush Fire Protection</i> , ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.	The subject site is affected by a buffer to bushfire prone land. A Bushfire Protection Assessment has been prepared which addresses <i>Planning for Bush Fire Protection</i> and is attached as part of the DA documentation.	Yes
Clause 28 – Water and Sewer		
Adequate water and sewer services must be available to the site	Existing water and sewer services are available in Silver Gull Place and Jaeger Road.	Yes
Clause 29 - Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply		
25(5)(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria: (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development, (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision, (v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,	The site is located within a bushfire prone area, but can be adequately designed to mitigate this threat. The site is generally unconstrained in terms of physical barriers such as significant vegetation. An existing man-made channel runs through the site and will be being reconfigured as part of the proposed development to better convey floodwaters through site as shown on the concept engineering plans and in line with discussions with Council. Further information in this regard is provided within the Statement of Environmental Effects. The proposed buildings are within an existing built up area within a residential zone. The development has been separated into two buildings as opposed to one for increased articulation and reduced bulk and scale. The overall built form uses a variety of materials, eaves, balconies etc to present a visually attractive building and one which will blend in well with the surrounding area.	Yes
Part 3 – Design Requirements		
Clause 30 - Site Analysis		
A site analysis must be prepared providing information about the site and its surrounds and be accompanied by a written statement explaining how the design of the proposed development has regard to the site analysis, and how the design of the proposed development has regard to the design principles set out in Division 2.	A site analysis plan was provided as part of the application documentation. The plan identifies site dimensions, topography, services, existing vegetation, micro climates, location of existing structures and access points, views and overshadowing. The development will be setback considerably from any existing development to the west and north	Yes

	and will be adjacent to existing and proposed seniors housing to the east and south.	
Clause 31 - Design of in-fill self-care housing		
The design of the development is to have regard to the Seniors Living Policy: Urban Design Guideline for Infill Development.	The design of the development has addressed the relevant design principles of this document including responding to context; site planning and design; streetscape; impact on neighbours and internal site amenity.	Yes
Clause 32 - Design of residential development		
A development must demonstrate that adequate regard has been given to the principles set out in Division 2.	Addressed below.	Yes
Division 2 - Clause 33 – Neighbourhood amenity and streetscape		
<p>The proposed development should:</p> <ul style="list-style-type: none"> • Recognise the desirable characters of the area; • Address and respect heritage items/areas • Maintain reasonable neighbourhood amenity and character by: <ul style="list-style-type: none"> ○ Providing reasonable setbacks to reduce bulk and overshadowing; ○ Built form and site should relate to land form; ○ Building heights at street frontage to complement scale of adjacent development; ○ Reducing impact of boundary walls on neighbours. • Be designed to sympathise with predominant front building line; • Incorporate planting in sympathy with the street scape; • Retain major trees where possible; and • Be built outside of any riparian zone. 	<p>The buildings have been architecturally designed to respect desirable features of the site such as views and solar access.</p> <p>There are no items of heritage significance near the proposed development.</p> <p>The buildings are setback considerably on all sides by the surrounding accessways and landscaping.</p> <p>The development has been sited to avoid vegetation removal and to integrate with the existing village to the south.</p> <p>The buildings will not be located along an existing street and can therefore create their own internal streetscape character, building line, height and scale, consistent with that already successfully created in the existing village.</p>	Yes
Division 2 - Clause 34 – Visual and acoustic privacy		
<p>Consider visual & acoustic privacy of neighbours in the vicinity by:</p> <ul style="list-style-type: none"> • Appropriate site planning, location and design of windows & balconies, use of screening devices and landscaping. • Ensuring acceptable noise levels in internal living & sleeping areas by locating away from paths, driveways & parking areas. 	<p>Significant setbacks eliminate any visual and acoustic privacy issues.</p> <p>The dwellings have also been sited and their internal design planned (with respect to openings and living areas) to minimise impact on one another.</p> <p>Given the basement parking area, parking and access points will not present an acoustic nuisance to residents.</p>	Yes

Division 2 - Clause 35 – Solar access and design for climate		
<ul style="list-style-type: none"> Ensure adequate daylight to main living areas of neighbours in the vicinity & sunlight to areas of private open space. Site planning, dwelling design and landscaping that reduces energy use makes use of natural ventilation, solar heating and lighting by locating windows of living & dining areas in northerly direction. 	All apartments have been designed to obtain northern solar access to living areas and courtyards/balconies where possible.	Yes Yes
Division 2 - Clause 36 – Stormwater		
<ul style="list-style-type: none"> Control and minimise the disturbance and impacts of storm water runoff on adjoining properties & receiving waters through use of semi pervious materials on driveway surfaces/minimise paved areas. On-site storm water detention or reuse. 	A Water Cycle Management Plan was prepared as part of the application documentation. In summary the proposed development meets all Council's stormwater management objectives and requirements.	Yes
Division 2 - Clause 37 – Crime Prevention		
<p>Encourage crime prevention by:</p> <ul style="list-style-type: none"> site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door. 	<p>The development incorporates living areas and terraces/balconies on each building side, providing maximum casual surveillance of the site.</p> <p>Crime Prevention Through Environmental Design (CPTED) is discussed further in the applicant's SEE.</p>	Yes
Division 2 - Clause 38 – Accessibility		
<ul style="list-style-type: none"> Convenient, obvious & safe pedestrian and bicycle links from site to public transport & local facilities. Attractive yet safe environs for pedestrians, cyclists and motorists/ convenient parking for residents & visitors. 	Footpaths and walking tracks link the site to nearby bus stops and services. These pathways are safe, located off driveways, are adequately landscaped and link the proposed development to the remainder of the site and surrounds.	Yes
Division 2 - Clause 39 - Waste Management		
Development provided with facilities that maximise recycling by provision of appropriate facilities.	Waste will be dealt with under the same arrangements currently operating in Glengara Village. A detailed Waste Management Plan will be provided with Construction Certificate application documentation once quantities of building materials and likely waste has been clarified.	Yes

Part 4 – Development Standards To Be Complied With		
Clause 40 – Development standard - minimum sizes and building height		
Site size – min 1,000 sq metres	Site area of 4.524 hectares.	Yes
Site frontage – min 20 metres	Frontage over 100m.	Yes
Height in zones where residential flat buildings are not permitted (a) the height of all buildings in the proposed development must be 8 metres or less, and (b) a building that is adjacent to a boundary of the site must be not more than 2 storeys in height, and (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.	a) The development has a maximum height of 9.50 metres. A SEPP 1 Objection has been supplied in this regard. b) The proposed development is not located adjacent to any boundary. c) Given the site layout and surrounding development, the rear boundary is considered to be the western boundary which incorporates a 30m setback for bushfire purposes and as such no development is located within the rear 25% of the site.	SEPP 1
Clause 41 – Standards for hostels and self-contained dwellings		
Development must comply with Schedule 3. Schedule 3 Part 1 Standards applying to hostels and self-contained dwellings Wheelchair access If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.	All units are provided with direct wheelchair access to the basement parking area and to adjoining public roads via lifts and to pathways at minimal gradient.	Yes
Security Pathway lighting: (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and (b) must provide at least 20 lux at ground level.	Details to be provided with construction certificate.	Yes
Letterboxes Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.	Details to be provided with construction certificate.	Yes
Private car accommodation If car parking is provided: (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and (b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.	Details to be provided with construction certificate.	Yes Yes Yes
Accessible entry Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.	Details to be provided with construction certificate.	Yes
Interior: general (1) Internal doorways must have a minimum clear opening that complies with AS 1428.1. (2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.	Details to be provided with construction certificate.	Yes

(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.		
<p>Bedroom</p> <p>At least one bedroom within each dwelling must have:</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:</p> <p>(i) in the case of a self-contained dwelling—a queen-size bed, and</p> <p>(b) a clear area for the bed of at least:</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p> <p>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p>	The size of each unit provides bedrooms which accommodate a queen sized bed. All other requirements can be added as conditions of consent to be complied with as part of Construction Certificate (CC). Certification of compliance will be provided with the CC.	Yes
<p>Bathroom</p> <p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:</p> <p>(i) a grab rail,</p> <p>(ii) portable shower head,</p> <p>(iii) folding seat,</p> <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet beside the mirror.</p> <p>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>	Each unit, being one level only, will contain a bathroom compliant with this requirement. All requirements under AS 1428.1 will be complied with as part of the Construction Certificate documentation. Certification of compliance will be provided with the CC.	Yes
<p>Toilet</p> <p>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</p>	All requirements under AS 4299 will be complied with as part of the Construction Certificate.	Yes
<p>Surface finishes</p> <p>Balconies and external paved areas must have slip-resistant surfaces.</p> <p>Note. Advise regarding finishes may be obtained from AS 1428.1.</p>	All requirements under AS 1428.1 will be complied with as part of the Construction Certificate.	Yes
<p>Door hardware</p> <p>Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.</p>	All requirements under AS 4299 will be complied with as part of the Construction Certificate.	Yes
<p>Ancillary items</p> <p>Switches and power points must be provided in accordance with AS 4299.</p>	All requirements under AS 4299 will be complied with as part of the Construction Certificate.	Yes
<p>Part 2 Additional standards for self-contained dwellings</p> <p>Living room and dining room</p> <p>(1) A living room in a self-contained dwelling must</p>	Details and certification to be provided with construction certificate.	Yes

<p>have:</p> <p>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p> <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p>		
<p>Kitchen</p> <p>A kitchen in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and</p> <p>(b) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:</p> <p>(i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),</p> <p>(ii) a tap set (see clause 4.5.6),</p> <p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p> <p>(d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <p>(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</p>	<p>Details and certification to be provided with construction certificate.</p>	<p>Yes</p>

<p>Access to kitchen, main bedroom, bathroom and toilet In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.</p>	<p>N/A No units extend over two levels.</p>	<p>N/A</p>
<p>Lifts in multi-storey buildings In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the <i>Building Code of Australia</i>.</p>	<p>Lifts are provided to access all levels. Details of compliance against the BCA will be provided as part of the Construction Certificate.</p>	<p>Yes</p>
<p>Laundry A self-contained dwelling must have a laundry that has: (a) a circulation space at door approaches that complies with AS 1428.1, and (b) provision for the installation of an automatic washing machine and a clothes dryer, and (c) a clear space in front of appliances of at least 1,300 millimetres, and (d) a slip-resistant floor surface, and (e) an accessible path of travel to any clothes line provided in relation to the dwelling.</p>	<p>Details to be provided with construction certificate.</p>	<p>Yes</p>
<p>Storage for linen A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.</p>	<p>Each unit has built in robes and separate linen. Details of compliance against AS 4299 will be provided as part of the Construction Certificate.</p>	<p>Yes</p>
<p>Garbage A garbage storage area must be provided in an accessible location.</p>	<p>Noted above.</p>	<p>Yes</p>
<p>Part 6 – Development for vertical villages</p>		
<p>Clause 45– Vertical villages</p>		
<p>This clause applies to land to which this Policy applies (other than the land referred to in clause 4 (9)) on which development for the purposes of residential flat buildings is permitted.</p>	<p>Residential flat buildings are not permitted within the 2(a) zone and as such Part 6 is not applicable.</p>	<p>N/A</p>

Part 7 – Development standards that cannot be used as grounds to refuse consent		
Clause 50– Standards that cannot be used to refuse development consent for self-contained dwellings		
a) Building height - buildings must be 8m or less	Discussed above	NO SEPP 1 submitted justifying variations.
b) Density & scale - an FSR of 0.5:1 or less	Total floor space of the proposed development and the villa development (lodged separately) is 12,750m ² , which equates to a FSR of approximately 0.29:1.	Yes
c) Landscaped area - 30% of the site = 13,572m ² d) Deep Soil Zones –15% of the area	Each unit is provided with ample private and common landscaped areas in the form of private gardens/terraces and common BBQ areas and lawn areas. This, paired with the fact that 25% of the site will remain undeveloped for APZ purposes, ensures that the development, as a whole, will easily comply with this requirement.	Yes
e) Solar Access – 70% of units to have living rooms and POS to receive 3 hours direct sunlight between 9am & 3pm on June 21st.	All units have north, east or west living areas and private open space and as such will receive at least 3 hours of direct sunlight.	Yes
f) POS: Ground floor units - not less than 15m ² of POS per dwelling is to be provided, not less than 3m x 3m & accessible from living area located on ground floor. g) POS: Upper levels – balcony not less than 10m ² with minimum width of 2m.	Each upper floor unit is provided with a large balcony well over 10m ² with a width over 2m.	Yes
h) Parking – 0.5 spaces per bedroom is required.	Each development requires 27 spaces based on 28 x 1 bedroom dwellings plus 16 x 2 bedroom units. Each unit has its own designated parking space or spaces (40 in total – 20 in each building) with an additional 7 open spaces provided at - grade off the central driveway area to the rear of the buildings. The development therefore provides 13 surplus spaces.	Yes

Attachment 1 **Applicants Objection, State Environmental Planning Policy No1**

Objection Under State Environmental Planning Policy No. 1 – Development Standards to the Height Limitation under Clause 40(4) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Purpose of SEPP 1

SEPP 1 provides flexibility in the application of development standards within environmental planning instruments where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary, or hinder the attainment of the following objectives specified in section 5 (a) (i) and (ii) of the Environmental Planning and Assessment Act:

“(a) to encourage:

- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land.”*

Clause 6 of the SEPP then outlines the circumstances and manner in which an objection under SEPP can be submitted. Specifically, clause 6 states:

“Where development could, but for any development standard, be carried out under [the Act](#) (either with or without the necessity for consent under [the Act](#) being obtained therefore) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.”

Accordingly, the following objection is submitted pursuant to the requirements of clause 6 of the SEPP.

Details of Variation Sought

A variation to the requirements of Clause 40(4) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (“SEPP SL”) is sought. Clause 40(4) states as follows:

40 Development standards—minimum sizes and building height

(4) Height in zones where residential flat buildings are not permitted

If the development is proposed in a residential zone where residential flat buildings are not permitted:

- (a) the height of all buildings in the proposed development must be 8 metres or less, and*
- Note.** *Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).*

(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and

Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.

Under SEPP SL, "height" is defined as follows:

"height in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point."

Based on the above definition, the proposed development has a maximum height of 9.5 metres when measured from the ground level (RL 12m AHD) to the top of the Level 2 ceiling (RL 21.5m AHD). The overall variation to the standard equates to 1.5 metres, which represents a 18.75% variation to the allowable maximum.

Accordingly, a variation to the height limitation identified under Clause 40(4) is sought to enable the proposed development to be approved.

Justification for Variation of Development Standard

When considering justification for the use of SEPP 1 to vary a development standard, it is appropriate to assess the matter in accordance with the five criteria established by the Land and Environment Court through *Winton Property Group –v– North Sydney Council, 2001* (NSW LEC 46). These five criteria are identified as follows, with responses provided to each as necessary.

(i) Is the planning control a development standard?

Under section 4 of the Environmental Planning and Assessment Act, 1979, "development standard" means:

"provisions of an [environmental planning instrument](#) or the [regulations](#) in relation to the carrying out of [development](#), being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that [development](#), including, but without limiting the generality of the foregoing, requirements or standards in respect of:

...(c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a [building](#) or work,..."

Comment:

It is apparent from the above definition that clause 40(4) of SEPP SL is a development standard as it constitutes a numerical standard that is fixed in respect of development undertaken on the subject land which can therefore be varied pursuant to the provisions of SEPP 1.

(ii) What is the underlying object or purpose of the standard?

The objectives of the height standard are not clearly stated within the SEPP SL however it is presumed the underlying intent is to assist with the attainment of the aims of the SEPP

and the objective of the Chapter, specifically with regards to bulk, scale, amenity (visual and solar), and character.

The following table highlights the aims of the SEPP SL and objectives of Chapter 3 and how the proposed development responds to these:

2 Aims of Policy	
Aims	Comment
<p>(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will:</p> <p>(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and</p> <p>(b) make efficient use of existing infrastructure and services, and</p> <p>(c) be of good design.</p>	<p>a) The proposed development will create an additional 44 self-contained seniors living units within two well-designed, purpose-built apartment buildings - the provision of which will provide housing variety and affordability not only within the Glengara Retirement Village, but within the local seniors housing sector in general within the area.</p> <p>b) The increased height allows for the provision of an additional eight units without increasing the overall footprint of the building. This in turn results in more efficient use of land, infrastructure and services and the provision of more affordable housing to the local market.</p> <p>c) The proposed development has been designed by ADG architects in accordance with the ten (10) design principles of SEPP 65. To this end, the development incorporates a mix of materials, facade treatments, landscaping, ample private and shared outdoor space and internal and external amenity, resulting in two buildings which has been designed in sympathy with the existing surrounds, whilst also providing a greater density of seniors living. The design is visually appealing and environmentally responsive, as well as being user friendly. Overall, it is considered that the buildings represent good design as further discussed within the SEPP 65 Design Statement located within Appendix 17.</p>
<p>(2) These aims will be achieved by:</p> <p>(a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and</p> <p>(b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and</p>	<p>a) The SEPP includes permissibility provisions that has allowed for the proposed development to be approved on the land over and above any inconsistent provisions of the Wyong Local Environmental Plan 1991.</p> <p>b) A compliance table has been included within the Statement of Environmental Effects which highlights how the development adheres to the design principles of SEPP SL to achieve a built form that responds to the characteristics, opportunities and constraints of the site and integrates with the adjoining</p>

(c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.	retirement village. c) N/A
14 Objective of Chapter	
Aims	Comment
The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.	a) As discussed above, the proposed development will create an additional 40 self-contained seniors living units as an extension to an existing well designed and operated retirement village which is located close to surrounding services and within a site with access to all existing infrastructure. The units, whilst being for independent living, will be able to be provided with services to accommodate a wide range of seniors living support.

Taking the above into consideration, it is considered that the variation to the height facilitates the underlying aims of the SEPP and the objectives of the Chapter.

(iii) Is compliance with the development standard consistent with the aims of the policy and in particular with the objectives specified in Section 5(a) (i) and (ii) of the Environmental Planning & Assessment Act, 1979, as amended?

The objectives of the Environmental Planning and Assessment Act 1979, as listed under sections 5(a),(b) and (c) are as follows:

a) to encourage:

- i. the proper management, [development](#) and conservation of natural and artificial resources, including agricultural [land](#), natural [areas](#), forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better [environment](#),
- ii. the promotion and co-ordination of the orderly and economic use and [development](#) of [land](#),
- iii. the protection, provision and co-ordination of communication and utility services,
- iv. the provision of [land](#) for public purposes,
- v. the provision and co-ordination of community services and facilities, and
- vi. the protection of the [environment](#), including the protection and conservation of native animals and plants, including [threatened species](#), [populations](#) and ecological communities, and their [habitats](#), and
- vii. [ecologically sustainable development](#), and
- viii. the provision and maintenance of [affordable housing](#), and

- b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

Not complying with the development standard in this instance (Clause 40(4)) is not inconsistent with any of the above aims and objectives. To the contrary, allowing the variation results in the more orderly and economic use and development of (the) land by creating eight additional seniors living units without creating a larger development footprint and potentially additional environmental impacts.

The increased height will not have any overshadowing impacts given the large site setbacks and will not require an extension of infrastructure or services beyond what a building of a compliant height would need. Finally, the additional units would provide much needed additional and more affordable seniors housing in a local government area where 27% of the population is aged over 65 years old¹.

(iv) Is compliance with the development standard unreasonable and unnecessary in the circumstances of the case?

It is contended that compliance with the development standard in relation to height under Clause 40(4) is unreasonable and unnecessary in this particular instance for the following reasons:

- The site has an overall area of 4.5 hectares as opposed to a smaller allotment where development is more likely to impact on adjoining properties. The height restriction under Clause 40 is paired with a minimum site restriction of 1000m² under Clause 40(2), so it is apparent that the controls were aimed at smaller sites with greater potential for amenity impacts;
- The development is identified as a "Special Fire Protection Purpose" where to minimise the risk of bushfire to the west, a 30 metre Asset Protection Zone ("APZ") has been adopted. Given the substantial length of the western boundary, the implementation of this APZ removes approximately 1 hectare of developable land. With this in mind, the increased height and additional eight units will partially compensate for the loss of yield caused by the application of the APZ;
- The additional level will also assist in improving the affordability of seniors housing through economies of scale. The increased yield will have no impact on site coverage and will therefore be a more cost effective development with regards to constructions costs (i.e. earthworks, services etc).
- The additional units have been integrated into the design without any visual impact as they cannot be seen from adjoining properties in Benjamin Close due to existing screen vegetation along eastern boundary of subject site. This has been demonstrated by 3D Renders prepared by ADG architects and is further discussed in the SEPP 65 Design Statement;
- Given the large 30 metre setback to the western boundary, there will be no visual impact from the additional level given the extent of this setback;

¹ 2011 ABS data

- The development meets the objectives and ten (10) Design Principles of SEPP 65 as discussed within the SEPP 65 Design Verification Statement, thereby ensuring the additional level is an appropriate, integrated and well-designed component of the development. In this regard, the units on the second floor have been pulled back from the line of the floors below, thereby tapering the buildings at each end. In doing so, the building has been articulated such that its bulk and scale has been minimised, resulting in an appropriate design outcome for the site.
- Achieving the 8.0 metre height restriction would require either the removal a level of units (consequences discussed above) or require the building to be constructed further below ground. Constructing further below ground is not viable given the considerable extra costs associated with introducing stormwater pumps and other associated infrastructure. Furthermore, this would affect the building's ability to achieve compliance with the SEPP SL access gradients and also energy efficient targets due to increased mechanical ventilation;
- The proposed height and development in general was discussed with Council at pre Development Application meeting where it was agreed that the project had merit. As such, the applicant was encouraged to lodge with the support of a SEPP 1 Objection (refer to minutes of pre-lodgement meeting in Appendix 6);
- The current and Draft LEP do not contain any height restrictions for the subject site. From this, it can be assumed that both Council and the Department of Planning and Infrastructure have strategically determined that an 8.0 metre height limit is not required to protect and maintain the visual amenity of the area;
- The Mingara development adjacent the site to the north is higher than the proposed development, as is the existing Country Club in the Glengara Village;
- As shown on the shadow diagrams in Appendix 1, the additional level will not create overshadowing, whilst the extensive setbacks, thoughtful placement of windows and orientation of units (only one faces to the west), and the installation of a privacy screens will ensure there is minimal potential for overlooking of adjoining allotments;
- The SEPP does not take into account the emerging contemporary style of seniors housing which gives residents the option of having a low maintenance unit as opposed to accommodation which emulates the typical dwelling;
- Strict application of the height restriction in this instance doesn't assist in achieving the purpose as outlined in (ii) above (i.e. which is to reduce/restrict bulk and scale), as the additional level has been set-back and tapered in from the lower levels to remove the visual prominence of the floor as viewed from surrounding properties.

(v) Is the objection well founded?

A SEPP 1 objection is considered to be well founded if it has shown that the underlying purpose of the development standard is satisfied by the proposal. To this end, the underlying purpose of the development standard is considered to revolve around bulk and scale and impact on amenity. As such, the bulk and scale – and hence impact on the amenity of surrounding properties – of the proposed development is considered to be satisfactory due to the additional setback provided to the upper level; the considerable setbacks provided to adjoining allotments; and the bulk, scale and character of the existing development on site and in the surrounding area. These factors allow the development its current proposed height

of 9.5 metres to present a building with modest bulk and scale and one which will not affect the amenity of surrounding residences and hence ensure the objection is well founded.

In addition, the requested variation is considered to be well founded as it results in a more efficient use of the land. This in turn affects the viability of the project and affordability of the units and the flow-on effects these aspects will have on the local economy.

Conversely, enforcing compliance with the height standard would remove eight units and result in no positive flow-on effects to the local economy and no additional benefit to the general public or surrounding residents in terms of amenity. Allowing flexibility however, will aid in addressing the seniors housing shortage on the Central Coast and provide a more feasible project and therefore more affordable accommodation to the local housing market.

Conclusion

It is considered that suitable justification has been provided in the preceding SEPP 1 Objection to indicate that the imposition of the maximum height provision under clause 40(4) of the SEPP SL is unreasonable and unnecessary in this particular case. Council is therefore requested to approve the variation to allow consent to be granted to the application and as such, provide much needed seniors accommodation within the Shire.

Photos of the Site



View looking south from Jaeger Road to site



View looking south across the site



View looking east from south end Benjamin Close toward site



View looking east from middle section of Benjamin Close toward site



LOCATION MAP

SUBJECT SITE



GLENGARA RETIREMENT VILLAGE

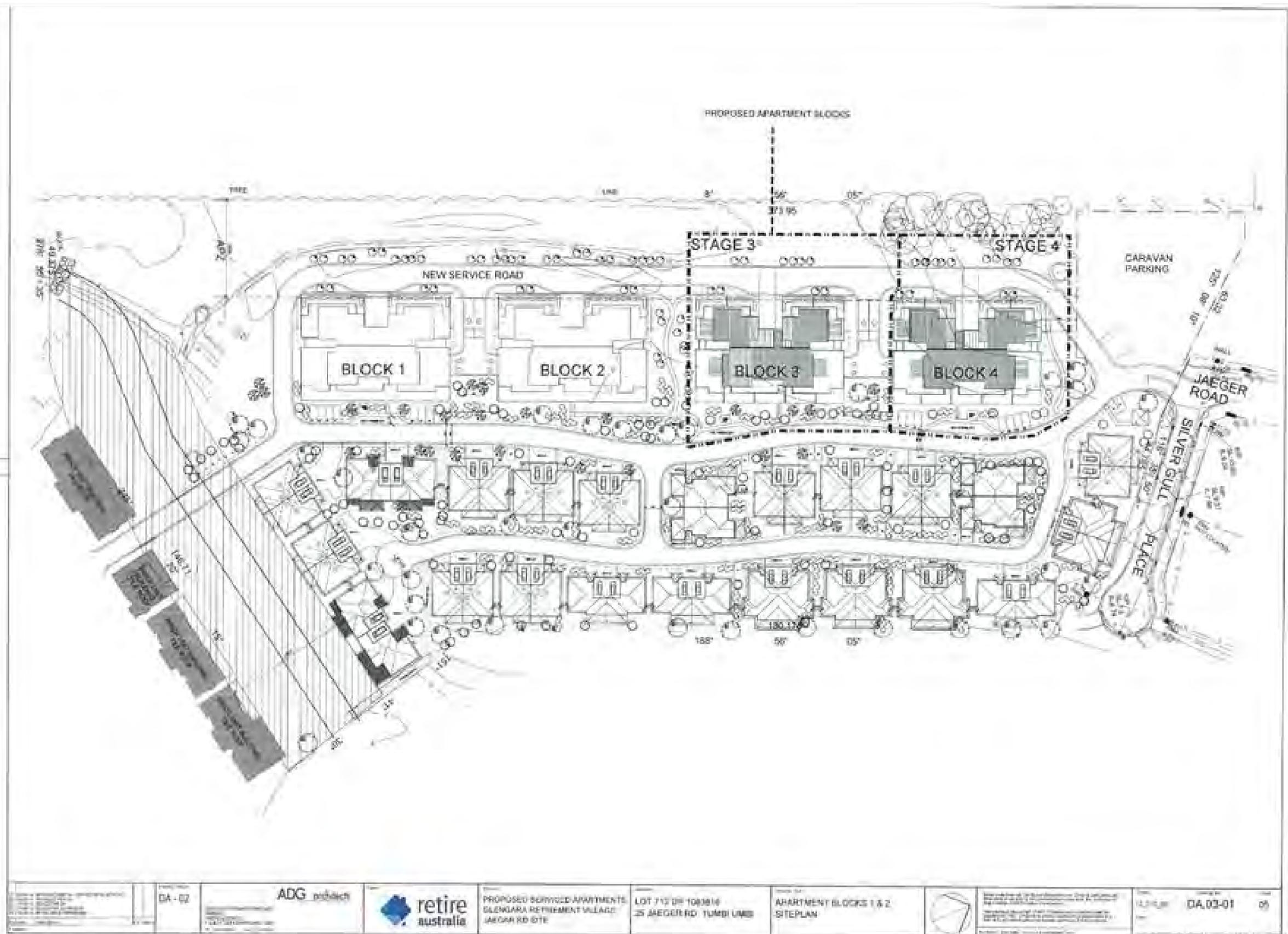
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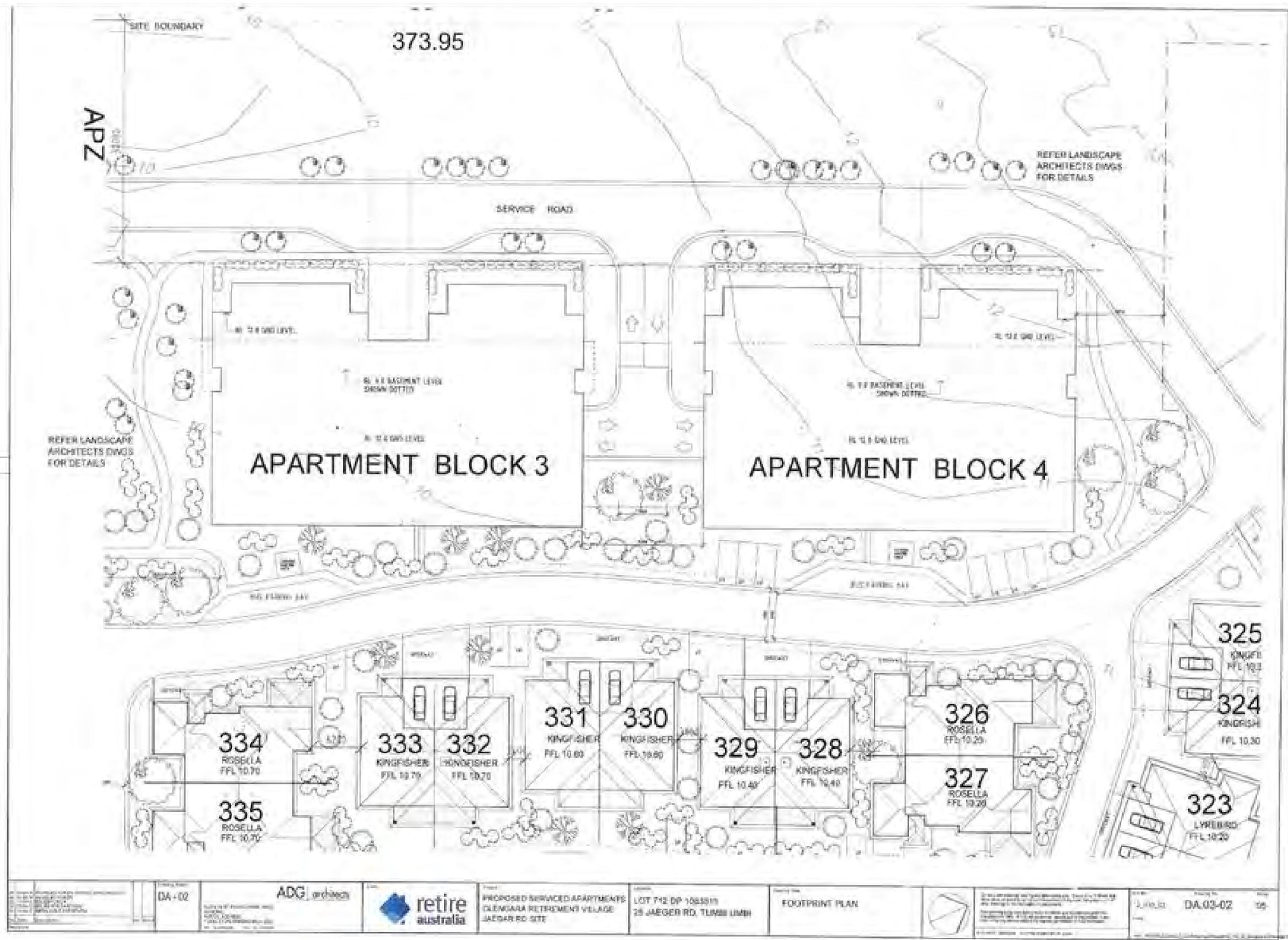
- DA.03-00 - TITLESHEET/LOCATION PLAN
- DA.03-01 - SITEPLAN
- DA.03-02 - FOOTPRINT/STAGING PLAN
- DA.03-03 - BASEMENT PARKING PLAN
- DA.03-04 - GROUND FLOOR PLAN
- DA.03-05 - LEVEL 1 & 2 PLAN
- DA.03-06 - ROOF PLAN
- DA.03-07 - ELEVATIONS
- DA.03-08 - SECTIONS
- DA.03-09 - TYPICAL UNIT PLANS
- DA.03-10 - SHADOW DIAGRAMS
- DA.03-11 - SITE ANALYSIS
- DA.03-12 - 3D VISUALS & EXTERNAL FINISHES
- DA.03-13 - BENJAMIN PLACE PHOTO MONTAGES

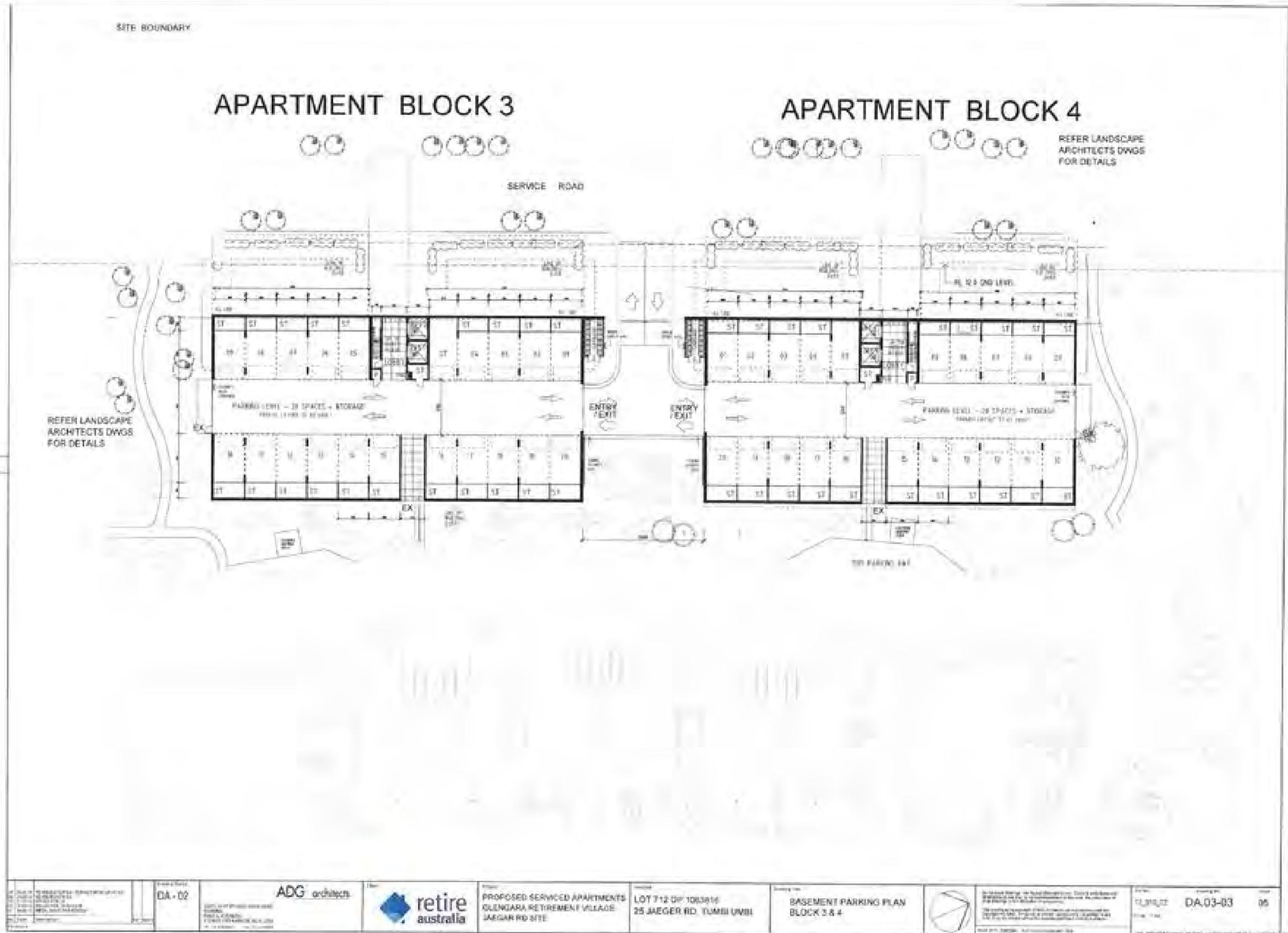
**PROPOSED APARTMENTS
BLOCKS 3 & 4
GLENGARA RETIREMENT VILLAGE**

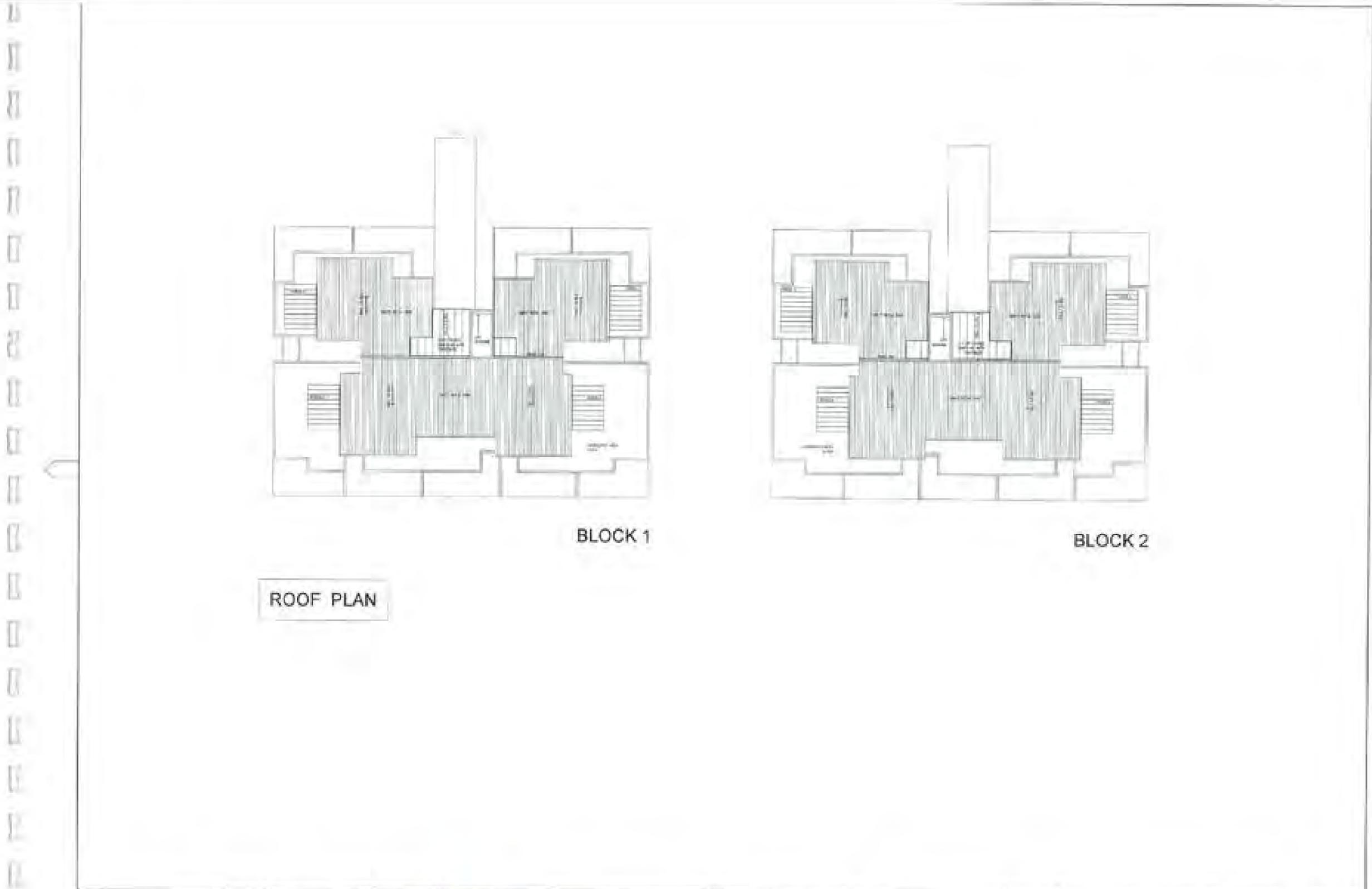
LOT 712 DP 1083816 25 JAEGER RD, TUMBI UMBI

<p>DA-02</p>			<p>PROPOSED SERVICES APARTMENTS GLENGARA RETIREMENT VILLAGE JAEGER RD SITE</p>	<p>LOT 712 DP 1083816 25 JAEGER RD, TUMBI UMBI</p>	<p>TITLESHEET: LOCATION MAP</p>	<p>DA.03-00 08</p>
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ROOF PLAN

BLOCK 1

BLOCK 2

<p>DA-02</p>	<p>ADG architects</p>		<p>PROPOSED SERVICED APARTMENTS OLENDARA RETIREMENT VILLAGE JAEGER RD SITE</p>	<p>LOT 717 DP 1063816 25 JAEGER RD, TUMBI UMBSI</p>	<p>ROOF PLAN BLOCK 1 & 2</p>		<p>DA.03-06 05</p>
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SECTION A-A

BLOCK 3

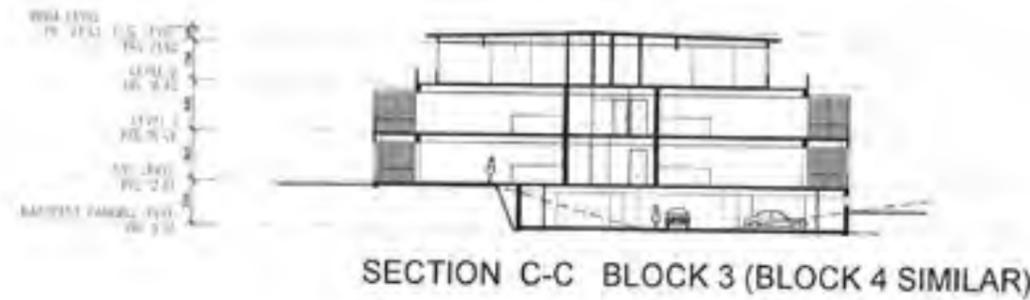
BLOCK 4



SECTION B-B

BLOCK 3

BLOCK 4



SECTION C-C BLOCK 3 (BLOCK 4 SIMILAR)



SECTION D-D BLOCK 3 (BLOCK 4 SIMILAR)

<p>DA-02</p>	<p>ADG architects</p>	<p>retire australia</p>	<p>PROPOSED SERVICED APARTMENTS GLENARA RETIREMENT VILLAGE JAGGAR RD SITE</p>	<p>LOT 712 DP 1263816 25 JAÉGER RD, TUMBI LIMBI</p>	<p>SECTIONS BLOCK 1 & 2</p>		<p>DA No: 12,498,000 DA,03-08 08</p>
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GLENGARA RETIREMENT VILLAGE JAEGAR ROAD TUMBI UMBI NSW LANDSCAPE DOCUMENTATION FOR DEVELOPMENT APPLICATION

SHEET 103
SHEET 104
SHEET 105
SHEET 106



SHEET 107
SHEET 108
SHEET 109
SHEET 110

SHEET 101
SHEET 102

LOCATION/SHEET LAYOUT PLAN

DRAWING SCHEDULE

Drawing #	Drawing Name:	Rev.
000	COVERSHEET	B
101	LANDSCAPE MASTERPLAN	G
102	COLOUR LANDSCAPE MASTERPLAN	G
103	BLOCKS 1 & 2 GR. FL. LANDSCAPE PLAN	F
104	BLOCKS 1 & 2 L2 LANDSCAPE PLAN	D
105	BLOCKS 1 & 2 GR. FL. COL. LANDSCAPE PLAN F	F
106	BLOCKS 1 & 2 L2 COLOUR LANDSCAPE PLAN D	D
107	BLOCKS 3 & 4 GR. FL. LANDSCAPE PLAN	D
108	BLOCKS 3 & 4 L2 LANDSCAPE PLAN	B
109	BLOCKS 3 & 4 GR. FL. COL. LANDSCAPE PLAN D	D
110	BLOCKS 3 & 4 L2 COLOUR LANDSCAPE PLAN B	B
501	LANDSCAPE DETAILS	E

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LEGEND

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Project Name: GLENGARA RETIREMENT VILLAGE 25 JAEGER ROAD TUMBI UMBI		Drawing Title: COVERSHEET	
Client: RETIRE AUSTRALIA	Drawing Number: DA 01-000	Revision: B	Sheet: 1 of 1
Designer: C/- ADG ARCHITECTS	Project Number: XS13-72	Scale: GC	Date: GC
Scale: 1:100 @ A1		DEVELOPMENT APPLICATION	



Item	Quantity	Unit	Notes
Shrub Planting	100	Each	Refer Detail & Schedule
Mass Shrub/Medge Planting	50	Each	Refer Detail & Schedule
Groundcover Planting	200	Each	Refer Detail & Schedule
Turf	1000	Sq. M	Refer Detail
Shaded/Amenity Tree	50	Each	Refer Detail & Schedule
Street Tree	20	Each	Refer Detail & Schedule
Small Feature Tree	10	Each	Refer Detail & Schedule

Item	Quantity	Unit	Notes
Proposed Kurb & Gutter	100	M	Refer Engineers Drawing
Proposed Concrete Path	50	Sq. M	Refer Detail
Proposed Driveway	20	Sq. M	Refer Architect Drawing
Proposed Laid Paving	100	Sq. M	Refer Architect Drawing
Proposed Masonry Wall	50	M	Refer Details & Architects Draw
Garden Edge	100	M	Refer Detail
Proposed Relative Level	100	Sq. M	Refer Engineers Drawings
Bench Seat	10	Each	

KENSAPES
 10/1100 South St, Mt. Barker SA 5251
 Tel: 08 8538 1000
 Fax: 08 8538 1001
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 www.kensapes.com.au

LEGEND

- Lot Boundary
- Building Line
- Roof Level Line Over
- Basement Line Under
- Proposed Kurb & Gutter
- Proposed Concrete Path
- Proposed Driveway
- Proposed Laid Paving
- Proposed Masonry Wall
- Garden Edge
- Proposed Relative Level
- Bench Seat
- Shaded/Amenity Tree
- Street Tree
- Small Feature Tree
- Shrub Planting
- Mass Shrub/Medge Planting
- Groundcover Planting
- Turf

GLENGARA RETIREMENT VILLAGE
 25 JAEGER ROAD TUMBI LUMBI

RETIRE AUSTRALIA
 C/- ADG ARCHITECTS

CCL LANDSCAPE MASTERPLAN

DA 01-102
 KS13-72

1 of 1
 GC
 GO

DEVELOPMENT APPLICATION



DEVELOPMENT APPLICATION NO. 2
 (Refer Drawings DA02-103 to DA02-106)

DEVELOPMENT APPLICATION NO. 1
 (Refer Drawings DA01-101 & DA01-102)

KENSINGTONS
 25 Jaeger Road, Tumbi Umbi
 NSW 1585
 Tel: (02) 9372 2222
 Fax: (02) 9372 2223
 Email: info@kensingtons.com.au
 Website: www.kensingtons.com.au

LEGEND	
	Lot Boundary
	Building Line
	Roof Level Line Over
	Basement Line Under
	Proposed Keel & Gutter Refer Engineering Drawings
	Proposed Concrete Path Refer Levels
	Proposed Driveway Refer Engineering Drawings
	Proposed Unit Paving Refer Architect Drawings
	Proposed Masonry Wall Refer Details & Architectural Drawings
	Garden Edge Refer Details
	Proposed Relative Level Refer Engineering Drawings
	Drain Seal
	Shade/Screening Tree Refer Detail & Schedule
	Street Tree Refer Detail & Schedule
	Small Feature Tree Refer Detail & Schedule
	Shrub Planting Refer Detail & Schedule
	Mass Shrub-Hedge Planting Refer Detail & Schedule
	Groundcover Planting Refer Detail & Schedule
	Turf Refer Detail

Project: GLENGARA RETIREMENT VILLAGE
 25 JAEGER ROAD TUMBI UMBI
 Client: RETIRE AUSTRALIA
 C/- ADG ARCHITECTS

Drawing Title: COL. GR. FLR LANDSCAPE PLAN
 Drawing No: DA 03-109
 Project No: XS13-72

Scale: 1:200 @ A1
 Date: 10/11/13
 Drawing No: D
 Revision: GC
 Sheet: 1 of 1
 Status: GO

DEVELOPMENT APPLICATION





LOCATION MAP

SUBJECT SITE



STREET LIGHTS

MANSENS ROAD

SUBJECT SITE

JAEGER RD

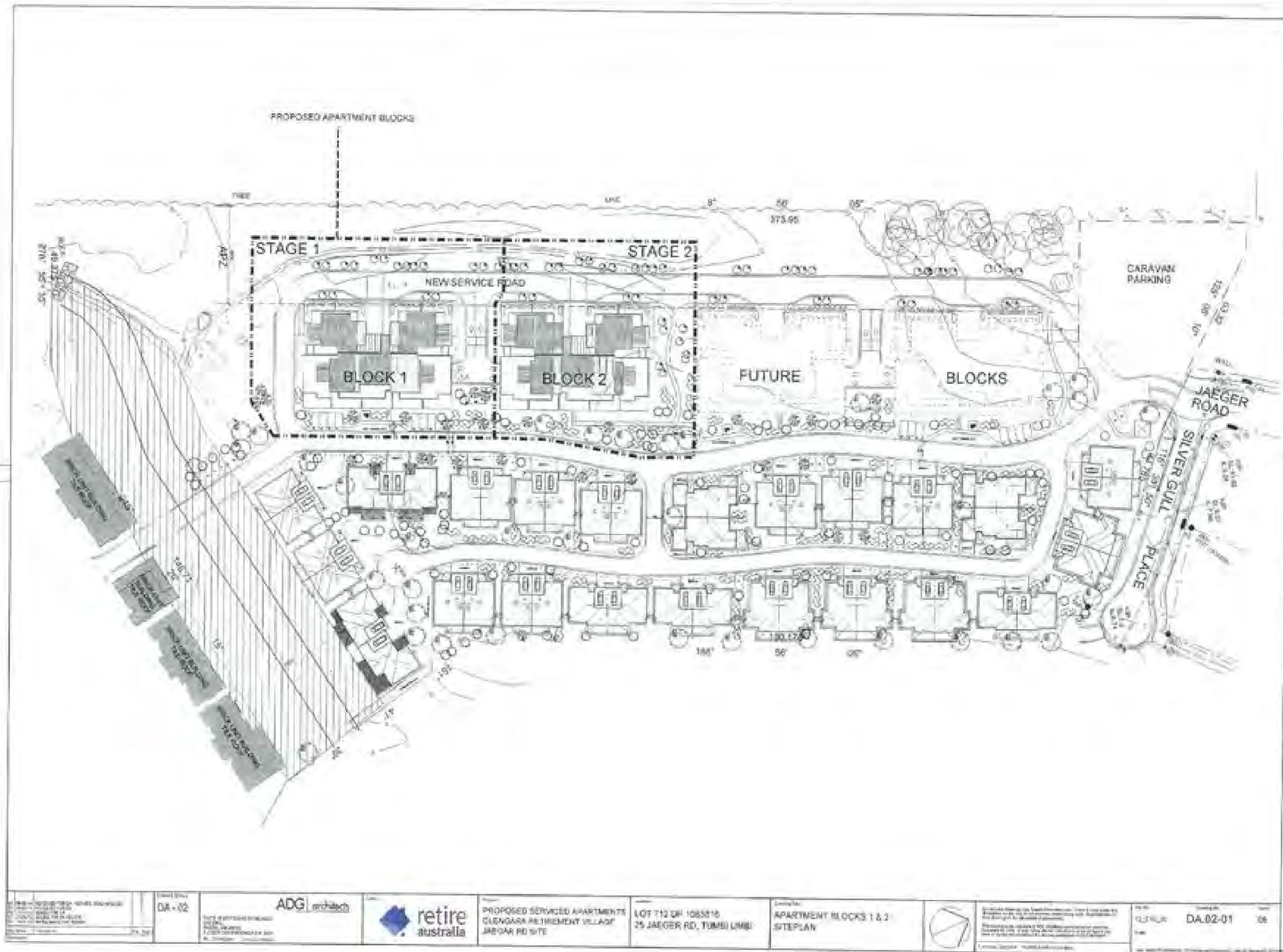
GLENGARA RETIREMENT VILLAGE

- DRAWING LIST**
- DA.02-00 - TITLESHEET/LOCATION PLAN
 - DA.02-01 - SITEPLAN
 - DA.02-02 - FOOTPRINT/STAGING PLAN
 - DA.02-03 - BASEMENT PARKING PLAN
 - DA.02-04 - GROUND FLOOR PLAN
 - DA.02-05 - LEVEL 1 & 2 PLAN
 - DA.02-06 - ROOF PLAN
 - DA.02-07 - ELEVATIONS
 - DA.02-08 - SECTIONS
 - DA.02-09 - TYPICAL UNIT PLANS
 - DA.02-10 - SHADOW DIAGRAMS
 - DA.02-11 - SITE ANALYSIS
 - DA.02-12 - 3D VISUALS & EXTERNAL FINISHES
 - DA.02-13 - BENJAMIN PLACE PHOTO MONTAGES

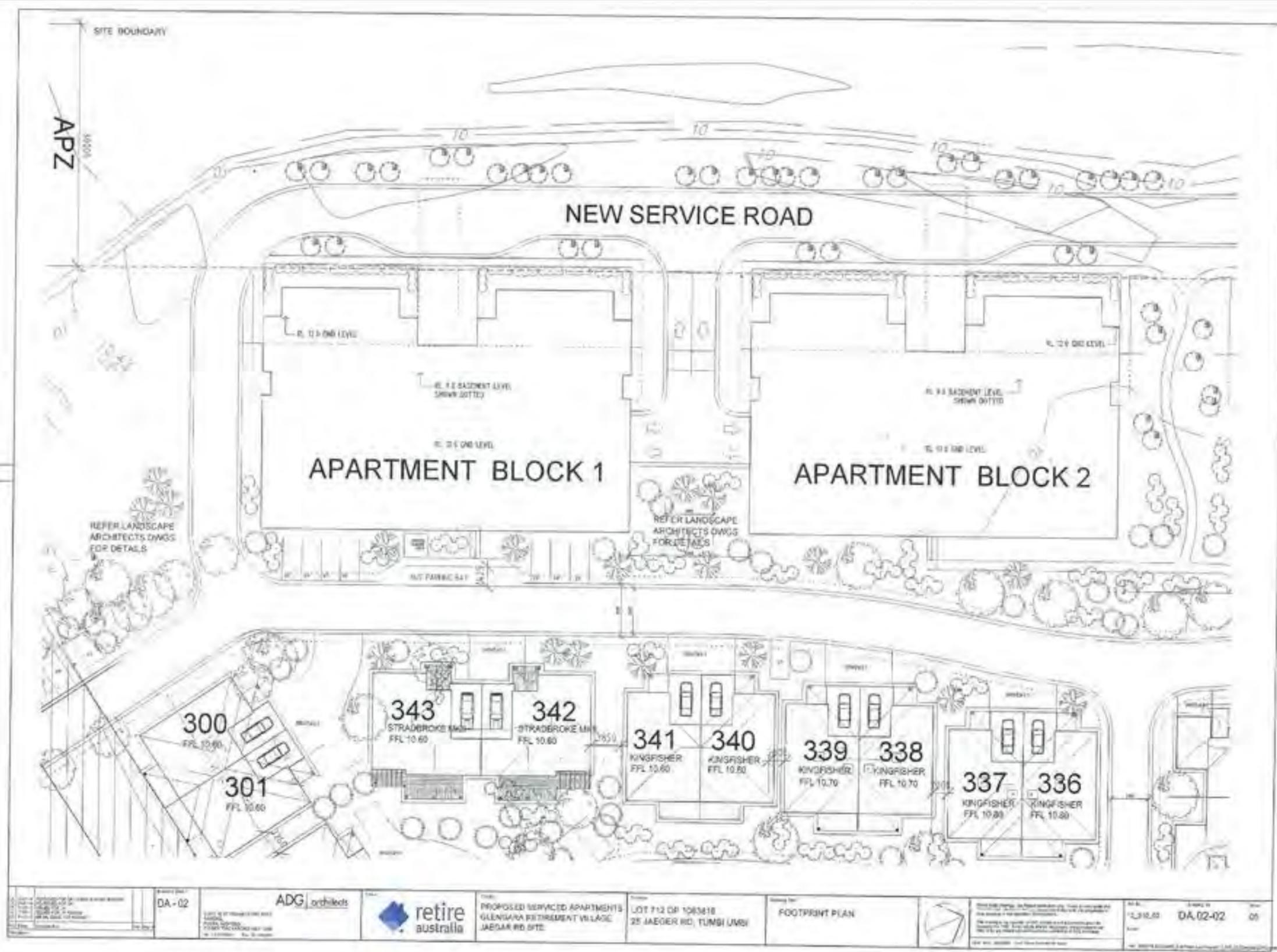
**PROPOSED APARTMENTS
BLOCKS 1 & 2
GLENGARA RETIREMENT VILLAGE**

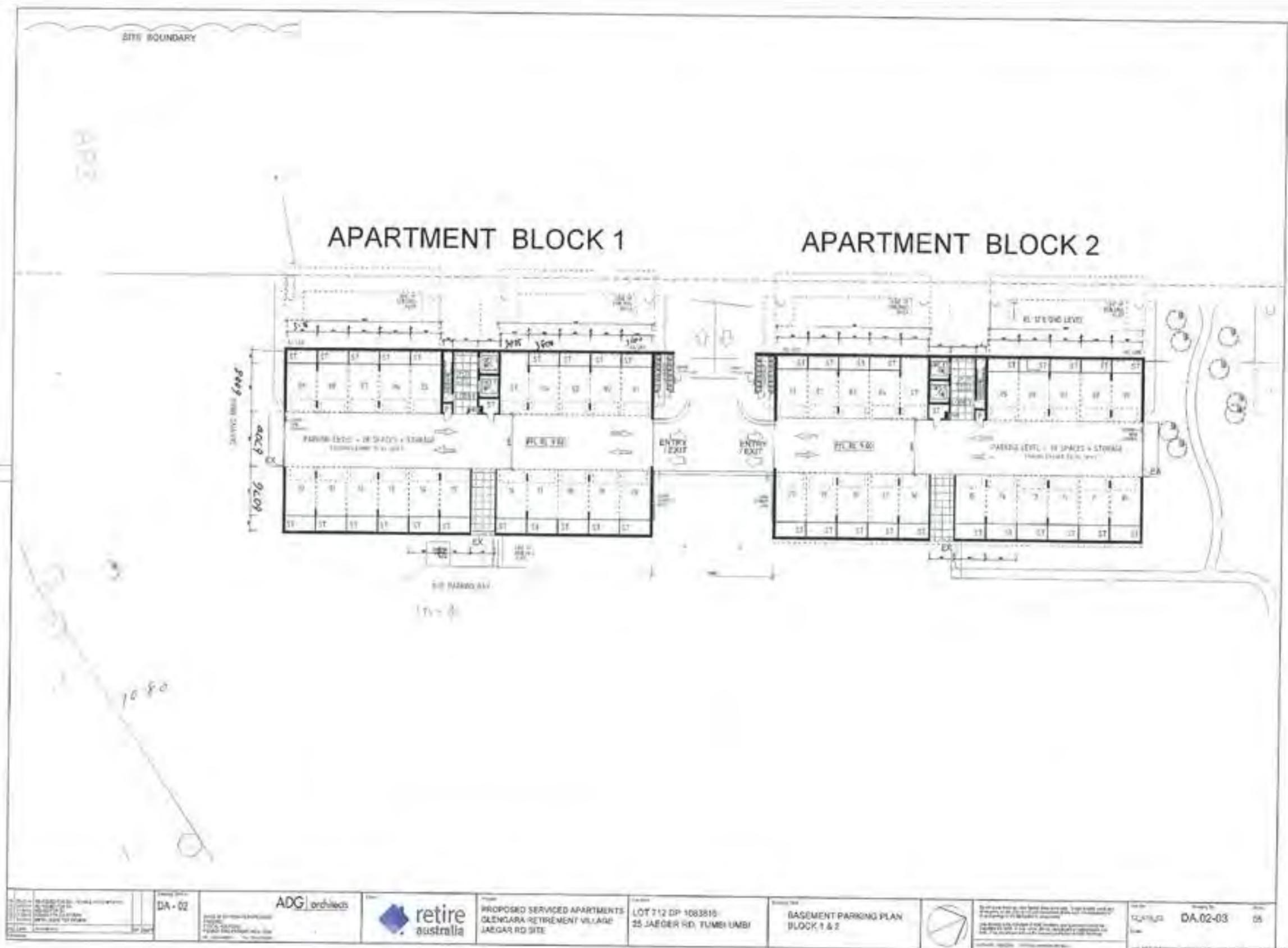
LOT 712 DP 1083816 25 JAEGER RD, TUMBI UMBI

<p>DA-02</p>	<p>ADG architects</p>		<p>PROPOSED SERVICE APARTMENTS GLENGARA RETIREMENT VILLAGE JAEGER RD SITE</p>	<p>LOT 712 DP 1083816 25 JAEGER RD, TUMBI UMBI</p>	<p>TITLESHEET/LOCATION MAP</p>	<p>12,219.53 DA.02-00 06</p>
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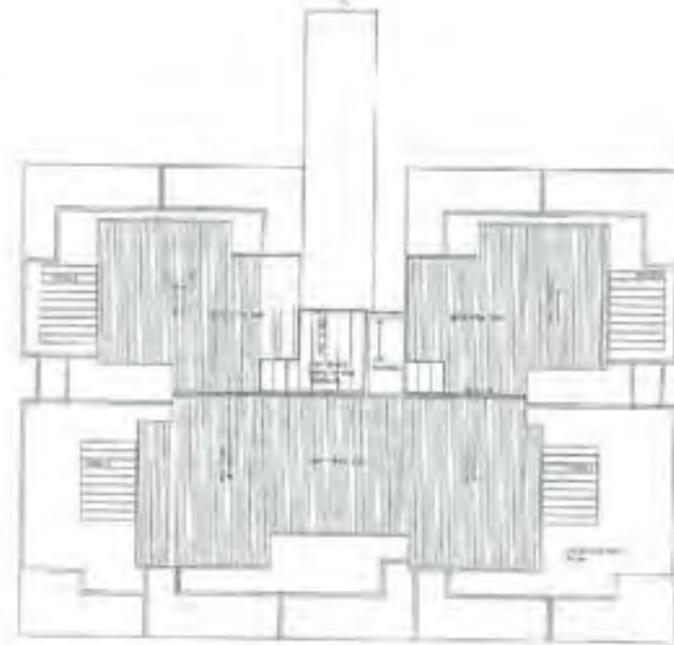


<p>DA - 02</p>	<p>ADG architect</p>	<p>retire australia</p>	<p>PROPOSED SERVICED APARTMENTS GLENGARA RETIREMENT VILLAGE JAEGER RD SITE</p>	<p>LOT 712 DP 1055715 25 JAEGER RD, TUMBU LUMB</p>	<p>APARTMENT BLOCKS 1 & 2 SITEPLAN</p>	<p>DA.02-01</p>	<p>DA.02-01</p>
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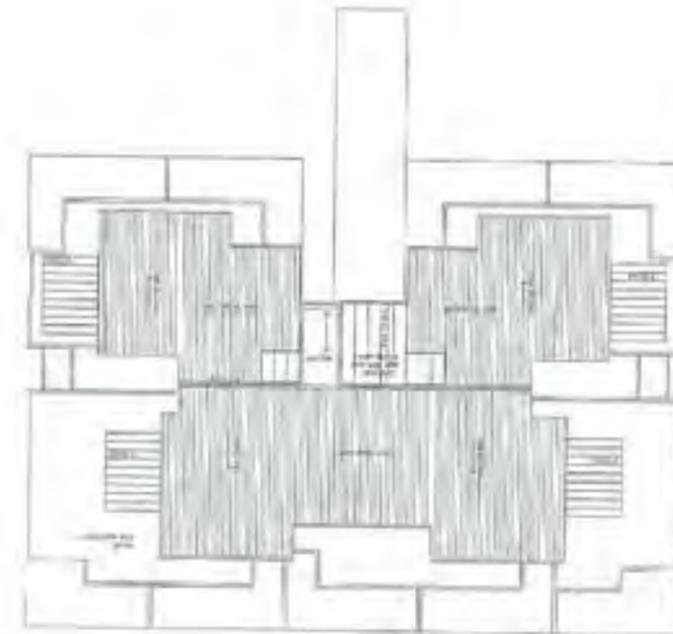




<p>Project Name: PROPOSED SERVICED APARTMENTS GLENGARRA RETIREMENT VILLAGE JAEGER RD SITE</p>	<p>DA-02</p>	<p>ADG architects</p>	<p>retire australia</p>	<p>PROPOSED SERVICED APARTMENTS GLENGARRA RETIREMENT VILLAGE JAEGER RD SITE</p>	<p>LOT 712 DP 1083810 25 JAEGER RD, TUMBU LUMBI</p>	<p>BASEMENT PARKING PLAN BLOCK 1 & 2</p>	<p>Scale: 1:100</p>	<p>DA.02-03 05</p>
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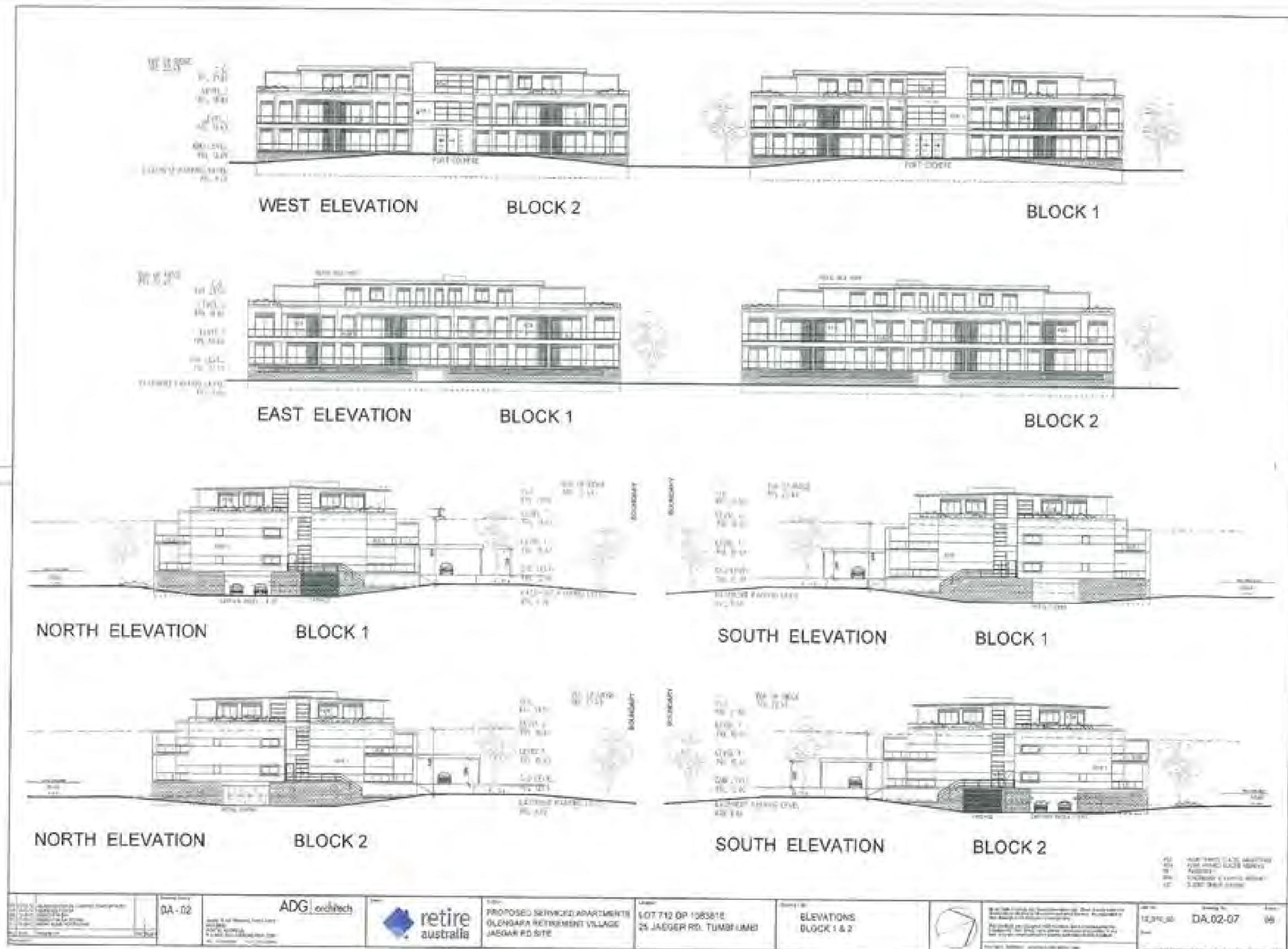
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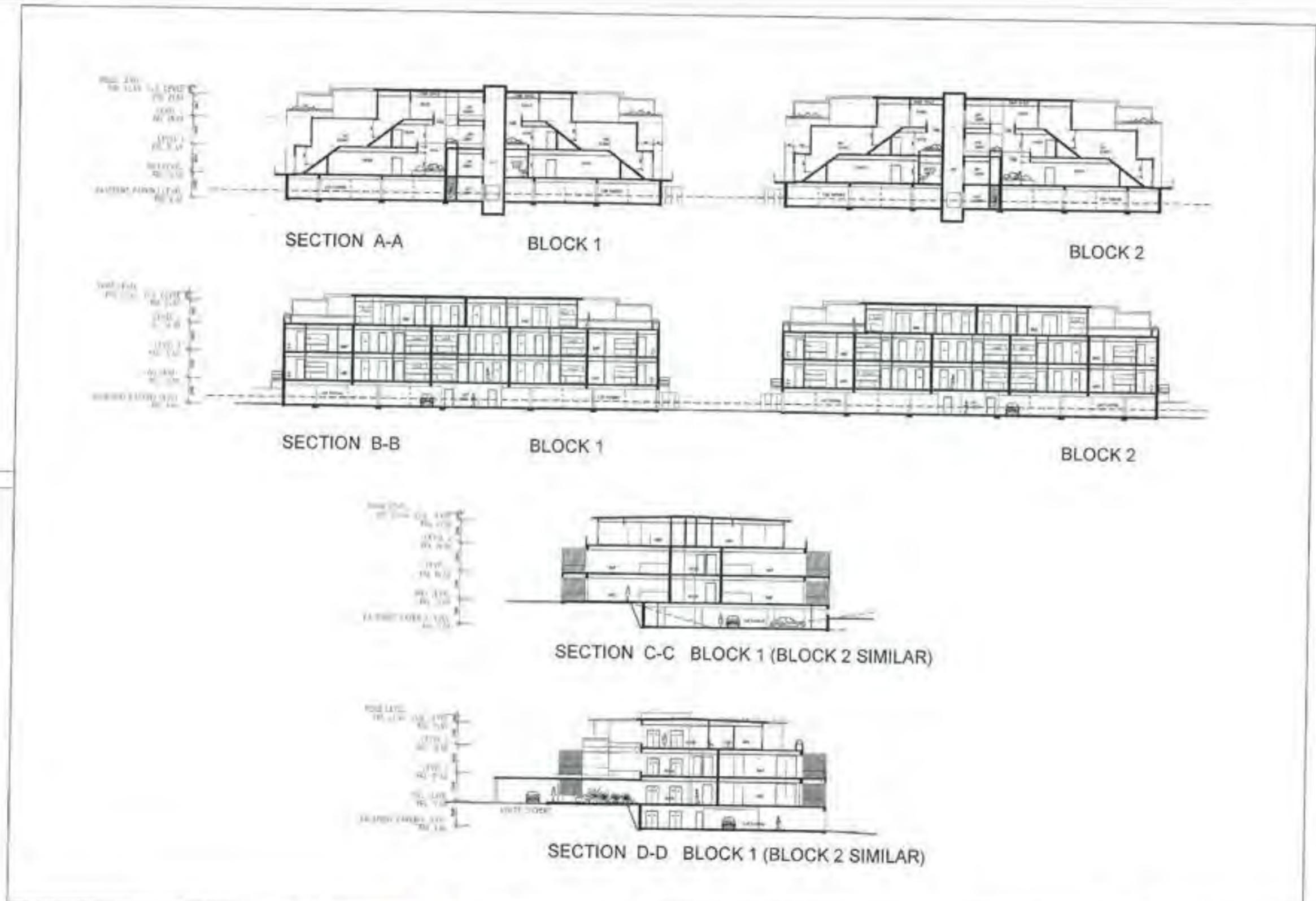


BLOCK 2

ROOF PLAN

<p>DA - 02</p>	<p>ADG architects</p>	<p>retire australia</p>	<p>PROPOSED SERVICED APARTMENTS GLENORA RETIREMENT VILLAGE JAEGER RD SITE</p>	<p>LOT 712 DP 1023816 25 JAEGER RD, TUMBU UMB</p>	<p>ROOF PLAN BLOCK 1 & 2</p>	<p>DA.02-06 06</p>
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<p>Project Name: JAGGAR RD SITE</p> <p>DA - 02</p>	<p>ADG architect</p>	<p>retire australia</p>	<p>PROPOSED SERVICE APARTMENTS GLENDAHA RETIREMENT VILLAGE JAGGAR RD SITE</p> <p>LOT 712 DP 1063816 25 JAGGAR RD, TUMBI UMBI</p>	<p>SECTIONS BLOCK 1 & 2</p>		<p>DA.02-08</p>
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GLENGARA RETIREMENT VILLAGE JAEGER ROAD TUMBI UMBI NSW LANDSCAPE DOCUMENTATION FOR DEVELOPMENT APPLICATION

SHEET 103
SHEET 104
SHEET 105
SHEET 106

SHEET 107
SHEET 108
SHEET 109
SHEET 110



SHEET 101
SHEET 102

LOCATION/SHEET LAYOUT PLAN

DRAWING SCHEDULE

Drawing #	Drawing Name:	Rev.
000	COVERSHEET	B
101	LANDSCAPE MASTERPLAN	G
102	COLOUR LANDSCAPE MASTERPLAN	G
103	BLOCKS 1 & 2 GR. FL. LANDSCAPE PLAN	F
104	BLOCKS 1 & 2 L2 LANDSCAPE PLAN	D
105	BLOCKS 1 & 2 GR. FL. COL. LANDSCAPE PLAN	F
106	BLOCKS 1 & 2 L2 COLOUR LANDSCAPE PLAN	D
107	BLOCKS 3 & 4 GR. FL. LANDSCAPE PLAN	D
108	BLOCKS 3 & 4 L2 LANDSCAPE PLAN	B
109	BLOCKS 3 & 4 GR. FL. COL. LANDSCAPE PLAN	D
110	BLOCKS 3 & 4 L2 COLOUR LANDSCAPE PLAN	B
501	LANDSCAPE DETAILS	E

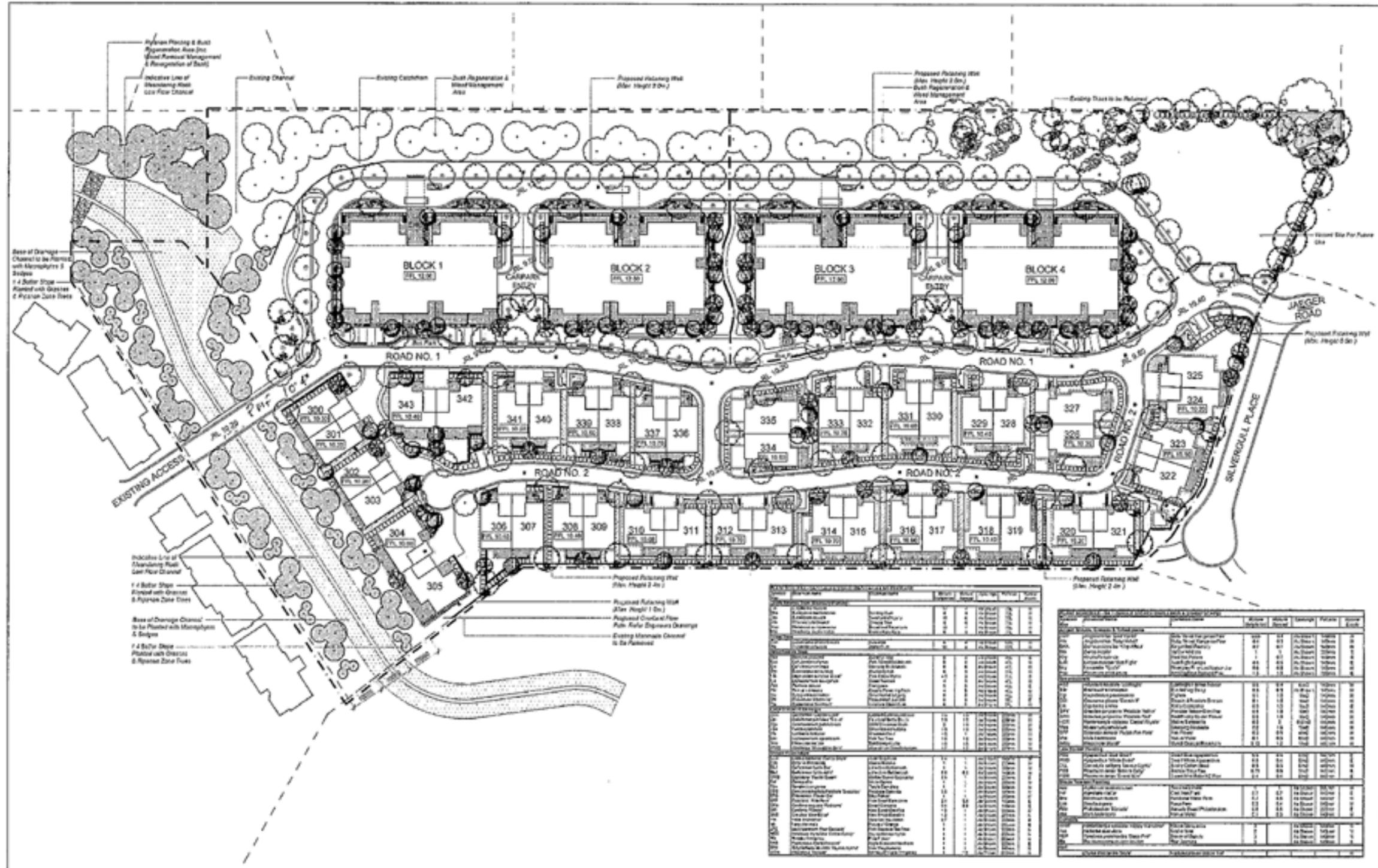
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LEGEND



Project: GLENGARA RETIREMENT VILLAGE 25 JAEGER ROAD TUMBI UMBI		Drawing Title: COVERSHEET	
Client: RETIRE AUSTRALIA C/- ADG ARCHITECTS	Project Number: DA 01-000	Revision: B	Page: 1 of 1
Scale: 1:100 @ A1	Project Stage: XS15-72	Author: GC	Check: GG
DEVELOPMENT APPLICATION			



Item	Description	Quantity	Unit	Value	Total
1	Planting - Street Tree	10	Each	150	1500
2	Planting - Small Feature Tree	20	Each	100	2000
3	Planting - Shrub	50	Each	50	2500
4	Planting - Mass Shrub	100	Each	100	10000
5	Planting - Groundcover	1000	Sq. M	100	100000
6	Planting - Turf	1000	Sq. M	100	100000
7	Planting - Bench Seat	10	Each	100	1000
8	Planting - Garden Edge	100	M	100	10000
9	Planting - Proposed Relative Level	1000	Sq. M	100	100000
10	Planting - Proposed Paving	1000	Sq. M	100	100000

Item	Description	Quantity	Unit	Value	Total
11	Planting - Proposed Retaining Wall	100	M	100	10000
12	Planting - Proposed Masonry Wall	100	M	100	10000
13	Planting - Proposed Concrete Path	100	M	100	10000
14	Planting - Proposed Driveway	100	M	100	10000
15	Planting - Proposed Line Paving	100	M	100	10000
16	Planting - Proposed Bench Seat	10	Each	100	1000
17	Planting - Proposed Garden Edge	100	M	100	10000
18	Planting - Proposed Relative Level	1000	Sq. M	100	100000
19	Planting - Proposed Paving	1000	Sq. M	100	100000

A1
 1. Approved Development
 2. Development Application
 3. Planning for Construction
 4. Planning for Construction
 5. Design
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LEGEND

- Lot Boundary
- Building Line
- Roof Level Line Over
- Basement Line Under
- Proposed Kerb & Gutter
- Proposed Concrete Path
- Proposed Driveway
- Proposed Line Paving
- Proposed Masonry Wall
- Garden Edge
- Proposed Relative Level
- Bench Seat
- Shade/Screening Tree
- Street Tree
- Small Feature Tree
- Shrub Planting
- Mass Shrub/ Hedge Planting
- Groundcover Planting
- Turf

Project: GLENGARA RETIREMENT VILLAGE
 25 JAEGER ROAD TUMBI UMBI
 Client: RETIRE AUSTRALIA
 C/- ADG ARCHITECTS

Drawing Title: LANDSCAPE MASTERPLAN
 Drawing Number: DA 01- 101
 Revision: G
 Sheet: 1 of 1
 Date: XS13-72
 Status: GC
 Check: GO
 DEVELOPMENT APPLICATION



Item	Description	Quantity	Unit	Value
1	Planting - Street Tree	100	ea	10000
2	Planting - Small Feature Tree	200	ea	4000
3	Planting - Shrub	500	ea	5000
4	Planting - Mass Shrub/Hedge Planting	1000	ea	10000
5	Planting - Groundcover Planting	2000	ea	20000
6	Planting - Turf	1000	ea	10000
7	Planting - Grass	5000	ea	50000
8	Planting - Mulch	1000	ea	10000
9	Planting - Soil	1000	ea	10000
10	Planting - Fertiliser	1000	ea	10000
11	Planting - Water	1000	ea	10000
12	Planting - Labour	1000	ea	10000
13	Planting - Transport	1000	ea	10000
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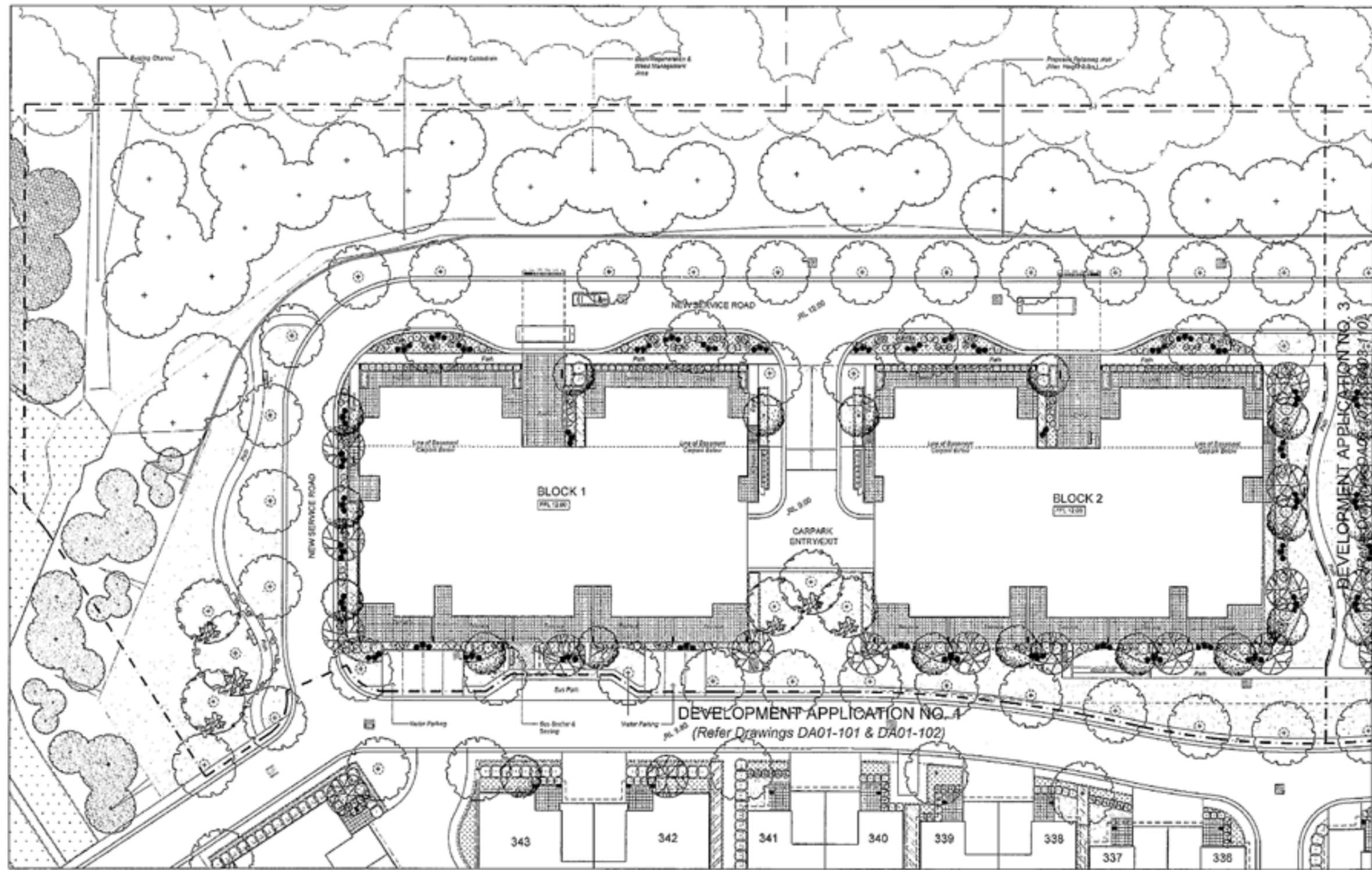
Legend

- Lot Boundary
- Building Line
- Roof Level Line Over
- Basement Line Under
- Proposed Kerb & Gutter
- Proposed Concrete Path
- Proposed Driveway
- Proposed Unit Paving
- Proposed Masonry Wall
- Garden Edge
- Proposed Relative Level
- Starch Seal
- Shade/Ferocity Tree
- Street Tree
- Small Feature Tree
- Shrub Planting
- Mass Shrub/Hedge Planting
- Groundcover Planting
- Turf

Client
RETIRE AUSTRALIA
CI- ADG ARCHITECTS

Project
GLENGLARA RETIREMENT VILLAGE
25 JAEGER ROAD TUMBI UMBI

Document
COL LANDSCAPE MASTERPLAN
DA 01-102
XS15-72



1	Approved Road Layout	40	50	60	70	80	90	100
2	Development Impervious	40	50	60	70	80	90	100
3	Development Non-impervious	40	50	60	70	80	90	100
4	Permeability for Construction	40	50	60	70	80	90	100
5	Permeability for Rehabilitation	40	50	60	70	80	90	100

XBSRSCOPES
 18 Dalrymple Street, Brisbane
 Tel: +61 7 4550 3344
 Fax: +61 7 4550 3345
 Email: info@xbsrscopes.com.au

LEGEND

[Symbol]	Lot Boundary
[Symbol]	Building Line
[Symbol]	Roof Level Line Over
[Symbol]	Basement Line Under

[Symbol]	Proposed Kerb & Outer
[Symbol]	Proposed Concrete Path
[Symbol]	Proposed Driveway
[Symbol]	Proposed Unit Paving

[Symbol]	Proposed Masonry Wall
[Symbol]	Garden Edge
[Symbol]	Proposed Relative Level
[Symbol]	Bench Seat

[Symbol]	Shade-tolerant Tree
[Symbol]	Street Tree
[Symbol]	Small Feature Tree

[Symbol]	Shrub Planting
[Symbol]	Mass Shrub/hedge Planting
[Symbol]	Groundcover Planting
[Symbol]	Turf



Project: GLENGARA RETIREMENT VILLAGE
 25 JAEGER ROAD TUMBI UMBI

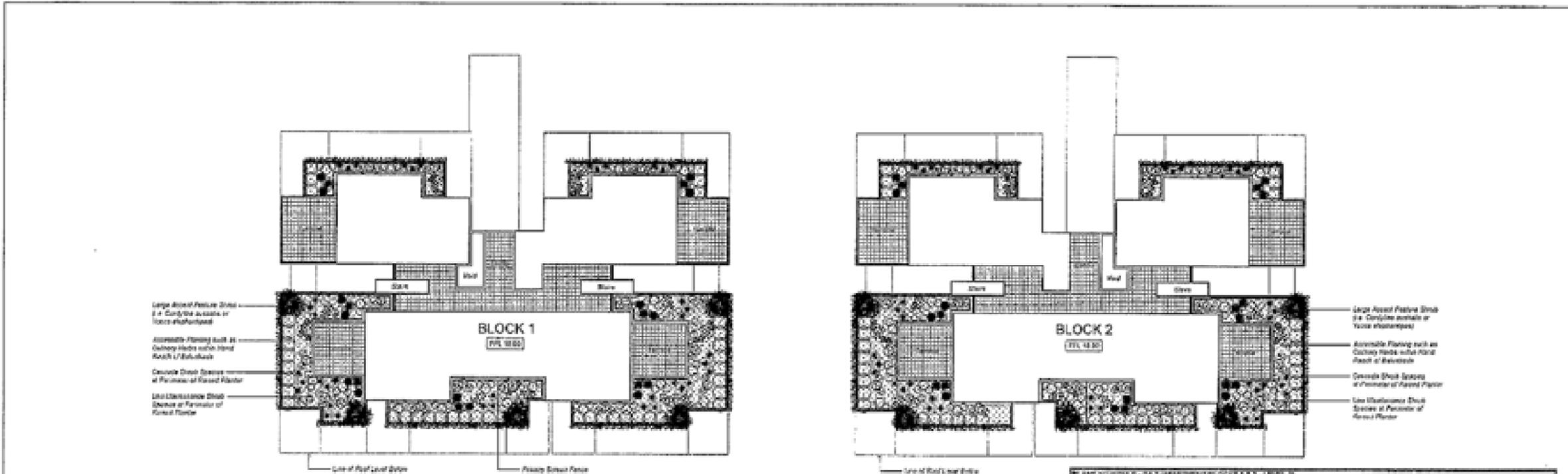
Client: RETIRE AUSTRALIA
 CA-ADD ARCHITECTS

Project Title: GR. FLOOR LANDSCAPE PLAN

Project Number	DA 02 - 103	Revision	F	Sheet	1 of 1
Revision Number	XS13-72	Revision	GC	Sheet	GO

Scale: 1:200 @ A1

DEVELOPMENT APPLICATION



Species	Botanical name	Common name	Mature height (m)	Mature spread	Exposure	Plant size	Notes
Large Accent Feature Shrub
Accessible Planting
Line of Roof Level Shrub

Species	Botanical name	Common name	Mature height (m)	Mature spread	Exposure	Plant size	Notes
Proposed Unit Paving
Proposed Railed Planter
Proposed Balustrade

Species	Botanical name	Common name	Mature height (m)	Mature spread	Exposure	Plant size	Notes
Large Accent Feature Shrub
Accessible Planting
Line of Roof Level Shrub

Development Agreement
 No. 100/13/000000
 No. 100/13/000000
 No. 100/13/000000
 No. 100/13/000000



LEGEND

- Building Line
- Building Line Below
- Proposed Railed Planter
- Proposed Balustrade

Proposed Unit Paving
 Large Accent Shrub Planting
 Accent Shrub Planting
 Large Shrub Planting

Shrub Planting
 Herb Planting
 Groundcover Planting
 Cascade Planting

GLENGARA RETIREMENT VILLAGE
 25 JAEGER ROAD TUMBI UMBI
 RETIRE AUSTRALIA
 C/- ADG ARCHITECTS

LEVEL 2 LANDSCAPE PLAN
 DA 02 - 104
 XS13-72
 DEVELOPMENT APPLICATION



2.4 Wyong Local Environmental Plan 2013 - Major Amendment 1 - Further Amendments

TRIM REFERENCE: F2013/01345 - D11676631

MANAGER: Greg McDonald, Director

AUTHOR: Kathryn Heintz; Senior Strategic Planner

SUMMARY

On 23 December 2013, Wyong Local Environmental Plan (LEP) 2013 was made by the Director General of the then Department of Planning & Infrastructure, as delegate of the then Minister for Planning & Infrastructure. In January 2014, Council commenced preparation of Major Amendment 1 to the new Wyong LEP 2013.

On 23 July 2014, Council approved the formal commencement of the proposed Wyong LEP 2013 – Major Amendment 1 under Section 55 of the Environmental Planning and Assessment Act, 1979 (EP&A Act), including endorsement of a suite of amendments as listed in that report. However, since this time further necessary amendments to Wyong LEP 2013 have been identified, as described in more detail later in this report. This report seeks Council's endorsement of these additional recommended amendments.

RECOMMENDATION

That Council endorse further amendments to Wyong Local Environmental Plan 2013, as set out within this report.

BACKGROUND

On 23 December 2013, Wyong LEP 2013 was made by the Director General of the then Department of Planning & Infrastructure, as delegate of the then Minister for Planning & Infrastructure. Under Section 73 of the EP&A Act, Councils are required to keep their local environmental plans and development control plans under regular review for the purpose of ensuring that the objectives of the EP&A Act continue to be achieved. Accordingly, Council commenced preparation of Major Amendment 1 to the new Wyong LEP 2013, in January 2014. Major Amendment 1 is predominantly a housekeeping exercise, with the bulk of the proposed amendments involving rectification of anomalies and errors arising from the process of preparing Wyong LEP 2013. The remainder of the proposed amendments involve the incorporation of provisions from adopted Strategies/Plans that were not finalised in time to be incorporated into Wyong LEP 2013. These strategies include the Affordable Housing Study and Retail Study.

On 23 July 2014, Council approved the formal commencement of the proposed Wyong LEP 2013 – Major Amendment 1 under Section 55 of the Environmental Planning and Assessment Act, 1979 (EP&A Act). However, since this time further necessary amendments to Wyong LEP 2013 have been identified.

At the Employment and Economic Development Committee on 2 July 2014, the Committee resolved unanimously as follows:

2.4 Wyong Local Environmental Plan 2013 - Major Amendment 1 - Further Amendments (contd)

- 1 *That the Committee receive the report on Wyong Local Environmental Plan 2013 - Major Amendment 1.*
- 2 *That the Committee recommend a further report to Council on the Delta/Camp Breakaway land around the need to rezone to RE1.*
- 3 *That the Committee recommend that Council clarify the National Park boundary re-adjustments with respect to Council's The Entrance/ Toukley (Magenta) Cycleway proposal.*
- 4 *That the Committee recommend the addition of 1 or 2 trial sites of affordable housing around Council recreation facilities."*

This report addresses Parts 2 and 4 of this resolution.

THE PROPOSAL

Camp Breakaway

In relation to Resolution Number 2, as Delta Electricity is a Government Corporation under the *State Owned Corporations Act 1989*, it is considered that the zoning of this portion of the site to RE2 Private Recreation was an error, as the land is not privately owned. It is therefore proposed that the zoning be changed to RE1 Public Recreation.

Further Amendments

In relation to Resolution Number 4, submission of the Planning Proposal to the Department of Planning and Environment has been delayed. In addition, since this resolution a number of other amendments have been identified that can now be incorporated into Wyong LEP 2013 – Major Amendment 1 as a result of this delay. The following further amendments (including 2 affordable housing trial sites) are now proposed to be added to Wyong LEP 2013 – Major Amendment 1:

#	Keyword	Summary	Recommendation
MAPPING			
Land Reservation Acquisition			
1	Iconic Development Site No.24 (Wyong Swimming Pool & Tennis Club Site	Certain sites were excluded from the Iconic Development Site No.24 (Wyong Swimming Pool & Tennis Club Site) in error as part of preparation of Wyong LEP 2013. As this key site is currently being reviewed under a Masterplan, it is important that these sites are incorporated into the Key Site map under Wyong LEP 2013	Add the following sites to the key sites map (incorporate into wider key site area at Baker Park, Wyong): <ul style="list-style-type: none"> • Rose Cottage, 7 Rose Street WYONG (Lot 103 DP 788404). • Wyong Scout Hall, 10 Levitt Street WYONG (Lot 102 DP 635277). • SES State Emergency Service, 8 Levitt Street WYONG (Lot 1011 DP 831978).
Land Zoning			
1	1 Drovers Way, Wadalba (Lot 2603 DP	The E2 Environmental Conservation zone boundary is not consistent with the approved residential subdivision which is now under construction.	Amend zone from E2 to R2 Low density Residential only for the portions of the property that are included in the residential subdivision. Remainder of the E2 zoned area to

#	Keyword	Summary	Recommendation
		1119536):	remain. Minimum lot size will also need to be reduced to 450m2 for the land zoned to R2.
2	Wyong – Warnervale Link Road	The proposed Wyong – Warnervale Link Road extends into an area of RE1 Public Recreation zoned land at 1W Britannia Drive, Watanobbi (Lot 3 DP 793403).	Amend zoning of the part of this site that is within the Link Road boundary, from RE1 to SP2 Infrastructure – Roads & Traffic Facility. No minimum lot size amendment required.
3	155 Louisiana Road, Wadalba (Lot 1 DP 369486)	A recommendation of Council’s recently adopted Affordable Housing Study was that further investigation be undertaken for the purpose of potential affordable housing development on Council-owned land. The study also identified potential sites based on size of parcel, current use and proximity to shops and public transport. While this site was not specifically identified, the site is appropriately located adjacent to the Wadalba Sporting Complex, Wadalba High School, and Wadalba Local Centre. This site has been selected due to the appropriateness of this site for the purpose of affordable housing. The site is currently zoned RE1 Public Recreation with an area within the north of the site zoned E2 Environmental Conservation. It is proposed to amend existing planning controls to make residential development permissible on the south-western section of the site (approximately 8,000m2), as shown below:	Amend zoning of a small portion of this site from RE1 Public Recreation to R1 General Residential zone. No other amendments are required. The site is already classified as Operational Land.



#	Keyword	Summary	Recommendation
<i>Figure 1: Wadalba Sporting Complex with area proposed for rezoning identified with hatching.</i>			
4	17W Moola Road, Buff Point	A recommendation of Council's recently adopted Affordable Housing Study was that further investigation be undertaken for the purpose of potential affordable housing development on land owned by Wyong Council. The study also identified potential partnership land based on size of parcel, current use and proximity to shops and public transport. While this site was not specifically identified, the site is appropriately located adjacent to the Buff Point Oval. This site has been selected due to the appropriateness of this site for the purpose of affordable housing development. The site is currently zoned RE1 Public Recreation. It is proposed to amend existing planning controls to make residential development permissible on the southern section of the site only (less than 13,000m ²), as shown below:	Amend zoning of a small portion of this site from RE1 Public Recreation to R1 General Residential zone. No other amendments are required - The site is classified as Community Land, however it is not proposed to reclassify this site as part of this LEP amendment. Council is currently pursuing a simultaneous amendment to remove Community classification to all its properties.

#	Keyword	Summary	Recommendation
			
<p>Figure 2: Buff Point Oval with area proposed for rezoning identified with hatching.</p>			
<p>Lot Size</p>			
1	<p>91 Tumbi Road, Tumbi Umbi</p>	<p>The lot size polygon applied to this site does not align with the land zoning polygon for the E3 Environmental Management Zone. As a result, the 2,500m² minimum lot size only applies to a portion of the E3 Environmental Management zoned land. The hatched area below identifies the extent of the E3 Environmental Management Zone, as compared to the Lot Size which does not extend across the entire section of E3 land:</p>	<p>Amend Lot Size map so that the entire E3 Environmental Management zone is covered by the 2,500m² minimum lot size for this site.</p>

#	Keyword	Summary	Recommendation
			 <p data-bbox="507 1160 1412 1189">Figure 3: Area proposed for to be consistently mapped as 2,500m² minimum lot size.</p>

INSTRUMENT

Part 4 - Principle Development Standards

1	<p>4.2B – Erection of dual occupancies and dwelling houses on land in certain rural and environment protection zones</p>	<p>This clause has been found to be difficult to interpret by Council's Development Planners. It is recommended that some minor amendments are made to make the intent of this clause clearer.</p>	<p>Amend the clause as follows (new text in Bold, deleted text in strikethrough):</p> <p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (a) to minimise unplanned rural residential development, (b) to enable the replacement of lawfully erected dual occupancies and dwelling houses in certain rural and environment protection zones. <p>(2) This clause applies to land in the following zones:</p> <ul style="list-style-type: none"> (a) Zone RU1 Primary Production, (b) Zone RU2 Rural Landscape, (c) Zone RU6 Transition, (d) Zone E3 Environmental Management. <p>(3) Development consent must not be granted for the erection of a dual occupancy or dwelling house on land to which this clause applies unless the land:</p> <ul style="list-style-type: none"> (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
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#	Keyword	Summary	Recommendation
			<p>(b) is a lot created before this Plan commenced and on which the erection of a dual occupancy or dwelling house was permissible immediately before that commencement, or</p> <p>(c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dual occupancy or dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or</p> <p>(d) is an amalgamated lot on which the erection of a dual occupancy or dwelling house was permissible immediately before this Plan commenced, or</p> <p>(e) would have been a lot referred to in paragraph (a), (b), (c) or (d) had it not been affected by:</p> <ul style="list-style-type: none"> i. minor realignment of its boundaries that did not create an additional lot, or ii. a subdivision creating or widening a public road or public reserve or for another public purpose, or iii. a consolidation with an adjoining public road or public reserve or for another public purpose. <p>Note. A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.</p> <p>(3A) Development consent must not be granted for the erection of a dual occupancy on land to which this clause applies unless the land:</p> <ul style="list-style-type: none"> (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or (b) is a lot created before this Plan commenced and on which the erection of a dual occupancy was permissible immediately before that commencement, or (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the

#	Keyword	Summary	Recommendation
			<p>erection of a dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or</p> <p>(d) is an amalgamated lot on which the erection of a dual occupancy was permissible immediately before this Plan commenced, or</p> <p>(e) would have been a lot referred to in paragraph (a), (b), (c) or (d) had it not been affected by:</p> <p>i. minor realignment of its boundaries that did not create an additional lot, or</p> <p>ii. a subdivision creating or widening a public road or public reserve or for another public purpose, or</p> <p>iii. a consolidation with an adjoining public road or public reserve or for another public purpose.</p> <p>(4) Development consent must not be granted under subclause (3) or (3A) unless:</p> <p>(a) in the case of a dwelling house, no dual occupancy or dwelling house has been erected on the land, and or</p> <p>(b) in the case of a dual occupancy, no dual occupancy or dwelling house has been erected on the land, and</p> <p>(c) if a development application has been made for development for the purpose of a dual occupancy or dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and</p> <p>(d) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.</p> <p>(5) Development consent may be granted for the erection of a dual occupancy or dwelling house on land to which this clause applies if there is a lawfully erected dual occupancy or dwelling house on the land and the dual occupancy or dwelling house to be erected is intended only to replace the existing dual occupancy or dwelling house.</p> <p>(6) In this clause, amalgamated lot means land edged heavy red and identified as “Amalgamated Lots” on the Lot</p>

#	Keyword	Summary	Recommendation
			Amalgamation Map if that land is a single lot.
Schedule 5 - Environmental Heritage			
1	Sort sites by item number	Sites are currently listed alphabetically in the Schedule 6 table. It would be far more useful to Council if the item numbers were in consecutive order instead. This would help a great deal when searching heritage listings by listing number.	Sort item numbers in consecutive order.

CURRENT STATUS

A Planning Proposal has been prepared for this amendment, which will be submitted to the Department of Planning and Environment once approved by Council.

TIMEFRAMES

Due to the delays in sending the Planning Proposal to the Department of Planning and Environment, it is proposed that WLEP 2013 – Major Amendment 1 now progress in accordance with the following indicative timeframes:

Task	Duration	Start	Finish	Status
Phase 1 - Project Commencement (S.55)	51 days	03/03/14	14/05/14	Complete
Phase 2 - Preliminary Endorsement (S.55)	84 days	15/05/14	10/09/14	Underway
Phase 3 - Planning Proposal (S.56)	28 days	11/09/14	21/10/14	Not Started
Phase 4 - Public Authority Consultation (S.56)	42 days	22/10/14	18/12/14	Not Started
Phase 5 - Community Consultation (S.57)	45 days	19/12/14	25/02/15	Not Started
Phase 6 - Planning Proposal Amendments (S.58)	38 days	26/02/15	20/04/15	Not Started
Phase 7 - Making and Notification (S.59)	47 days	21/04/15	24/06/15	Not Started

Note: Comments in brackets refer to EP&A Act requirements.
Additional studies may be required. In this case, a new Phase 4 will need to be inserted, and may result in the timeframes for completion of this project being lengthened.

CONCLUSION

This report seeks Council's endorsement of further amendments to Wyong LEP 2013 – Major Amendment 1, in accordance with the matters raised in this report. Subject to Council's approval, a Planning Proposal can now be forwarded to the Department of Planning and Environment to commence the Gateway Determination process.

ATTACHMENTS

Nil.

2.5 Proposed Amendments to Tree Management Controls

TRIM REFERENCE: F2014/00370 - D06582471

MANAGER: Scott Cox, Director

AUTHOR: Peter Kavanagh; Senior Planner

SUMMARY

This report considers potential amendments to Wyong Development Control Plan (WDCP) 2013: Chapter 3.6 – Tree and Vegetation Management.

The report recommends that the amendments described within Option 1 be placed on public exhibition for comment.

RECOMMENDATION

- 1. That Council amend Development Control Plan 2013: Chapter 3.6 – Tree and Vegetation Management in accordance with Option 1.**
- 2. That Council place draft Development Control Plan 2013: Chapter 3.6 – Tree and Vegetation Management on public exhibition for a period of 28 days for public comment.**
- 3. That Council adopt the draft Development Control Plan 2013 Chapter 3.6 – Tree and Vegetation Management subject to there being no significant objections received.**
- 4. That Council note that Resolutions 1, 2, & 3 operate to modify Resolutions 1428/13 – 1432/13 of 13 November, 2013.**

BACKGROUND

On 13 November, 2013, Council resolved to enable landowners to remove a single tree each year from residential properties less than 1,000m², if the tree is deemed hazardous to life or property. Council also resolved that the General Manager investigate the amendment of the WDCP and WLEP to facilitate the streamlining of the removal of hazardous trees.

“RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor TAYLOR:

- 1428/13** *That Council resolve to allow the owners of residential land, of 1,000sq m or less, the right to remove a single tree in any 12 month period if the tree is deemed to be hazardous to life or property, by the owner.*
- 1429/13** *That Council note that where more than 1 tree is identified to be hazardous, to life or property, removal will require Council approval.*

2.5 Proposed Amendments to Tree Management Controls (contd)

1430/13 That Council request the General Manager to provide a report to Council, outlining further possible amendments to Council's Tree Policy that will streamline processes, reduce red tape and achieve the following objectives:

- a to reduce, real or perceived, hazards arising from trees to life or property including, bushfires, falling trees and branches, tree root damage and the like.
- b to minimise Council's exposure to claims and litigation arising from damage caused by trees and;
- c to reduce the number of circumstances in which Council's approval is required for the removal of trees on private property.

1431/13 That Council request the General Manager provide a report to Council that addresses possible amendments to the proposed Wyong LEP 2013 to provide that the removal of trees (in accordance with points 1 and 2 above) be Exempt Development.

1432/14 That Council note that these additions will be in addition to the 6 and 12 metre current policy for the removal of trees."

The purpose of this report is to detail options for streamlining the process for the removal of trees that pose a potential risk to life and property, and to recommend that WDCP, 2013 be amended in accordance with Option 1 in the following way:

- To acknowledge and align with the NSW Rural Fire Service (RFS) 10/50 Vegetation Clearing Code of Practice – to introduce a single "10m Rule" to simplify the process;
- To enable landowners (with expert assistance) to determine the risk to life and property from trees – removing the need for applications;
- To reduce the number of trees on the Prescribed Species Lists.

CURRENT STATUS

The focus of the existing Policy is to:

- Protect all native tree species, rather than the management of risk to life and property from trees;
- Preserve the character of areas;
- Preserve endangered and vulnerable flora and fauna species in line with environmental legislation.

The Policy is a complex & detailed document. It is very prescriptive, with limited flexibility afforded to tree assessment officers to make discretionary decisions. The most disputed decisions arise from the proximity of native trees to homes and structures. Currently, the removal of trees without consent is limited to:

- noxious weed species;
- pruning in accordance with the Australian Standard;
- removal of trees under 3m in height and less than 75mm diameter;

2.5 Proposed Amendments to Tree Management Controls (contd)

- removal or pruning of “undesirable species” as defined in the DCP (includes all non-native or exotic species, and all species permitted by the “6m Rule” in residential areas or the “12m Rule” in non-residential areas);
- removal of a tree(s) to implement a Development Consent;
- removal of a tree or vegetation that *Council is satisfied* is dying or dead and is not required for habitat of native fauna;
- removal of a tree or vegetation that *Council is satisfied* is a risk to human life or property;
- removal of trees to enable survey of boundaries, emergency access or where an imminent bushfire hazard has been identified; and
- removal of trees via available exemptions under the Native Vegetation Act on rural lands.

Tree Application Statistics

Some relevant statistics associated with the management of trees on private land are as follows:

- Approx. 500 Tree Applications (TAs) are received per year;
- Approx. 60% of TAs are approved without change;
- Approx. 10% of TAs only, are refused;
- Approx. 3% of TAs are cancelled or withdrawn following advice that an application was not required;
- TAs refused are usually due to the tree being of good health and vigour, adding to local amenity, and minor pruning works are instead recommended; and
- In some instances refusals are based on the tree species being on Council’s Prescribed Species Schedule.

10/50 Vegetation Clearing:

Whilst researching potential amendments to Council’s Tree Policy (1 August, 2014), the NSW RFS introduced its *10/50 Vegetation Clearing Code of Practice*, through amendments to the Rural Fires Act, 1997. This Code applies clearing distances around approved buildings containing “habitable rooms” (bedrooms) within “Vegetation Clearing Entitlement Areas”, based on the Bushfire Prone Lands Map. The Code permits the clearing of trees within 10m of these structures (regardless of species) and the removal of shrubs within 50m (see Figure 1 below). Whilst the RFS has not yet produced mapping of the entitlement areas, it is clear that they cover the majority of land within Wyong Shire, including the areas previously identified in the DCP as “Culturally Significant”.

There are only small areas of the Shire which are not “entitled”, and these are generally within cleared residential suburbs. It is therefore considered equitable for Council to consider a general “10m Rule” for the Urban Zones of the Shire, as Exempt Vegetation Management Work (no consent required).

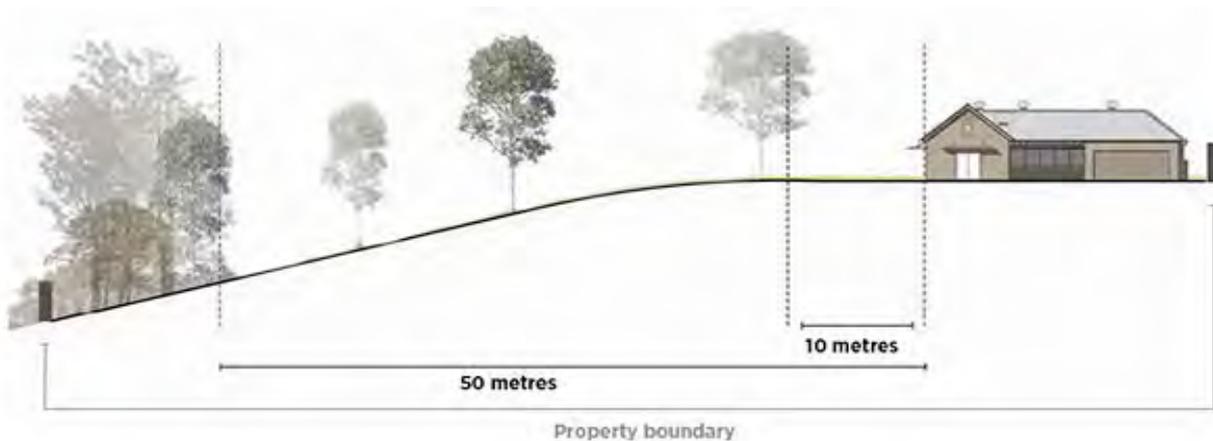


Figure 1: 10/50 Vegetation Clearing

The 10/50 Code also applies to vegetation clearing for “entitlement areas” within Rural Zones, with any further works regulated by the Greater Sydney Local Land Service (LLS) in conjunction with the Minister for the Environment under the Native Vegetation Act, 2003.

THE PROPOSAL (Option 1 – Attachment 2)

The development of the draft Tree Policy gave consideration to the following:

- The *10/50 Vegetation Clearing Code of Practice* is now in place and covers the majority of the Shire;
- The Policy should be easy to read, administer, & be flexible to amend;
- The “perception” of danger to life or property, is a “reality” to some landowners and affects their wellbeing;
- Risk perception affects priorities and choices;
- Risk assessments should be determined by landowners & third party experts, not by Council;
- Not everyone can afford to remove trees; and
- Not everyone wants to remove trees.

The amended Policy (Draft Chapter 3.6 attached) focusses on:

- Simple presentation and simpler language - residential tree removal & pruning section first, clear flowcharts;
- Focus on trees native to NSW;
- Minimise “Red Tape” and streamline the need for Approvals;
- Recognition of the *10/50 Vegetation Clearing Code of Practice* and the application of a blanket “10 metre Rule” for simplicity (Exempt Vegetation Management Work);
- Provide for a maximum of 5 trees able to be removed per calendar year without consent;
- Landowner to determine risk, with assistance of “technical expert” – Dead, Dying, Dangerous & Hazardous;

2.5 Proposed Amendments to Tree Management Controls (contd)

- Reduction in the list of prescribed trees, to those listed in legislation as Threatened and Vulnerable Species and listed Endangered Ecological Communities. Keystone species will not be classified as a prescribed tree if within 10 metres of an approved structure or if classified as dead, dying, dangerous or hazardous by a technical expert;
- Removal of culturally significant areas and allow removal of large species (e.g., Norfolk Island Pines) from residential lands; and
- Council resources focussed on trees on public land.

These proposals will incorporate the resolutions of 13 November, 2013, to deliver the following outcomes:

- a to reduce, real or perceived, hazards arising from trees to life or property including, bushfires, falling trees and branches, tree root damage and the like.*
- b to minimise Council's exposure to claims and litigation arising from damage caused by trees and*
- c to reduce the number of circumstances in which Council's approval is required for the removal of trees on private property.*

(Note: In reference to Council Resolution 1430/13 *b* (above), it can be noted that Council has not litigated any matters relating to trees on private lands, and Council has never paid any claims in relation to trees on public lands.

Relevant Local Planning Controls:

- **Wyong Local Environmental Plan (WLEP) 2013**

Clause 5.9 of the WLEP defines environmental objectives, approval and exemption requirements relating to tree preservation and tree removal. It defines the rules applying for lands within the various zones within the Shire, and enables the adoption of a Development Control Plan to explain these controls and exemptions. Clause 5.9AA, permits trees not prescribed by the DCP to be pruned or removed without the need for consent.

- **Wyong Development Control Plan (WDCP) 2013: Chapter 3.6 - Tree and Vegetation Management**

In accordance with Clause 5.9 of the WLEP, the WDCP currently identifies significant tree species and those which are less desirable and can be removed without development consent. The Chapter contains Council's Significant Species Schedule (Register of Significant Trees), which identifies the species protected under State and Federal legislation. It is a complex document, which is not easily understood and administered.

OTHER OPTIONS

Options considered in drafting the proposed controls included the following:

Option 1: Recommended as The Proposal (above)

Enable landowners to remove a maximum of 5 trees per year by determining risk without application, expand the 6m rule to 10m across the Shire as available Exempt Vegetation Management Works, and minimise the Prescribed Species List. The Prescribed Species will be limited to:

- Listed Threatened and Vulnerable Species;
- Listed Endangered Ecological Communities;
- Keystone Species which are located outside the “10m Rule” area, which are not considered Dead, Dying, Dangerous or Hazardous to human life or property; and
- Trees on Public Land.

Comment:

This is the recommended option.

Option 2: Limit tree removal to one (or other number) trees per calendar year

Comment:

Five (5) is considered a reasonable number, and most urban sites would have less than 5 trees to remove.

Option3: Remove keystone species category altogether from Prescribed Species

Comment:

Keystone species have been identified by Wyong Council as having a critical relationship in providing food or habitat for native fauna. They are typically widespread and common in Wyong, but clearing and fragmentation have significantly reduced the occurrence of some species (eg. *Swamp Mahogany* and *Forest Red Gum*), and the fauna which rely on them. In consideration of these matters, together with risks from trees to public health and safety, it is considered that Option 1 provides a more appropriate balance.

Option 4: Require the lodgement of a DA for the removal of keystone species

Comment:

This Option would not assist in reducing the number of applications considered by Council to the degree provided by Option 1. It also would not reduce the number of disputes. Having regard to the comments above (Option 3), and the imperative to recognise the risks to life and property from unhealthy or poorly located tree specimens, Option 1 provides a better Policy option.

Option 5: No Tree Policy**Comment:**

This Option is not supported on the following grounds:

- The WLEP, 2013 requires a list of Prescribed Species and exemptions within a DCP;
- The Policy also covers non-urban lands, industrial, commercial, etc., and provides advice in relation to the Native Vegetation Act requirements, and Endangered Species;
- Good governance and leadership is provided by the Policy; and
- The Policy provides a balance in the management of trees.

STRATEGIC LINKS**Budget Impact**

An expansion of the exemptions for tree removal will lead to a reduction in Council income. Council receives an average of approximately 520 tree applications per year, generating approximately \$66,000 per annum in income.

CONSULTATION

Consultations have been conducted to date with planning, ecologist, open space and tree assessment staff, also including General Counsel.

The draft amendments will be placed on public exhibition for 28 days, in accordance with the Environmental Planning and Assessment Regulation, 2000. Further internal and external consultations with key stakeholders will be conducted during the public exhibition period.

CONCLUSION

It is considered that the recommended amendments to WDCP 2013: Chapter 3.6 Tree and Vegetation Management will streamline the assessment process, reduce red tape and achieve the stated Council objectives. It is recommended the draft DCP 2013: Chapter 3.6 – Tree and Vegetation Management be placed on exhibition for public comment and that a report on submissions received within the exhibition period be forwarded for Council's consideration.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Current DCP 2013: Chapter 3.6 Tree and Vegetation Management | D11689925 |
| 2 | DRAFT DCP 2013 Chapter 3.6-Tree and Vegetation Management | D11689915 |

CHAPTER 3.6 TREE AND VEGETATION MANAGEMENT

1.0 INTRODUCTION

1.1 Objectives of this Chapter

- To prescribe species and kinds of trees and other vegetation that are protected for the purposes of clause 5.9 of WLEP 2013
- To provide a framework for the protection of trees and native vegetation in Wyong Shire
- To set out Council's requirements with respect to the management of trees and the removal of vegetation
- To preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation
- To maintain and improve terrestrial and aquatic biodiversity including:
 - protecting native flora and fauna and ecosystems, and
 - protecting the ecological processes necessary for their continued existence, and
 - encouraging the recovery of native flora and fauna, and their habitats
- To define Council's responsibilities and requirements with respect to the protection, retention and replacement of trees and native vegetation
- To ensure that proper consideration is given to trees and native vegetation in planning, designing and constructing development
- To minimise unnecessary injury to or destruction of trees and native vegetation
- To retain healthy individual trees of local amenity and aesthetic value
- To facilitate the removal of undesirable exotics, noxious weeds, dangerous trees and any other inappropriate plantings, and to replace these with suitable local indigenous species which will positively contribute to visual and environmental amenity, and ecological sustainability
- To retain viable representative samples of native vegetation, which have an intact structure and complete floristics, wherever practicable
- To detail requirements for the submission of sufficient and relevant information by applicants

1.2 Land to which this Chapter Applies

This Chapter applies to all land within the Shire of Wyong except land zoned RU3 Forestry and E1 National Parks and Nature Reserves.

1.3 Relationship to other Plans and Policies

1.3.1 Wyong Local Environmental Plan 2013

Section 74C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the EP&A Regulations 2000 require DCP 2013 to be consistent with WLEP 2013, as amended. In the event of any inconsistency between this Chapter and the LEP, the provisions of the LEP shall prevail.

The following trees and vegetation are prescribed for the purposes of clause 5.9 of Wyong LEP 2013:

- any tree, other than a tree identified in section 7.1 of this Chapter; and
- including any other native vegetation within Zone E2, E3, E4, RE1, RE2, SP1, SP2, W1 or W2.

Notes:

- 1 *Development consent is required for the removal of prescribed trees and vegetation.*
- 2 *Clause 5.9 of WLEP 2013 provides that consent is not required for:*
 - a *removal of a tree or vegetation that Council is satisfied is dying or dead and is not required for habitat of native fauna;*
 - b *removal of a tree or vegetation that Council is satisfied is a risk to human life or property;*
 - c *any clearing of native vegetation:*
 - i *authorised by a development consent (under the EP&A Act) or a property vegetation plan under the Native Vegetation Act 2003;*
 - ii *clearing of non-protected regrowth, routine agricultural management activities and sustainable grazing (see Division 2 or 3 of Part 3 the Native Vegetation Act 2003) within Zone RU1, and RU2, and in certain circumstances, within RE1, RE2, SP1 or SP2,;*
 - iii *within a State Forest; or*
 - iv *required or authorised under the Electricity Supply Act 1995, Roads Act 1993 or the Surveying and Spatial Information Act 2002; and*
 - d *removal of declared noxious weeds.*
- 3 *Notwithstanding Note 2 above, Clause 5.9 of WLEP 2013 provides restrictions in relation to trees or native vegetation in the vicinity of heritage items and Aboriginal sites or objects.*

1.3.2 Other Related Acts and State Environmental Planning Policies (SEPPs)

Several other Acts and State Environmental Planning Policies (SEPPs) relate to tree removal and vegetation management. Most contain exemptions or alternative approval processes. In the event of there being a prior approval issued by a determining authority under any other Act or SEPP, further development consent for the same works under WLEP 2013 or this Chapter will not be required.

A list of related legislation is provided in Appendix 1 to this Chapter. Where appropriate, exemptions from the need for consent as a result of the provisions of other legislation have been identified within the text of this Chapter. If a proponent is intending to claim exemption, the provisions of the particular legislation or approval should be checked prior to work commencing.

1.3.3 Landscape and Vegetation Management Policies

The provisions of this Chapter have also been adopted as a Council Policy and therefore apply to works undertaken under Part V of the EP&A Act. The provisions shall be used in conjunction with Council's **Landscape Policy**, which it complements by providing a statutory planning framework specifically directed at managing trees and native vegetation.

1.4 Glossary

Note: Generally, the terms used in this Chapter have the same meaning as those terms are defined within the WLEP 2013. Where a term is defined within the WLEP 2013, it is not repeated here. The following additional terms are relevant to this Chapter:

approved structure includes commercial or industrial buildings, or a dwelling, garage or swimming pool and means a structure which has been approved by Council or a Private Certifier under the EP&A Act, but does not include:

- exempt development under “the Codes SEPP” - a structure included in Part 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – the General Exempt Development Code; or
- a temporary building within the meaning of the Environmental Planning and Assessment Regulation; or
- a manufactured home, a moveable dwelling or associated structure or part of a manufactured home, a moveable dwelling or associated structure within the meaning of the Local Government Act.

arboriculture means cultivating and managing trees as individuals and in small groups for amenity purposes.

clearing native vegetation means any one or more of the following:

- cutting down, felling, thinning, logging or removing native vegetation;
- killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation;
- severing, topping or lopping branches, limbs, stems or trunks of native vegetation;
- substantially damaging or injuring native vegetation in any other way.

consulting arborist means an Australian Qualification Framework Level 5 arborist (AQF5).

culturally significant tree means trees which are significant features of the cultural landscape, and are listed under Schedule 7.2.5.

dead tree means a tree with no living vascular tissue.

destroy means any activity leading to the death, disfigurement or mutilation of a tree.

dwelling means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

exempt vegetation management works means those works not requiring the consent of Council (as defined in Section 4 of this Chapter).

garage means a class 10(a) building as defined by the Building Code of Australia.

keystone species are species identified by Wyong Council as having a critical relationship in providing food or habitat for native fauna, and are listed under Schedule 7.2.3.

lopping means cutting between branch unions or at internodes on young trees, (but does not refer to lopping solely for the purpose of feeding stock in an officially drought declared area).

native vegetation means any of the following types of indigenous vegetation:

- trees;
- understorey plants;
- groundcover;
- plants occurring in a wetland.

non-urban zone means any of the following zones identified by WLEP 2013, as applied to land within zone RU1 Primary Production, RU2 Rural Landscape, RE1 Public Recreation, RE2 Private Recreation, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, R5 Large Lot Residential, and may include W1 Natural Waterways, SP1 Special Activities, or SP2 Infrastructure, dependant on the location .

Property Vegetation Plan (PVP) means a negotiated and agreed plan to clarify what can be done with native vegetation on a landholder's property. It gives certainty and long term security so that native vegetation can be better managed for both financial and environmental outcomes.

prune or pruning means the following activities as specified in Australian Standard AS 4373-2007, "Pruning of Amenity Trees":

Crown maintenance pruning involving:

- general pruning;
- thinning;
- deadwooding;
- selective pruning;
- formative pruning;

or Crown modification pruning involving:

- reduction pruning;
- crown lifting;
- pollarding;
- remedial pruning;
- line clearance.

species of local conservation significance are species identified by the Royal Botanic Gardens, Sydney, as being endangered or having only a small distribution, they may also be Aboriginal food plants and therefore of local cultural significance. These are listed under (s7.2.4).

swimming pool means an excavation, structure or vessel:

- that is capable of being filled with water to a depth of 300mm or more; and
- that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity; and
- includes a spa pool, but does not include a spa bath, or anything situated within a bathroom.

topping means cutting away part or all of the tree canopy leaving a trunk and stubbed main branches.

trade arborist means an Australian Qualification Framework Level 3 arborist (AQF3).

tree means a perennial plant with at least one self-supporting woody or fibrous stem, being of any species whether indigenous, exotic or introduced which:

- is 3 metres or more in height; or
- has a trunk diameter of 75 mm or more measured at 1.4 metres above ground level; or
- has a trunk diameter of 75 mm or more measured at ground level where the tree is removed such that the trunk diameter at 1.4 m above ground level can no longer reasonably be measured; or
- is a cycad or mangrove that is indigenous to or is recorded by Council as having special significance in the area of Wyong, irrespective of its dimensions.

tree injury means damage to a tree and includes:

- lopping and topping;
- poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone;
- cutting and tearing of branches and roots that is not carried out in accordance with accepted arboricultural practices, does not qualify as "pruning" or is done for invalid reasons;
- ringbarking, scarring the bark when operating machinery, fixing objects (e.g. signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches;
- damaging a trees root zone by compaction or excavation, asphyxiation (including unauthorised filling or stockpiling of materials);
- underscrubbing, unless carried out by hand tools, such as brushcutters and the like.

tree removal means to cut down, take away or transplant a tree from its place of origin.

trunk means the main stem of the tree, as distinguished from the branches and roots.

undesirable species means plants that are defined by section 7.1 as being undesirable due to their location or as having characteristics which may lead to poisoning, weed infestation, brittle and dangerous wood, excessive spread of roots or native vegetation invasion. (Refer to Section 7.1 of this Chapter).

urban zones means any of the following zones identified by WLEP 2013, as applied to land within zone R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, RU5 Village, SP3 Tourist, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial, IN2 Light Industrial, and may include W1 Natural Waterways, SP1 Special Activities, or SP2 Infrastructure, dependant on the location.

Vegetation Management Plan (VMP) means a structured program adopted by the Council for the protection, maintenance, restoration and replacement of trees and native vegetation.

2.0 TREE INJURY OR TREE REMOVAL

2.1 Application of this Section

This Section specifies when development consent is required for tree injuries or tree removals, the matters considered by Council when assessing an application, the circumstances in which an Arborist's Report will be required, the qualifications requirements for Arborist Reports and the matters to be included in those reports. This information, together with information required to be lodged with an application to injure or remove a tree, is also detailed on Council's website.

2.2 When is Consent Required for Tree Injury or Tree Removal?

Consent is required for all tree injuries or tree removals, except activities identified under Section 4 of this Chapter.

Note: The flowcharts within Section 4 (Figures 1 & 2) clarify when consent is required for tree removal. In particular, Figure 2 identifies the process when the proposal does not involve Complying Development and the tree(s) is located within 6m of an approved structure in residential areas, or 12m of an approved structure in non residential areas.

2.3 Tree Removal Considerations

- a Council does not generally support removal of trees listed by Council's Significant Species Schedule (Register of Significant Trees) in Section 7.2 of this Chapter.
- b In assessing whether or not to approve removal or injury of a tree, Council's Arborist will utilise Visual Tree Assessment methodology in accordance with industry best practice.
- c Provided that no significant hazard or other safety issues also apply, the following shall not generally be considered as valid reasons to remove a tree:
 - i leaf drop (into gutters and downpipes - pools, lawns and the like);
 - ii to increase natural light;
 - iii to improve street lighting of private property;
 - iv to enhance views;
 - v to reduce shade created by a tree;
 - vi to reduce fruit, resin or bird droppings on cars;
 - vii minor lifting of driveways and paths by tree roots;

- viii to erect a fence;
- ix bushfire hazard control which has not been verified by council;
- x potential damage to sewer mains unless supported by written expert advice and only where reasonable alternatives are not feasible (e.g. relocation or encasement of main).

2.4 Arborist's Reports

- a A report prepared by a Consulting Arborist must be submitted in conjunction with any application for:
 - i the removal of an identified tree, or a tree within an area identified as Culturally Significant (refer Section 7.2.5); or
 - ii the removal of 10 or more trees; or
 - iii the reconsideration of a decision on an application by Council, lodged under Section 82A of the EP&A Act.
- b Where Council requires a Consulting Arborist to prepare an arborist's report, the minimum qualification standard is the Australian Qualification Framework Level 5 (AQF5).
- c The arborist must consider the issues raised in the Significant Tree Study of Bateau Bay East and the Wyongah Significant Tree Study in preparing the report.
- d The following information is required to be included in the arborist's report:
 - i name, address, telephone number, qualifications and experience of the arborist carrying out the inspection and reporting;
 - ii address of the site containing trees;
 - iii who the report was prepared for, and aims of the report;
 - iv methods and/or techniques used in the inspection;
 - v a plan, to scale, accurately showing:
 - location of trees on the subject site and any adjoining trees which may be affected by the development. Trees identified on this plan should be numbered;
 - optimum and minimum tree protection zones as recommended by the Consulting arborist in accordance with AS4970-2009 Protection of Trees on Development Sites;
 - lot boundaries, dimensions and North point;
 - proposed development including services, driveways, and any alteration to existing levels and drainage;
 - trees on adjoining properties within 5 metres of the proposed development.
 - vi

a table showing, for each tree to be injured:

- number of the tree as indicated in the plan;
 - species name;
 - age class;
 - height;
 - trunk diameter at 1.4 metres;
 - canopy spread;
 - health and condition, and estimated useful life expectancy;
- vii a discussion of other relevant information, including details of tree hollows for wildlife, tree structure/weaknesses, root form and distribution, pests and diseases and/or a Tree Hazard Assessment;
- viii supporting evidence such as photographs and laboratory results to confirm presence of soil pathogens or support soil assessment, where relevant;
- ix proposed replacement plantings, landscaping and soil remediation;
- x tree protection measures and a post-construction tree maintenance program which can be used as conditions, should the application be approved;
- xi sources of information referred to in the report;
- xii any other relevant matters.

3.0 CLEARING NATIVE VEGETATION

3.1 Application of this Section

This Section specifies when consent is required for the clearing of native vegetation, the information required to be lodged with an application to Council, and the matters considered by Council when assessing an application.

3.2 When is Consent Required for Clearing Native Vegetation?

- a Generally, Council will only consider granting consent for clearing native vegetation where it is associated with a development proposal for a permissible use on land within the zone.
- b Consent will be required for clearing native vegetation that is:
- i on land within zone RU6, R5, E2, E3 or E4, unless the clearing is approved by a development consent or a Property Vegetation Plan (PVP) granted under the Native Vegetation Act 2003 (NV Act).
- c Consent may not be required in some other circumstances – see Notes under clause 1.4.1 of this Chapter.

3.3 What are the Requirements when Making an Application for Clearing Native Vegetation?

- a The following general information is usually required to be submitted with an application. However, the amount and level of detail required may vary depending on the circumstances applying:
- i the written consent of the owner of the land;
 - ii a description of the existing trees and native vegetation on the site;
 - iii location plan including spot levels and/or contours to be generally at 2 metre intervals and at a scale of 1:200 for sites up to 1 hectare and 10 metre intervals and at a scale of 1:1,000 for sites of more than 1 hectare;
 - iv the area to be cleared in hectares;
 - v A Consulting Ecologist's Report addressing species (botanical names and common names if known) of individual trees, or the dominants in the case of woodland, forest or groups of trees (to be shown as clumps) and/or vegetation communities to be marked on the plan. A corresponding schedule shall be submitted for vegetation communities outlining structure and floristics (a plant list), identifying the dominants. Any endangered, vulnerable or locally significant plant species should be shown and in such cases an assessment of potential impacts undertaken as per Section 5A of the EP&A Act. A description of the survey methodology should also be provided;
 - vi appropriate height and trunk diameter at 1.4 metres above ground (average breast height) for individual trees, where applicable;
 - vii approximate canopy spread of individual trees, groups of trees and vegetation communities to be marked on the plan;
 - viii A Consulting Arborist's Report addressing individual trees and/or groups of trees, summarising useful life expectancy values with recommendations for removal, retention and/or rehabilitation. In the case of vegetation communities, the schedule should summarise the condition, maturity, intactness and rarity, with recommendations for removal, retention and/or rehabilitation;
 - ix a method statement detailing the intended approach to the undertaking of the recommended works;
 - x plans shall identify site boundaries, dimensions, orientation (north point), the location of relevant land use zones and site areas of the whole of the land and that area proposed to be cleared in hectares or square metres;
 - xi a brief description on the plans of existing trees and native vegetation on adjoining land showing:
 - trees, groups of trees and vegetation communities within 20 metres of the site boundaries;
 - the location of trees whose canopy overhangs the site boundaries;

Note: The development shall not involve works (e.g. roads, driveways, installation of services, cut and fill, drainage works, installation of barriers to natural drainage) that destabilise, disfigure or ultimately destroy any other trees and native vegetation on adjoining or downstream public or private land.

- the reasons for and purpose of the proposed clearing;

- trees and vegetation to be retained, including the purposes of such retention, such as semi-natural open spaces, buffer and exclusion zones, filter/protection and/or riparian habitat strips;
 - xii details for protecting remnant trees and vegetation from damage during clearing works, construction and on completion. This should include site preparation and location of protective fences, in accordance with the methods set out by Council's Civil Works – Design Guideline and Construction Specification and AS 4970 – 2009/Amendment 1 – 2010: *Protection of Trees on Development Sites*;
 - xiii soil report and altered ground levels, including soil landscape and profile descriptions, cut and fill, regrading, changes to the soil profile or future growing mediums, fill material, if applicable, and necessary amelioration works required for horticultural purposes;
 - xiv drainage details including any natural watercourses or drainage structures, proposed works involving alteration to hydrology, such as ground surface treatments (e.g. paving, accessways, introduction of roads, bund walls, dams or trunk drainage works);
 - xv erosion and sediment controls, including a programme and species list for stabilising disturbed areas and soil stockpiling measures that shall be compatible with vegetation retention measures;
 - xvi utility installations (underground and overhead lines) where known. Final locations and installation works to be consistent with vegetation retention proposals, Council's Civil Works – Design Guideline and Construction Specification and AS 4970 – 2009/Amendment 1 – 2010: *Protection of Trees on Development Sites*;
 - xvii proposed new plantings (species, mature heights and spread) establishment and maintenance details. The level of detail shall be sufficient to assess the adequacy of vegetation retention and future landscape proposals. For large scale landscaping proposals, reference should be made to Council's Landscape Policy and the need for landscape Assessment and Design reports;
 - xviii location of future buildings where known and applicable;
 - xix the proposed method of clearing, including size and type of any machinery to be used. Final details to comply with Council's Civil Works – Design Guideline and Construction Specification and AS 4970 – 2009/Amendment 1 – 2010: *Protection of Trees on Development Sites*;
 - xx proposed means for disposal of cleared materials. In this regard, sale of millable timber, chipping or tub grinding of plant materials for re-use onsite as mulch to protect and rehabilitate retained vegetation are the preferred methods;
- b In addition to the information required by clause (a) above, applications for clearing in non-urban zones shall also submit the following details:
- i all existing and proposed property improvements including fences, dams, structures, services, service easements, roads, tracks, buildings, outbuildings, stockyards, grazing or cultivated areas, other cleared areas, etc;
 - ii all existing land features including identification of slopes in excess of 18 degrees, rock outcrops, ridges, drainage lines, gullies, erosion areas;
 - iii where the application is for the purpose of agriculture, a description of the land's suitability for its intended use may be required together with supporting comments from the New South Wales Department of Primary Industries;

- c In addition to the information required by clauses (a) and (b) above, applications for subdivisions which involve clearing shall also show that the subdivision is designed to maximise retention of species present which are listed in Council's Significant Species Schedule at Section 7.2 of this Chapter.

3.4 Considerations

In assessing applications involving the clearing of land, Council will consider the following matters:

- a the potential adverse impacts from the proposed development on:
- i the condition, patch size and significance of the vegetation on the land and whether it should be substantially retained;
 - ii the importance of the vegetation in that particular location to native flora and fauna and ecosystems;
 - iii any potential to fragment, disturb or diminish the biodiversity values of the land; and
 - iv the condition and role of the vegetation as a habitat corridor; and
 - v any proposed measures to minimise or mitigate those impacts;
- b before granting consent to development to which this clause applies the consent authority must be satisfied that the development satisfies the objectives of this clause and:
- i the development is sited, designed and managed to avoid potential adverse environmental impacts; or
 - ii where an impact cannot be avoided, having taken into consideration any feasible alternatives, the proposed design, construction and operational management of the development will mitigate and minimise those impacts to a satisfactory extent.
- c whether any species present are listed in Council's Significant Species Schedule at Section 7.2 of this Chapter. If so, what measures are needed for their conservation, including on-site protection during and after construction and/or the taking of plant material for propagation;
- d the useful life expectancy of remnant trees and native vegetation to be retained;
- e impacts on scenic and visual amenity;
- f the need for bushfire hazard reduction and the effects of this on remaining vegetation. This includes hazard reduction on adjoining land;
- g whether permanent mitigation measures (such as bund walls, catch drains and stilling ponds) to contain nutrient flows and minimise weed spread need to be installed e.g. in non-urban zones or on sites adjoining native vegetation or semi-natural open spaces;
- h whether the proposed means of clearing is appropriate with respect to the soil type, species of understorey or the trees to be retained;
- i the adequacy and appropriateness of siltation and erosion controls during and after construction. In this regard, turf grasses are generally unsuitable in Rural and Environment Protection zones, particularly along or near natural watercourses and native vegetation;
- j the need for retaining vegetation by providing:

- i buffer zones as screening to roads or for the protection of identified core habitats, wetlands, littoral and other rainforests;
 - ii filter and protection strips to natural drainage lines, watercourses, streams, foreshores or constructed drainage corridors;
 - iii riparian (watercourse) habitat strips;
 - iv wildlife and other "green" corridors connecting remnant patches of vegetation; and
 - v exclusion zones for preserving vulnerable and/or significant remnant vegetation and species;
- k the need to install temporary tree/vegetation protection measures prior to clearing works;
- l whether the proposed method for disposing of cleared materials is appropriate. Any useful timber should be retrieved. Recycling of waste vegetation for fuel, logs, or as chip or grindings is mandatory. The use of wood chips and tub grindings for on site mulching or seedbed regeneration is encouraged;
- m the need for periodic or full time supervision of clearing works to protect environmental values or oversee relocation of native animals;
- n the need to rehabilitate any tree or vegetation adversely affected by clearing or construction works;
- o the need to select and plant new trees as replacement for trees cleared;
- p the effect of the development on the viability and quality of the native vegetation and, in particular, the likelihood of soil erosion, siltation of streams, wetlands and other waterbodies, direct or indirect alterations to drainage patterns and to fire hazard reduction regimes, the spread of weeds, undesirable and exotic species in the native vegetation, rubbish dumping and incursion by domestic or feral animals;
- q the effectiveness of measures proposed to mitigate any identified adverse impacts;
- r any comments made by a public authority including, where appropriate, the Department of Primary Industries, or the Office of Environment and Heritage within the NSW Department of Premier and Cabinet;
- s whether the vegetation is affected by the provisions of any other Act, Regulation or State Environmental Planning Policy applying to the land (See Appendix 1 of this Chapter);
- t whether the tree or trees provide habitat or is a significant component of the habitat of a species listed in Schedule 1 or 2 of the Threatened Species Conservation Act (see Section 7.2.2), and whether there is a need to assess the significance of the works in accordance with Section 5A of the EP&A Act;
- u whether a Vegetation Management Plan prepared by a suitably qualified person and detailing procedures and specifications necessary to address any issues of concern, should be submitted for approval prior to commencement of clearing works.

3.5 Noxious Weed Removal Considerations

In issuing a **formal notice under the Noxious Weeds Act 1993**, in response to an owner's request, Council will consider:

- a the suitability of the selected method given its likely harm to trees and other native vegetation; and
- b whether rehabilitation or replacement of existing vegetation should be ensured by submission of a satisfactory Vegetation Management Plan before starting work; and
- c whether the proposed work is of such an extent as to require a more detailed assessment and therefore requiring the lodgement of a development application to ensure compliance with the Local Environmental Plan. (That is, works likely to affect a significant area of land, or of an intensity likely to cause direct harm to the environment or vegetation in the vicinity).

Note: Compliance with this provision shall not be taken as implying the granting of an exemption under the Native Vegetation Act 2003.

4.0 EXEMPTIONS

4.1 Works which do not need Consent

Generally, consent is required for all tree injuries or tree removals. Particular attention is drawn to the preservation of trees listed within the Significant Species Schedules (Register of Significant Trees) within Section 7.2.

Clause 5.9 and 5.9AA of the WLEP 2013, provide that the ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation that is not of a species or kind prescribed by this Chapter is permitted without development consent. This provides for the identification of Exempt Vegetation Management Works.

The following tree works are defined as **Exempt Vegetation Management Works** and do not require a consent from Council:

- a **pruning** as defined by this Chapter;
- b **the removal or harvesting** of trees grown commercially or domestically for their edible fruit;
- c **the removal of trees to give effect to a development in accordance with a consent.** That is, the removal of trees and vegetation located within the alignment of a proposed road or service easement (in accordance with approved engineering plans) or within a proposed building footprint and up to 6 metres from the external walls of buildings (on the same land parcel) in residential zones and 12m of the building footprint in non residential zones (on the same land parcel), **provided that:**
 - i the building or work is the subject of a current Development Consent or Complying Development Certificate, and the trees are not shown as intended to be retained; and
 - ii tree removal / clearing procedures are in accordance with Council's Civil Works – Design Guideline and Construction Specification and AS 4970 – 2009/Amendment 1 – 2010: *Protection of Trees on Development Sites*;
- d **removal of any tree**, that Council is satisfied is a risk to human life or property, only where the tree's **instability is obvious** and there is **immediate danger and/or hazard**, for example, structurally split trunks, trees or limbs, felled by storms, that are damaging buildings or blocking accessways;

Note: If appropriate, the branch removal option should be adopted in preference to complete tree removal.

- e **immediate removal of trees** or native vegetation where this is **essential for emergency access or emergency works** by Council or a public authority;
- f removal of a tree(s) which is a **bushfire hazard** where:
 - i the action is reasonably necessary to protect human life, buildings or other property from **imminent danger of a bushfire** burning in the vicinity of the tree; or
 - ii Council has authorised its removal as part of a **bush fire risk management plan adopted** pursuant to the Rural Fires Act 1997;
- g **removal or pruning of “undesirable species” (Section 7.1)**, which **may** include:
 - i the removal of certain tree species within 6m of an approved structure in residential areas, or 12m of an approved structure in non-residential areas, providing the tree(s) is not of a species listed in section 7.2. (refer Section 7.1.1);

Note: Figure 1 is a flowchart clarifying when consent is required to enable tree removal. Figure 2, clarifies the decision process when the proposal does not involve Complying Development, and where the tree is within 6m of an approved structure in residential areas, or 12m of an approved structure in non residential areas, providing the tree(s) is not of a species listed in section 7.2. (s7.1.1).

- ii undesirable species (exotic species) identified in Section 7.1.2 may be removed without consent provided that:
 - the vegetation is confirmed as an undesirable species listed in Section 7.1.2 by Council or by a person qualified in plant identification; and
 - there is replacement planting of suitable native species. Such plantings are to be appropriately maintained to ensure their establishment; and
 - where there is substantial clearing on erodible soils or slopes in excess of 18 degrees, appropriate soil retention methods are employed to minimise the potential for erosion to occur and control runoff from the site;

Note: To ensure complete control/removal of undesirable plant species, bush regeneration techniques should be adopted in preference to mechanical clearing.

- h removal of vegetation within 0.5 metres of the boundary between properties for the purpose of **enabling survey** to be carried out along that boundary by a registered surveyor, provided that the surveyed land exceeds one hectare in area and no alternative survey method is feasible.

Note: The removal or disturbance of an Aboriginal relic is an offence under the National Parks and Wildlife Act 1974. A tree believed to be, or in the vicinity of, an Aboriginal relic should be examined by an appropriately qualified person and instruction taken before any work commences.

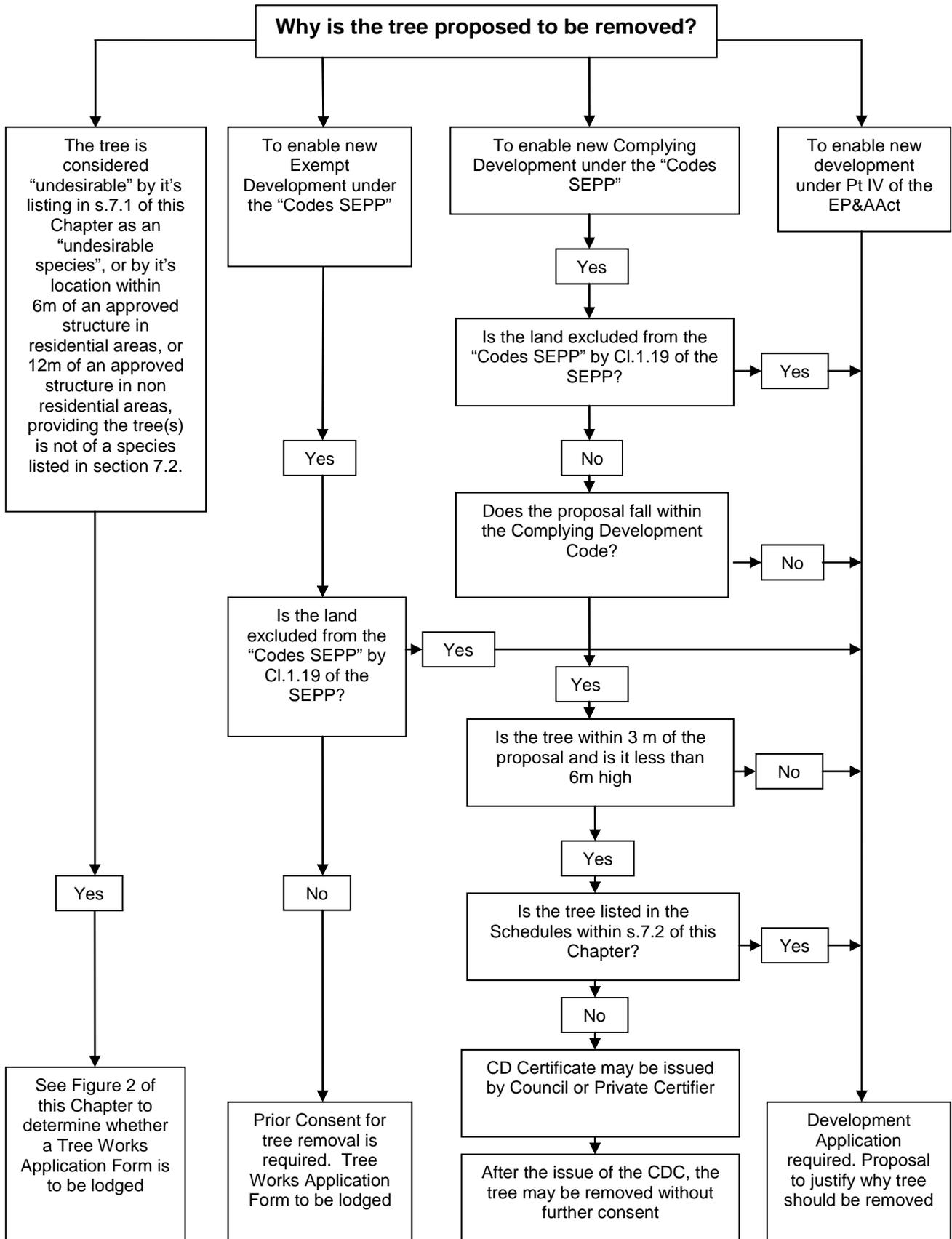


Figure 1 Do I need consent to remove my tree?

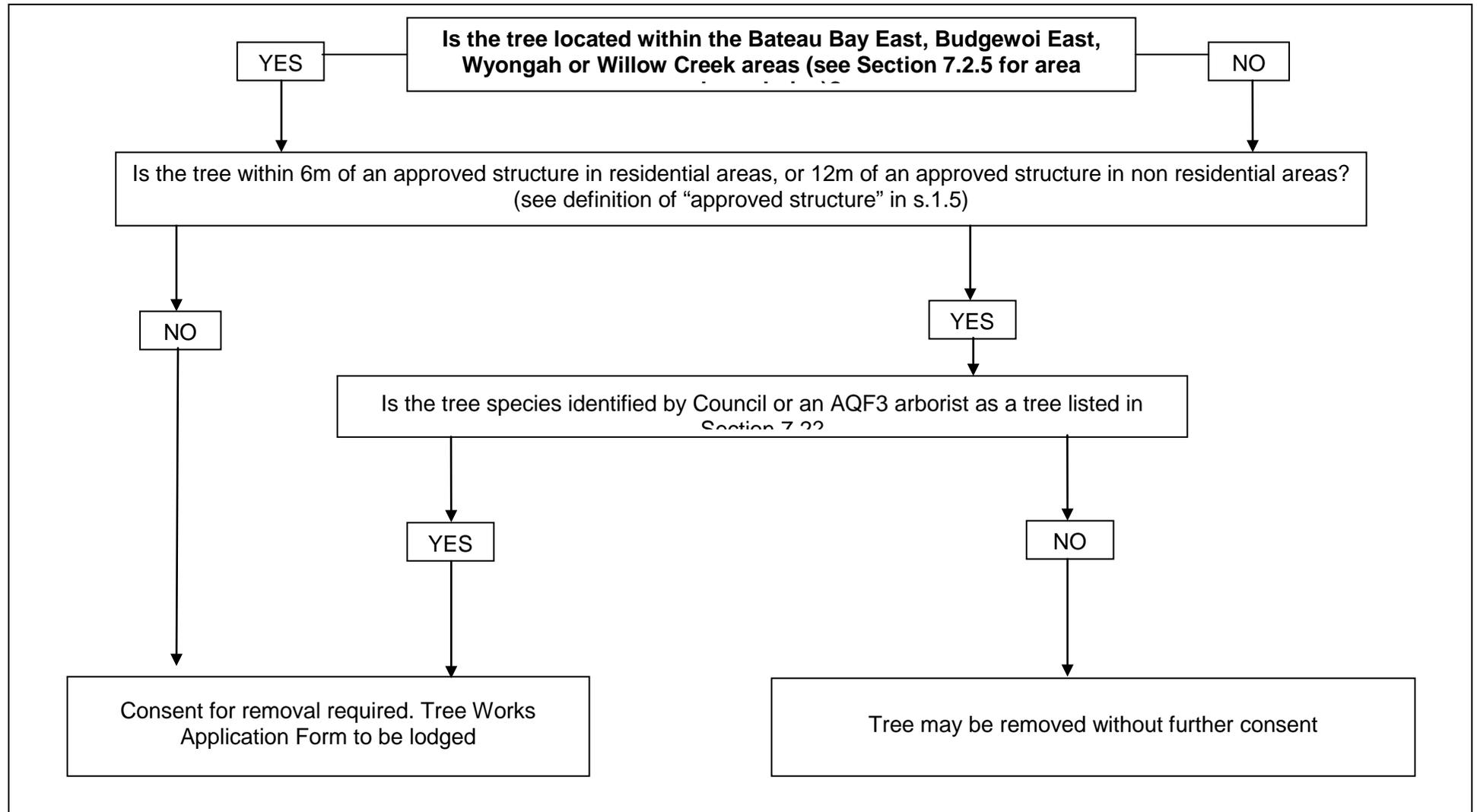


Figure 2 When is consent required for tree removal within 3 metres of an approved structure?

4.2 Provide Evidence for Dangerous Trees

- a Except for specified emergency situations, **expert advice** (from an AQF(5) Arborist) **should always be obtained** with respect to dangerous trees to confirm their condition and to ensure that they do not provide habitat for protected species. Otherwise, their cutting or removal might be in breach of the EP&A Act.
- b Where a dangerous tree is removed (in an emergency situation) due to obvious instability or hazard, (e.g. following storm damage), it is recommended that **evidence of the tree's condition should be retained** for a period of at least six (6) months after the event and produced at Council's request if needed. Such evidence might include:
 - i photographs of the tree; and
 - ii a report by a Consulting arborist; or
 - iii a written statement from the State Emergency Service, if the Service carried out the emergency tree works at the owner's request.

Note: Where trees have died, been removed by storm damage or removed as undesirable species, replacement trees of a suitable native species should be planted to maintain tree cover within the Shire.

5.0 VEGETATION MANAGEMENT PLANS

5.1 What is a Vegetation Management Plan?

- a A **Vegetation Management Plan** (VMP) comprehensively addresses the protection, maintenance, rehabilitation, removal and/or replanting of trees and vegetation on a particular site. A VMP is similar (on a smaller scale) to a Property Vegetation Plan (PVP) as required for rural landholdings under the Native Vegetation Act, 2003.
- b A VMP must be prepared by a suitably qualified and experienced person such as an Ecologist or Bush Regenerator.
- c Council may grant **development consent** for a VMP **for implementation over** a period of **2 to 10 years**, depending on the scope and complexity of the programme and the size of the site. No further consents are required where works comply with an approved VMP.

5.2 When is a Vegetation Management Plan Required?

- a A VMP will be required when Council is of the opinion that a proposed development is of a type needing a comprehensive site-specific management plan to manage the trees and vegetation on a site. The VMP will provide analysis and a strategy to address issues relating to the staging of works, cumulative impact, long term vegetation monitoring and management of progressive tree works for the same site over an extended period of time.
- b Submission of **a VMP is preferred to the making of separate successive applications** for works on/or removal of individual trees for the same site.

5.3 What Information is Required in a Vegetation Management Plan?

In addition to the general information required to be submitted with an application that involves clearing of land (refer Section 3.3 of this Chapter), the following specific information is also required to be included in a Vegetation Management Plan:

- a an overall site plan at an appropriate scale, showing the area to which the VMP applies, including management zones, staging information, vegetation to be retained and removed and the extent of dominant weed infestations;
- b a detailed Vegetation Management Plan Report identifying:
 - i the objectives and performance targets for each management zone;
 - ii a description of existing vegetation in each management zone;
 - iii the vegetation management works involved including the methodology for the undertaking of such works and minimum qualifications and experience for persons undertaking the works;
 - iv the likely impacts as a result of such works both within and external to the site;
 - v the proposed measures to mitigate against the impacts of the proposed development, such as use of seed, plant material, natural hollows and organic matter generated on the site, measures to prevent the transfer of weeds or pathogens on to or off the site during works and protection of retained trees and vegetation during works. If replanting is recommended, species composition planting layout and densities must be determined based on native vegetation communities occurring in the locality;
 - vi a works program and specification detailing the sequence and duration of implementation of mitigating measures corresponding with the staging of construction and vegetation management works (including maintenance period);
 - vii a monitoring and reporting program. Photo monitoring points and method of performance evaluation must be identified for future monitoring and reporting purposes.

6.0 PENALTIES

6.1 Public Land

Pursuant to Section 629 of the Local Government Act 1993, an **on-the-spot fine of \$2,200** applies to the injury, or unnecessary disturbance of trees and native vegetation on public land including road reserves. A person who, without lawful excuse, removes or destroys any plant or animal from a public place, is guilty of an offence under the Act. Maximum penalty per offence is 20 penalty units.

6.2 Private Land

Offences against the provisions of WLEP 2013, namely the unauthorised injury, removal or destruction of trees or clearing of native vegetation, **can be prosecuted** under the provisions of the EP&A Act 1979. In addition to fines (up to the equivalent of 1000 penalty points), the offender may also be required to rehabilitate the site, plant new trees and native vegetation and maintain these until maturity.

7.0 SPECIES LISTS

7.1 Undesirable species

7.1.1 Plants with Undesirable Characteristics due to their Location

- a Trees within 6m of an approved structure in residential areas, or 12m of an approved structure in non residential areas, will be considered to be undesirable due to their location. This distance is measured from the exterior surface of any trunk of the tree, measured at 1.4 metres above ground level, to the outer surface of the nearest footing (or the waters edge for pools), of the approved structure.
- b With the exception of:
 - i any trees identified for retention by a condition of development consent; or
 - ii any trees listed within any of the Significant Species Schedules within Section 7.2 of this Chapter;trees located within 6m of an approved structure in residential areas, or 12m of an approved structure in non residential areas may be removed without further consent from Council (Refer Figure 2) .
- c Trees located within 6m of an approved structure in residential areas, or 12m of an approved structure in non residential areas on an adjoining property may only be removed with the consent of the owner of that land.
- d Trees proposed to be removed in accordance with this clause should be first inspected by a Council Tree Assessment Officer (using Council's Tree ID Application Form) or a trade (AQF3) or consulting (AQF5) arborist. This is to determine whether the tree is of a species to be protected under Section 7.2 of this Chapter. An inspection by an ecologist may also be required if the tree is considered likely to be habitat for Threatened Species, listed under Schedules 1 & 2 of the Threatened Species Conservation Act (1995). **In these circumstances development consent is required, and this exemption by location does not apply.**
- e The arborist may also identify special measures that should be in place to reduce the potential for injury or death of animals likely to inhabit the tree. Such measures may include:
 - i inspection of hollows and other potential sites on the tree;
 - ii sectional dismantling; and
 - iii supervision of works by an arborist and/or a licensed wildlife carer or handler.
- f In order to protect the amenity of the Shire and the locality, Council strongly encourages the planting of a replacement native tree, elsewhere on site.

7.1.2 Plants with Undesirable Characteristics Generally

Council has determined that "Plants with Undesirable Characteristics Generally" include **all exotic trees** (those that are of non-native species). Application to Council is not required for the removal of non-native trees.

Notes:

- 1 *Prior inspection of the tree(s) by a Council Tree Assessment Officer or a trade (AQF3) or consulting (AQF5) arborist is necessary to identify the species of the tree(s), prior to their removal. A copy of the identification should be retained should any dispute arise.*
- 2 *Some exotic tree species are listed for protection under Section 7.2.5 as Trees of Cultural Significance to the Wyong Shire; and*
- 3 *Some exotic tree species are located within the curtilage of identified Heritage Items and may be protected under the provisions of the Wyong Local Environmental Plan, 1991, or the NSW Heritage Act, 1977. Prior reference to these documents is advisable.*

7.2 Significant Species Schedule (Register of Significant Trees)

Species having conservation significance are listed under one or more of the following headings. These lists are regularly updated and it is recommended that Council or, where relevant, the Office of Environment and Heritage within the NSW Department of Premier and Cabinet (OEH) is to be contacted to determine the status of species proposed to be removed, harmed, picked, etc., prior to any works being undertaken.

The Significant Species Schedule (Register of Significant Trees) comprises plants on the following lists:

- **Protected Native Plants (Section 7.2.1)**, as contained in Schedule 13 of the **National Parks and Wildlife Act 1974**. These species may be picked or removed from private land or land controlled by Council with the consent of the owner, providing the action is not for commercial, scientific, conservation or educational purposes. Removal, harming or picking of these species for these purposes, or if the species is also listed as an Endangered, Vulnerable Plant Species, Endangered Population or Ecological Community, requires a licence to be obtained from the OEH.
- **Threatened Plant Species, Populations and Ecological Communities (Section 7.2.2)**, as listed under Schedule 1 and 2 of the **Threatened Species Conservation Act 1995**. These species may not be removed, picked or harmed unless a licence to do so has been obtained from the OEH.
- **Keystone Species (Section 7.2.3)**, identified by Wyong Council as having a critical relationship in providing food or habitat for native fauna. These species may not be removed unless Council consent has been obtained.
- **Species of Local Conservation Significance (Section 7.2.4)**, These species may not be removed unless Council consent has been obtained.
- **Trees of Cultural Significance (Section 7.2.5)** These species may not be removed unless Council consent has been obtained.

7.2.1 Protected Native Plants Contained in Schedule 13 of the National Parks and Wildlife Act, 1974

Scientific Name	Common Name(s)
Group 1	
(Group 1 of the Schedule is currently vacant)	
Group 2	
<i>Adiantum</i> spp.	Maidenhair Fern
<i>Archontophoenix cunninghamiana</i>	Bangalow Palm (foliage only)
<i>Baekea linifolia</i>	Weeping Baekea
<i>Baekea virgata</i>	Twiggy Heath-myrtle, Tall Baeckea
<i>Banksia spinulosa</i>	Hairpin Banksia
<i>Cassinia aureonitens</i>	Yellow Cassinia
<i>Caustis</i> spp., native to NSW	Curly Sedges, Old Man's Whiskers
<i>Cordyline stricta</i>	Narrow-leaved Palm Lily
<i>Crowea exalata</i>	Crowea
<i>Crowea saligna</i>	Crowea
<i>Davallia pyxidata</i>	Hare's Foot Fern
<i>Dodonaea lobulata</i>	Lobed-leaved Hop Bush
<i>Eriostemon</i> spp. Native to NSW (unless listed under the <i>Threatened Species Conservation Act 1995</i>)	
<i>Gahnia sieberiana</i>	Red-fruited Saw Sedge
<i>Isopogon</i> spp. native to NSW	Drumsticks, Cone Bushes
<i>Kunzea ambigua</i>	Tick Bush
<i>Kunzea capitata</i>	Pink Kunzea
<i>Leptospermum lanigerum</i>	Woolly Tea-tree
<i>Leptospermum rotundifolium</i>	Round-leaf Tea-tree
<i>Livistona australis</i> (foliage only)	Cabbage Tree Palm, Fan Palm
<i>Lomatia silaifolia</i>	Crinkle Bush
<i>Persoonia</i> spp. native to NSW (except <i>P. pinifolia</i> and all species listed under the <i>Threatened Species Conservation Act 1995</i>)	Geebungs
<i>Petrophile</i> spp. native to NSW	Conesticks
<i>Phebalium squamulosum</i>	Scaly Phebalium
<i>Philothea</i> spp. native to NSW (except <i>P. obovalis</i> and all species listed under the <i>TSC Act 1995</i>)	Philothecas
<i>Ptilotus exaltatus</i>	Tall Mulla Mulla
<i>Ptilotus obovatus</i>	Smoke Bush, Cotton Bush
<i>Pycnosorus</i> spp., native to NSW	Billy-buttons
<i>Restio tetraphyllus</i>	Tassel-rush
<i>Sprengelia incarnata</i>	Pink Swamp Heath
<i>Sticherus flabellatus</i>	Shiny Fan-fern, Umbrella Fern
<i>Swainsona formosa</i>	Sturt's Desert Pea
<i>Tmesipteris</i> spp.	Ferns
<i>Xanthorrhoea</i> spp.—foliage only	Grass Trees
<i>Xylomelum</i> spp., native to NSW	Woody Pear
Zamiaceae, native to NSW	Cycads

Scientific Name	Common Name(s)
Group 3	
<i>Actinotus</i> spp., native to NSW (except <i>A.minor</i>)	Flannel Flower
<i>Boronia</i> spp., native to NSW	Boronias
<i>Doryanthes excelsa</i> (foliage only)	Giant Lilies
<i>Eriostemon australasius</i>	Wax Flower
<i>Lycopodium</i> spp., native to NSW	Mountain Moss
<i>Persoonia pinifolia</i>	Pine-leaved Geebung
<i>Philotheca obovalis</i>	Wax Flower
Group 4	
<i>Blandfordias</i> spp.	Christmas Bells
<i>Doryanthes excelsa</i> (flowers only)	Giant Lily
<i>Xanthorrhoea</i> spp. (flowers only)	Grass Tree
Group 5	
<i>Boronia deanei</i>	Dean's Boronia
<i>Boronia umbellate</i>	Boronia
<i>Craspedia</i> spp., native to NSW	Billy Buttons
<i>Dicranopteris linearis</i>	
<i>Doryanthes palmeri</i>	Spear Lily
<i>Grevillea longifolia</i>	Fern-leaf Grevillea
<i>Isopogon fletcheri</i>	
<i>Leptospermum spectabile</i>	
<i>Macrozamia johnsonii</i>	Cycad
<i>Macrozamia pauli-guilielmi</i> spp. <i>Flexuosa</i>	Cycad
<i>Persoonia</i> spp.	Geebung
<i>Phebalium bifidum</i>	
<i>Phebalium glandulosum</i> spp. <i>Eglandulosum</i>	
<i>Philotheca ericifolia</i>	
<i>Philotheca obovatifolia</i>	Native Daphne, Long-leaf Wax Flower
<i>Telopea</i> spp., native to NSW	Waratah
All other species of plant listed in Schedule 1, 1A or 2 to the Threatened Species Conservation Act 1995, unless otherwise listed in this Schedule	

Table 1 Part 1 – Plant Parts Used in the Cut-Flower Industry

All other species of plant included in the list of threatened species, as amended from time to time, established under section 178 of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth and published in the Commonwealth of Australia Gazette.

Scientific Name	Common Name(s)
Group 1	
<i>Ceratopetalum gummiferum</i>	Christmas Bush
<i>Isopogon</i> spp.	Drumsticks
<i>Swainsona formosa</i>	Sturt's Desert Pea
Group 2	
<i>Telopea aspera</i>	Gibraltar Range Waratah
<i>Telopea mungaensis</i>	Monga Waratah, Braidwood Waratah
<i>Telopea oreades</i>	Gippsland Waratah
<i>Telopea speciosissima</i>	Waratah
<i>Wollemia nobilis</i>	Wollemi Pine
Group 3	
<i>Arecaceae</i> , native to NSW	Palms
<i>Asplenium australasicum</i>	Bird's-nest Fern
<i>Asplenium falcatum</i>	Fern
Group 3 (cont'd)	
<i>Cyanthea</i> spp.	Tree Ferns
<i>Dicksonia</i> spp.	Tree Ferns
Orchidaceae, native to NSW	Orchids
<i>Platynerium</i> , native to NSW	Elk Horn and Stag Horn
<i>Sphagnum</i> spp.	Sphagnum Mosses
<i>Todea barbara</i>	King Fern
<i>Xanthorrhoea</i> spp.	Grass Trees
<i>Zamiaceae</i> , native to NSW	Cycads
Group 4	
<i>Casuarina cunninghamiana</i>	River Oak
<i>Pandanus</i> spp. native to NSW	Pandanus

Table 2 Part 2 – Whole Plants

7.2.2 Threatened Plant Species, Populations and Ecological Communities

The following is a list of endangered and vulnerable plant species (Schedule 1 and 2 of the Threatened Species Conservation Act 1995) and endangered populations and ecological communities known to exist in Wyong Shire. Other listed species may occur in the Shire but have not been identified at this time. Reference should also be made to the schedules within the Act for the most recent listings by the Scientific Committee.

Vulnerable Species

Angophora inopina, a small tree to 8 metres tall, often multi-stemmed, found in open dry sclerophyll forest within the Wallarah catchment between Charmhaven and Wyee.

Astrotricha crassifolia, a shrub to 2.4m tall, broad stiff linear leaves covered by dense hairs. Upper surface is shiny and smooth or occasionally wrinkled, lower surface covered in brown hairs. Occurs in dry sclerophyll woodland on sandstone.

Baloskion longipes, a perennial grass-like herb. Flowering stems are up to 1.5m tall and circular in cross section. Commonly found in swamps or depressions in sandy alluvium, sometimes growing with sphagnum moss. Also occurs in swales within tall forest, and in Black Gum (*Eucalyptus aggregata*) Woodland.

Callistemon linearfolius, a shrub up to 2-4m tall with long and narrow lance shaped leaves. Flowers are clustered into the typical 'bottlebrush' Callistemons and are red in colour. Flowers in spring and grows in dry sclerophyll forest on the coast and adjacent ranges.

Cryptostylis hunteriana, an orchid in Precinct 4 and the Lake Haven area, at the southern limit of its population. Only identifiable during flowering (December to early February).

Darwinia glaucophylla, a prostrate spreading shrub. Leaves are blue-grey with a white bloom and often tinged with red-purple. Flowers are yellow-green when new, turning red in upper parts as flower matures. Occurs in sandy heath, scrub and woodlands. Often associated with sandstone rock platforms or near hanging swamps and friable sandstone shallow soils.

Diuris praecox, is an orchid that occurs on Munmorah Conglomerates.

Epacris purpurascens* var. *purpurascens, an erect shrub, 50 - 180 cm high. Leaves are spreading and recurved above, ovate to heart-shaped, 7 - 21 mm long, 4.4 - 9 mm wide, with sharply pointed tips. Flowers are showy, 7 - 10 mm diam., covering much of the branchlets, white or sometimes pinkish. Fruit approximately 2 mm long. Found within grassy woodlands with strong shale soil influence.

Eucalyptus camfieldii, a mallee (multi-trunked, generally less than 5 metres high) growing in coastal sandy soil, populations recently identified at Norah Head, Charmhaven and Bateau Bay. Also includes *Eucalyptus camfieldii* x *Eucalyptus capitellata*.

Grevillia parviflora* subsp. *parviflora, a low spreading to erect shrub to 1.5m high. Leaves are narrow and flowers are white or pinkish. Occurs in light clayey soils in woodlands.

Maundia triglochinoides, a perennial herb. Flowers in warmer months. Occurs in swamps or shallow freshwater on heavy clay. Is at its southern limit near Wyong

Melaleuca biconvexa, a shrub or small tree growing in moist swamp forests communities on Quaternary Alluvium soils along creek lines.

Rutidosis heterogama, small perennial herb within the daisy family with a woody base. Grows in heath on sandy soils and moist areas in open forest.

Syzygium paniculatum, a Lilly Pilly found in littoral and gallery rainforest on Quaternary Sands such as, North Entrance Peninsula, Canton Beach, the old pump station site at North Entrance, Munmorah State Recreation Area, Norah Head and the Ourimbah Creek Valley.

Tetratheca glandulosa, a purple flowering low shrub in heath or scrub on sandy or rocky soils (Kulnura area).

Tetratheca juncea, a low shrub, almost exclusively confined to the Munmorah Conglomerate sequence mainly on ridgetops in small, isolated and patchy populations in the north-east of the Shire.

Endangered Species

Acacia bynoeana, a low shrub found in heath and woodlands on sandy soils in the Kulnura plateau area and in some *Eucalyptus haemastoma* woodlands.

Caladenia tessellata, a ground orchid from dry forest and heath in coastal areas extending from Porters Creek to Munmorah State Recreation Area. Often only evident after fire in dense shrubbery. Only identifiable when flowering from late August to early November.

Caladenia porphyrea, a terrestrial herb orchid, growing singly or in small groups. Highly restricted geographic distribution. It has been recorded from 2 localities in the Wyong local government area approx. 2 km apart. At these locations it covers areas of 2 ha and 0.2ha respectively.

Chamaesyce psammogeton, a prostrate perennial herb found on foredunes and exposed headlands.

Corunastylis insignis, a terrestrial orchid with a single cylindrical leaf which encloses the flowering system. Flowers are dark purple. Located between Chain Valley Bay and Wyong. Grows in patches of Kangaroo grass amongst shrubs and hedges in heathland and forests. Associated with dry sclerophyll forests (**previously *Genoplesium insignis***).

Cynanchum elegans, a climber or twiner which can grow to 10m long with a stem thickness of 3.5cm with white flowers. Occurs on the edge of dry rainforest vegetation. Can also be associated with other vegetation types including littoral rainforest; Coastal Tea-tree *Leptospermum laevigatum* – Coastal Banksia *Banksia integrifolia* subsp. *integrifolia* coastal scrub; Forest Red Gum *Eucalyptus tereticornis* aligned open forest and woodland; Spotted Gum *Eucalyptus maculata* aligned open forest and woodland; and Bracelet Honey Myrtle *Melaleuca armillaris* scrub to open scrub.

Diuris bracteata, an orchid with two linear leaves. Flowers are yellow with blackish markings. Located in dry sclerophyll woodlands with total number of individuals estimated at 50.

Eucalyptus pumila, is a small tree that grows in clumps and is found near Mangrove Mountain.

Genoplesium insignis, A terrestrial orchid with a solitary cylindrical leaf that encloses the flowering stem. Flowers are dark purple and approximately 5 mm in diameter. Recorded from four localities between Chain Valley Bay and Wyong in Wyong local government area. Grows in patches of *Themeda australis* (Kangaroo Grass) amongst shrubs and sedges in heathland and forest. Flowering period is September to October.

Hibbertia procumbens, a prostrate spreading shrub with yellow flowers. Stems are smooth and mostly hairless, with leaves linear and having similar surfaces. Known populations occur within *Banksia ericifolia*–*Angophora hispida*–*Allocasuarina distyla* scrub/heath on skeletal sandy soils. May also be found associated with 'hanging swamp' vegetation communities on sandy deposits and in escarpment areas.

Prostanthera askania, a small shrub 2 metres high occurring in rainforests and gullies and only known to occur at Askania Park, Strickland State Forest, Niagara Park, Matcham Holgate and Berkeley Vale area.

Prostanthera junonis, a low spreading shrub 0.1m to 0.3m high. Only recorded in the Gosford/Wyong local government area. One population at Somersby and one at Kulnura, both growing on soils derived from Hawkesbury Sandstones.

Rulingia prostrata, a small prostrate shrub found in heath and dry sclerophyll forests mainly in gullies and along escarpments. Recorded in Ourimbah State Forest.

Senecio spathulatus, low growing smooth stemmed daisy often forming hummocks. Grows on primary dunes.

Critically Endangered Species

***Thelymitra* sp. 'Adorata'**, a hairless terrestrial herb, dying back annually to a tuberous rootstock. A single linear to linear-lanceolate leaf emerges from the ground in about May, dying off in late November. The flowering stem (usually emerging in September, with not all plants flowering in all years) is dark bluish-purple when seen from a distance. Individual flowers 15-27 mm across, pale to dark blue, opening in warm weather. Found in the area bounded by the towns of Wyong, Warnervale and Wyongah. Recorded populations occupy patches totalling less than 100 m². The geographical distribution is therefore very highly restricted.

Endangered Populations

***Eucalyptus oblonga* endangered population**, consists of trees to 15m high, narrow leaved Stringybark. Occurs in Bateau Bay on coastal sands of the Norah Head Soil Landscape. Population consists of about 20 trees, and can sometimes be confused with *Eucalyptus camfieldii* which occurs in the same area. The population is at the eastern limit of the species' range.

***Eucalyptus parramattensis* subsp *parramattensis* endangered population**, consists of approximately 1300 trees in the Wyong LGA and 10 in the Lake Macquarie LGA. The population is located at the north eastern limit of the range of the species.

Endangered Ecological Communities

Coastal Saltmarsh in the NSW North Coast, Sydney Basin and South East Corner Bioregions, occurs in the intertidal zone on the shores of estuaries and lagoons, permanently or intermittently open to the sea, often a zone on the landward side of mangrove stands. Characteristic plants include *Baumea juncea*, *Juncus kraussii*, *Sarcocornia quinqueflora*, *Sporobolus virginicus*, *Triglochin striata*, *Isolepis nodosa*, *Samolus repens*, *Selliera radicans*, *Suaeda australis* and *Zoysia macrantha*. Occasionally mangroves are scattered through the saltmarsh. Tall reeds may also occur, as well as salt pans.

Freshwater wetlands on coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions, occurs on silts, muds or humic loams in low-lying parts of floodplains, alluvial flats, depressions, drainage lines, backswamps, lagoons and lakes. May also occur in backbarrier landforms where floodplains adjoin coastal sandplains. Dominated by herbaceous plants and have very few woody species. The structure and composition of the community varies both spatially and temporally depending on water regime.

Littoral Rainforest in the NSW North Coast, Sydney Basin and South East Corner Bioregions, generally a closed forest, occurring on sand dunes and on soil derived from underlying rocks. The species of this community are predominantly rainforest species. Associated species including *Angophora costata*, *Banksia integrifolia*, *Eucalyptus botryoides* and *Eucalyptus tereticornis*.

Low woodland with heathland on indurated sand at Norah Head, very open cover of trees up to 3 metres high with a mid to dense cover of shrubs, grasses, and grass like plants (e.g. rushes and sedges) up to 1 metre high. Dominant trees include *Melaleuca quinquenervia* and *Melaleuca sieberi*. The endangered *Eucalyptus camfieldii* is also present. Shrubs include *Banksia oblongifolia*, *Hakea dactyloides*, and *Allocasuarina distyla* plus others.

River-Flat Eucalypt forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions, associated with silts, clay-loams and sandy loams, on periodically inundated alluvial flats, drainage lines and river terraces associated with coastal floodplains. Has a tall open tree layer of eucalypts, which may exceed 40 m in height, but can be shorter in regrowth stands or in lower quality sites. Composition of the tree stratum varies however, the most widespread and abundant dominant trees include *Eucalyptus tereticornis* (forest red gum), *E. amplifolia* (cabbage gum), *Angophora floribunda* (rough-barked apple) and *A. subvelutina* (broad-leaved apple).

Swamp oak floodplain forest of the NSW North Coast, Sydney Basin and South East Corner bioregions, associated with grey-black clay-loams and sandy loams, where the groundwater is saline or sub-saline, on waterlogged or periodically inundated flats, drainage lines, lake margins and estuarine fringes associated with coastal floodplains. Has a dense to sparse tree layer in which *Casuarina glauca* (swamp oak) is the dominant species. Other trees including *Acmena smithii* (lilly pilly), *Glochidion* spp. (cheese trees) and *Melaleuca* spp. (paperbarks) Understorey characterised by vines, *Parsonsia straminea*, *Geitonoplesium cymosum* and *Stephania japonica* var. *discolor*, a sparse cover of shrubs, and a continuous groundcover of forbs, sedges, grasses and leaf litter.

Swamp sclerophyll forest on coastal floodplains of the NSW North Coast, Sydney Basin, and South East Corner bioregions, associated with humic clay loams and sandy loams, on waterlogged or periodically inundated alluvial flats and drainage lines associated with coastal floodplains. Open to dense tree layer of eucalypts and paperbarks. Trees may exceed 25 m in height, but can be shorter in regrowth stands. Includes some areas of fernland and tall reedland or sedgeland, where trees are very sparse or absent. Widespread and abundant dominant trees include *Eucalyptus robusta* (swamp mahogany), *Melaleuca quinquenervia* (paperbark). Other trees may be scattered throughout at low abundance or may be locally common at few sites, including *Callistemon salignus* (sweet willow bottlebrush), *Casuarina glauca* (swamp oak) and *Eucalyptus resinifera* subsp. *hemilampra* (red mahogany), *Livistona australis* (cabbage palm) and *Lophostemon suaveolens* (swamp turpentine).

Sydney Freshwater Wetlands in the Sydney Basin Bioregion, restricted to freshwater swamps in coastal areas. Occurs on sand dunes and low-nutrient sandplains along coastal areas. Species include sedges and aquatic plants such as *Baumea* species, *Eleocharis sphacelata*, *Gahnia* species, *Ludwigia peploides* ssp. *montevidensis* and *Persicaria* species.

Lowland Rainforest in NSW North Coast and Sydney Basin Bioregion, is a community of subtropical rainforest and some related, structurally complex forms of dry rainforest. In its relatively undisturbed state, it has a closed canopy, characterised by a high diversity of trees and a wide variety of shapes and sizes. Typically, the trees form three major strata: emergents, canopy and sub-canopy which, combined with variations in crown shapes and sizes results in an irregular canopy appearance. Includes palms, vines and vascular epiphytes.

7.2.3 Keystone Species

Keystone species are functionally important links in the wildlife food chain. These species are typically widespread and common in Wyong but clearing and fragmentation have significantly reduced the occurrence of some species (eg. *Eucalyptus robusta* and *Eucalyptus tereticornis*). Whilst the list below is not exhaustive, the species listed are considered the most important for retention.

Scientific Name	Common Name	Potential Schedule 1 or 2 Fauna
<i>Acacia irrorata</i> and other 'gum' producing <i>Acacia species</i>	Wattle	Squirrel Glider
<i>Acacia longifolia</i>	Wattle	Squirrel Glider
<i>Allocasuarina torulosa</i>	Forest Oak	Glossy Black Cockatoo
<i>Angophora costata</i>	Sydney Red Gum	Squirrel Glider
<i>Banksia integrifolia</i>	Banksia	Squirrel Glider
<i>Banksia oblongifolia</i>	Banksia	Squirrel Glider
<i>Banksia serrata</i>	Banksia	Squirrel Glider
<i>Banksia spinulosa</i>	Banksia	Squirrel Glider
<i>Corymbia gummifera</i>	Red Bloodwood	Squirrel Glider
<i>C. maculata</i>	Spotted Gum	Squirrel Glider/Yellow-bellied Glider
<i>Eucalyptus acmenoides</i>	White Mahogany	Squirrel Glider
<i>E. amplifolia</i>	Cabbage Gum/Round leaved Gum	Yellow-bellied Glider
<i>E. botryoides</i>	Bangalay	Yellow-bellied Glider
<i>E. deanei</i>	Deanes Gum	Yellow-bellied Glider
<i>E. fibrosa</i>	Broad leaved Ironbark	Regent Honeyeater
<i>E. haemastoma</i>	Scribbly Gum	Masked Owl/Squirrel Glider
<i>E. longifolia</i>	Woollybutt	Various
<i>E. moluccana</i>	Grey Box	Koala
<i>E. paniculata</i>	Grey Ironbark	Regent Honeyeater
<i>E. pilularis</i>	Blackbutt	Koala/Greater Glider
<i>E. piperita</i>	Sydney Peppermint	Squirrel Glider
<i>E. propinqua</i>	Small Fruited Grey Gum	Yellow-bellied Glider/Koala
<i>E. punctata</i>	Grey Gum	Yellow-bellied Glider/Koala
<i>E. resinifera</i>	Red Mahogany	Yellow bellied Glider
<i>E. robusta</i>	Swamp Mahogany	Yellow-bellied and Squirrel Gliders/ Koala/Regent Honeyeater
<i>E. saligna</i>	Sydney Bluegum	Yellow-bellied Glider
<i>E. siderophloia</i>	Northern Grey Ironbark	Regent Honeyeater
<i>E. tereticornis</i>	Forest Red Gum	Yellow-bellied Glider/Koala
<i>E. umbra</i>	Broad leaved White Mahogany	Squirrel Glider
<i>Melaleuca quinquenervia</i> and other local <i>Melaleuca species</i>		Ringtail Possum
Rainforest communities in gullies and littoral rainforest patches at North Entrance		Frugivorous Pigeons/Doves (Fruit Eating)
<i>Xanthorrhoea spp</i>	Grass Tree	Squirrel Glider

Table 3 Keystone Species

7.2.4 Species of Local Conservation Significance

As listed by Benson, D., of the Royal Botanic Gardens, Sydney.

Scientific Name	Common Name	
<i>Acronychia wilcoxiana</i>	Silver Aspen	Climber
<i>Alpinia coerulea</i>	Native Ginger	Herb
<i>Arthropteris beckleri</i>	Fishbone Fern	Fern
<i>Asplenium aethiopicum</i>	A Birds Nest Fern	Fern
<i>Banksia paludosa</i>	Swamp Banksia	Shrub
<i>Blandfordia grandiflora</i>	Christmas Bells	Herb
<i>Caldcluvia paniculosa</i>	Rose-marara	Tree
<i>Callistemon shiressii</i>	White Bottlebrush	Shrub
<i>Cryptocarya obovata</i>	Laurelk	Tree
<i>Cryptocarya rigida</i>	Rose Maple	Tree
<i>Decaspermum paniculatum</i>	Myrtle	Tree
<i>Dysoxylon fraserianum</i>	Rosewood	Tree
<i>Elaeocarpus obovatus</i>	Hard Quandong	Tree
<i>Embelia australiana</i>		Climber
<i>Endiandra discolor</i>		Tree
<i>Eucalyptus resinifera</i>	Red Mahogany	Tree
<i>Eucalyptus robusta</i>	Swamp Mahogany	Tree
<i>Ficus fraseri</i>	Sandpaper Fig	Tree
<i>Grevillea shiressii</i>		Shrub
<i>Hakea bakerana</i>	Hakea	Shrub
<i>Lepidosperma quadrangulatum</i>		Reed
<i>Macarthuria neocambria</i>		Herb
<i>Maundia triglochinosides</i>		Aquatic macrophyte
<i>Melaleuca biconvexa</i>	Biconvex Paperbark	Tree
<i>Neolitsia australiensis</i>	Green Bolly Gum	Tree
<i>Olearia nernstii</i>	Daisy Bush	Shrub
<i>Parsonia velutina</i>		Climber
<i>Prostanthera askania</i>	Tranquility Mintbush	Shrub
<i>Rhodomyrtus psidioides</i>		Tree
<i>Ripogonum fawcettianum</i>		Climber
<i>Sesuvium portulacastrum</i>		Water plant around lake shore
<i>Tetrastigma nitens</i>		Climber
<i>Toona cilata (australis)</i>	Red Cedar	Tree
<i>Vittaria elongata</i>		Fern
<i>Xanthorrhoea resinosa spp. fulva</i>	Grass Tree	Shrub

Table 4 Species of Local Conservation Significance

7.2.5 Trees of Cultural Significance

Plantings and remnant native trees of these species are significant features of Wyong Shire's cultural landscape (see relevant notes over). Tree Protection Zones are to be calculated by an AQF(5) Arborist, in accordance with Section 3, Clause 2 of AS 4970 – 2009/Amendment 1 – 2010: Protection of Trees on Development Sites. Where the tree has more than one trunk, the trunk size is determined in accordance with Appendix A of AS 4970 – 2009/Amendment 1 – 2010: Protection of Trees on Development Sites.

Common Name (Scientific Name)	Locality	Minimum Trunk Size (diameter at 1.4 m) ²
Native Species		
Smooth Bark Apple Gum (<i>Angophora costata</i>)	Bateau Bay East	300 mm
Rough Bark Apple Gum (<i>Angophora floribunda</i>)	Bateau Bay East	300 mm
Spotted Gum (<i>Corymbia maculata</i>)	Bateau Bay East, Wyongah	300 mm
Tuckeroo (<i>Cupaniopsis anarcardiodes</i>)	Bateau Bay East, Canton Beach Foreshore	250 mm
Red Bloodwood (<i>Eucalyptus gummifera</i>)	Bateau Bay East	300 mm
Scribbly Gum (<i>Eucalyptus haemastoma</i>)	Bateau Bay East	300 mm
Ironbark (<i>Eucalyptus paniculata</i>)	Bateau Bay East, Wyongah	300 mm
Blackbutt (<i>Eucalyptus pilularis</i>)	Bateau Bay East, Wyongah	300 mm
Red Mahogany (<i>Eucalyptus resinifera</i>)	Bateau Bay East	300 mm
Swamp Mahogany (<i>Eucalyptus robusta</i>)	Bateau Bay East	300 mm
Forest Redgum (<i>Eucalyptus tereticornis</i>)	Bateau Bay East	300 mm
Broad-leaved Paperbark (<i>Melaleuca quinquenervia</i>)	Bateau Bay East	300 mm
Broad-Leaved Mahogany (<i>Eucalyptus umbra</i>)	Wyongah	
Northern Grey Ironbark (<i>Eucalyptus siderophloia</i>)	Wyongah	
Swamp Oak (<i>Casuarina glauca</i>)	Willow Creek, Budgewoi East	
Tuckeroo (<i>Cupaniopsis anarcardiodes</i>)	Willow Creek	
Bangalay (<i>Eucalyptus botryoides</i>)	Willow Creek	
Tallowood (<i>Eucalyptus microcorys</i>)	Willow Creek	
Swamp mahogany (<i>Eucalyptus robusta</i>)	Willow Creek, Budgewoi East	
Sydney Blue Gum (<i>Eucalyptus saligna</i>)	Willow Creek	
Port Jackson Fig (<i>Ficus rubiginosa</i>)	Willow Creek	
Cheese Tree (<i>Glochidion ferdinandi</i>)	Willow Creek	
Cabbage-Tree Palm (<i>Livistona australis</i>)	Willow Creek	
Broad-leaved Paperbark (<i>Melaleuca quinquenervia</i>)	Willow Creek, Budgewoi East	
Magenta Cherry (<i>Syzygium paniculatum</i>)	Willow Creek	
Bunya Pine (<i>Araucaria bidwillii</i>)	Whole of Shire	500 mm
Hoop Pine (<i>Araucaria cunninghamii</i>)	Whole of Shire	500 mm
Native Species (cont'd)		
Norfolk Island Pine (<i>Araucaria heterophylla</i>)	To 1km inland	300 mm
Exotic Species		

Common Name (Scientific Name)	Locality	Minimum Trunk Size (diameter at 1.4 m) ²
Canary Date Palm (<i>Phoenix canariensis</i>)	Wyong & The Entrance Townships	250 mm
Date Palm (<i>Phoenix sylvestris</i>)	Wyong Township	150 mm
Significant vegetation on 100 Shirley Street including Camphor Laurel (<i>Cinnamomum camphor</i>) and other species	100 Shirley Street, Ourimbah (refer LEP Amendment No 144)	

Table 5 Trees of Cultural Significance

Notes:

- 1 **Bateau Bay East** is the area of Bateau Bay East bounded by The Entrance Road, Yakalla Street and Wyrabalong National Park as identified by Figure 3.
- 2 **Willow Creek** is the area between Norfolk Street, Anzac Road, Willow Street and The Entrance Road at Long Jetty as identified by Figure 4. All plantings and remnant native trees of these species in this zone are to be preserved. Preparation of a report by a consulting arborist shall be submitted with an application for any development within the Willow Creek area, to ensure the proposed development is consistent with council's tree preservation objectives.
- 3 **Wyongah** is the area bounded by Wahroonga Road, Springall Avenue, Craigie Avenue, Stelling Street, Stanley Street, Kaye Avenue, Minnamurra Road, and the foreshore of Tuggerah Lake adjacent to Tuggerawong Road at Wyongah as identified by Figure 5. All plantings and remnant native trees of these species in this zone are to be preserved. Preparation of a report by a consulting arborist shall be submitted with an application for any development within the Wyongah area, to ensure the proposed development is consistent with council's tree preservation objectives.
- 4 **Budgewoi East** is the area of Crown Land on the Lake Munmorah foreshore containing the Budgewoi Tourist Park and including the two parcels of land located north of Weemala and Ourringo Streets and extending east along Mimosa Road to the northern cadastral boundary, behind the row of houses fronting Mimosa Road. It is bounded in the west by Budgewoi Creek and in the north by the Lake Munmorah foreshore as identified in Figure 6. All plantings and remnant native trees of these species in this zone are to be preserved. Preparation of a report by a consulting arborist shall be submitted with an application for any development within the Budgewoi East area, to ensure the proposed development is consistent with council's tree preservation objectives.

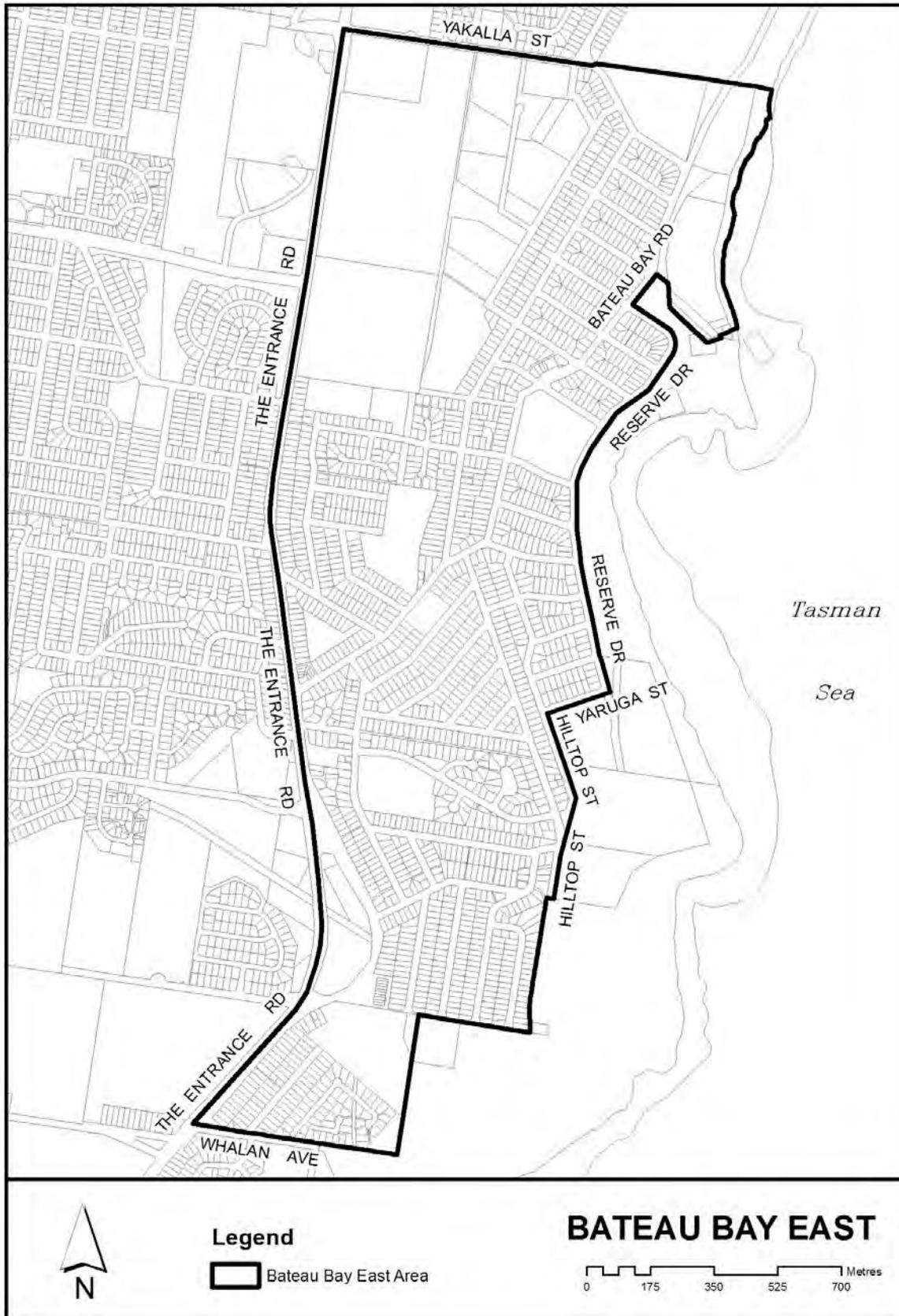


Figure 3 Bateau Bay East area

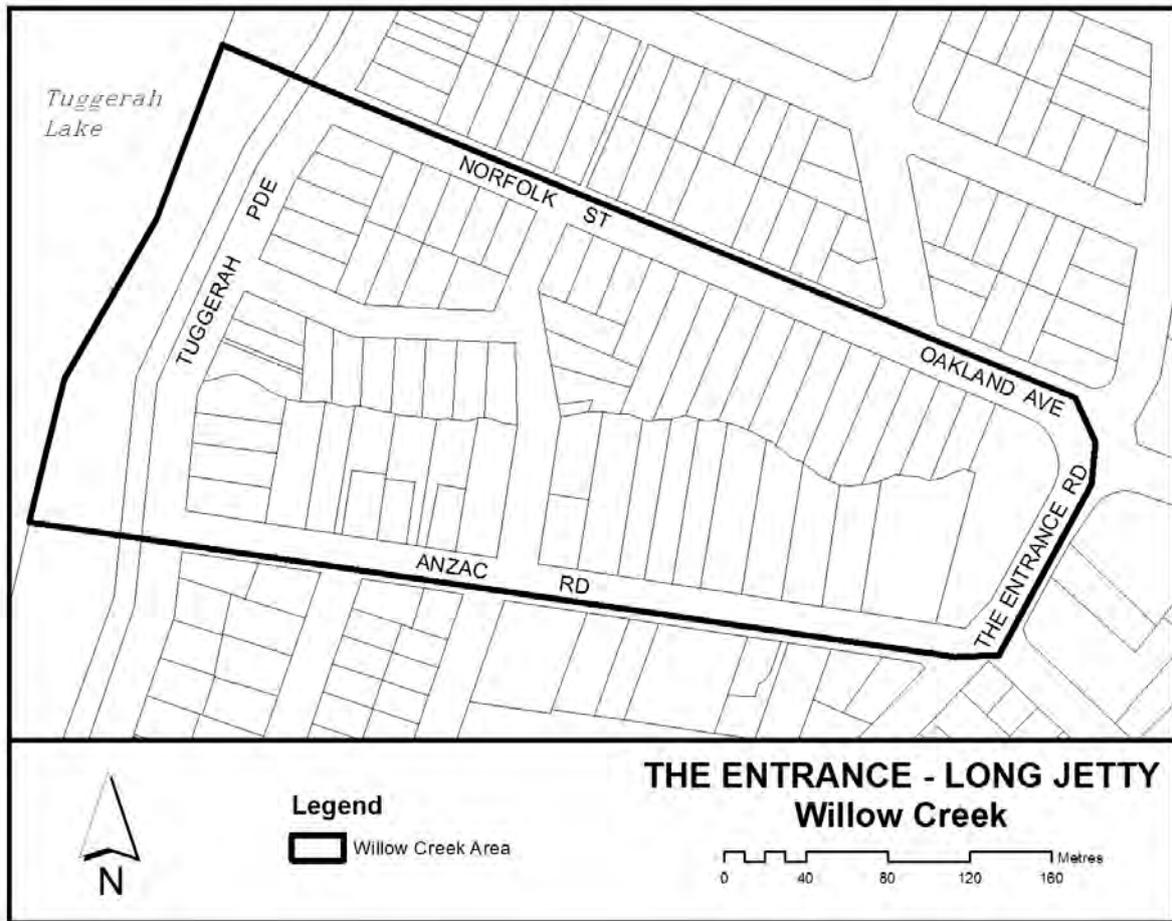


Figure 4 Willow Creek area



Figure 5 Wyongah area

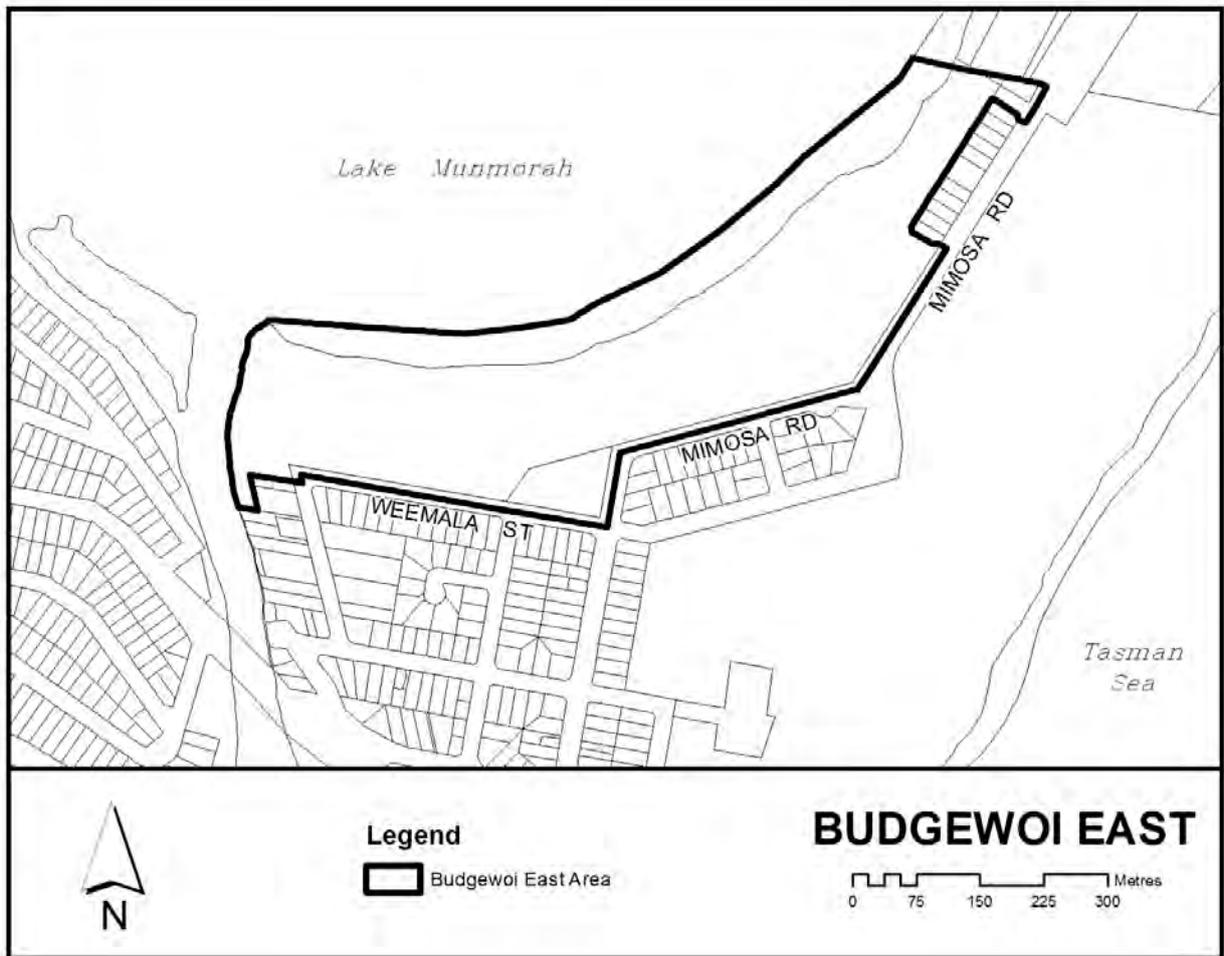


Figure 6 Budgewoi East area

APPENDIX A OTHER LEGISLATION APPLYING TO TREE REMOVALS, VEGETATION MANAGEMENT AND CLEARING

Applications for tree clearing and removals will also need to comply with the provisions of other legislation, including but not limited to the following:

- **National Parks and Wildlife Act 1974** (Schedules 12 and 13) - fauna habitat, protected plants
- **Threatened Species Conservation Act 1995** - ecological communities, critical habitat, endangered and vulnerable species, key threatening processes, recovery plans
- **Native Vegetation Act 2003** - clearing native vegetation, regional vegetation management plans, property agreements
- **Fisheries Management Act 1994** - prohibits cutting of mangroves
- **Water Management Act 2000** - A controlled activity approval under the WMA is required for certain types of developments and activities that are carried out in or near a river, lake or estuary (e.g., for the removal of material or vegetation)
- **Rural Fires Act 1997** - authorised removal of fire hazards
- **New South Wales Heritage Act 1977** (Sections 129A and 139) - sites under conservation orders, relics
- **Noxious Weeds Act 1993** - clearing of noxious weeds
- **State Environmental Planning Policy No 14 - Wetlands**
- **State Environmental Planning Policy No 26 - Littoral Rainforests**
- **State Environmental Planning Policy No 44 - Koala Habitat**
- **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

CHAPTER 3.6 TREE AND VEGETATION MANAGEMENT

1.0 INTRODUCTION

1.1 Objectives of this Chapter

- To set out Council's requirements with respect to the management and preservation of trees and other vegetation, for the purposes of clause 5.9 of the Wyong Local Environmental Plan, 2013 (WLEP 2013)
- To provide a streamlined process for practical tree management within urban areas
- To outline requirements for the management of native vegetation on rural and non-urban lands

1.2 Land to which this Chapter Applies

This Chapter applies to all land within the Shire of Wyong except land zoned RU3 Forestry and E1 National Parks and Nature Reserves.

1.3 Relationship to other Plans and Policies

1.3.1 Wyong Local Environmental Plan 2013

- a Section 74C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the EP&A Regulations 2000 require DCP 2013 to be consistent with WLEP 2013, as amended. In the event of any inconsistency between this Chapter and the WLEP, the provisions of the LEP shall prevail.
- b Development consent is required for the removal of prescribed trees and vegetation.
- c For the purposes of clause 5.9 of the WLEP 2013, the **prescribed species** are identified in Section 5 of this Chapter and listed within Appendix B.

1.3.2 Other Related Acts and State Environmental Planning Policies (SEPPs)

Several other Acts and State Environmental Planning Policies (SEPPs) relate to tree removal and vegetation management. Most contain exemptions or alternative approval processes, for example, **in relation to structures containing approved habitable rooms, the Rural Fires Act, 1997, incorporated the "10/50 Vegetation Clearing Code of Practice for NSW" on 1 August, 2014**. This Code of Practice permits vegetation clearing work within identified "vegetation clearing entitlement areas". Reference should be made to the NSW Rural Fire Service website www.rfs.nsw.gov.au to determine whether these exemptions apply (see Figure 1).

In the event of there being a prior approval issued by a determining authority under any other Act or SEPP, further development consent for the same works under WLEP 2013 or this DCP Chapter will not be required.

A list of related legislation is provided in Appendix A to this Chapter. Where appropriate, exemptions from the need for consent as a result of the provisions of other legislation have also been identified within the text of this Chapter. If a proponent is intending to claim exemption, the provisions of the particular legislation or approval should be checked prior to work commencing.

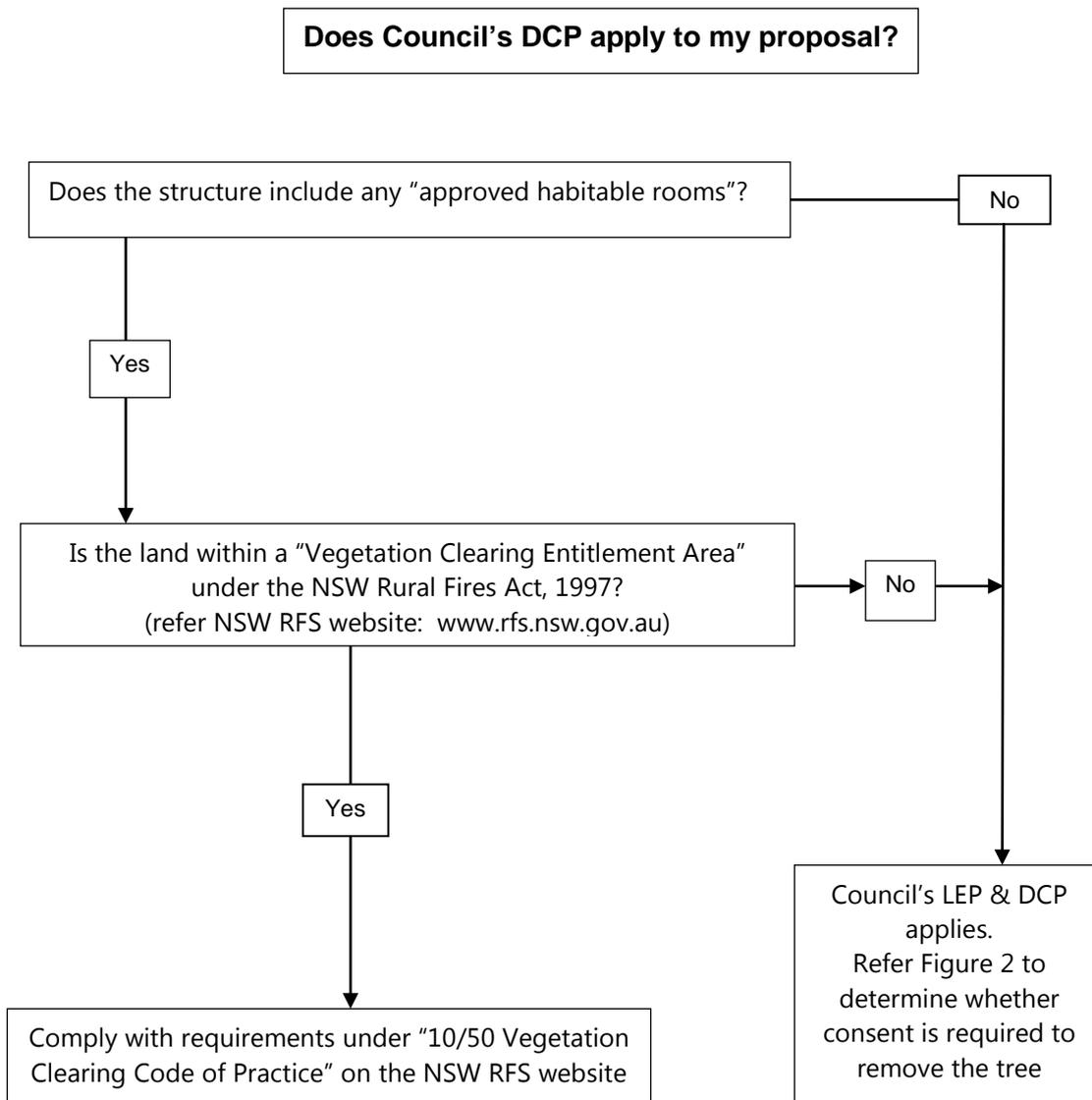


Figure 1: Does Council's LEP/DCP apply to my proposal to remove a tree?

1.3.3 Relationship to Council Policies and Strategies

The provisions of this Chapter have also been adopted as a Council Policy and therefore apply to works undertaken under Part V of the EP&A Act. The provisions shall be used in conjunction with Council's policies and strategies which provide a planning framework specifically directed at managing trees and native vegetation.

1.4 Glossary

• *Note: Generally, the terms used in this Chapter have the same meaning as those terms are defined within the WLEP 2013. Where a term is defined within the WLEP 2013, it is not repeated here. The following additional terms are relevant to this Chapter:*

approved structure includes commercial or industrial buildings, or a dwelling (including buildings containing residential accommodation as defined under Section 100P of the *Rural Fires Act 1997*), a garage or swimming pool and means a structure which has been approved by Council or a Private Certifier under the EP&A Act, but does not include:

- exempt development under “the Codes SEPP” - a structure included in Part 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – the General Exempt Development Code; or
- a temporary building within the meaning of the Environmental Planning and Assessment Regulation.

arboriculture means cultivating and managing trees as individuals and in small groups for amenity purposes.

clearing native vegetation means any one or more of the following:

- cutting down, felling, thinning, logging or removing native vegetation;
- killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation;
- severing, topping or lopping branches, limbs, stems or trunks of native vegetation;
- substantially damaging or injuring native vegetation in any other way.

consulting arborist means an Australian Qualification Framework Level 5 arborist (AQF5).

dangerous tree means a tree that Council or a technical expert is satisfied is a risk to human life or property.

dead tree means a tree with no living vascular tissue.

destroy means any activity leading to the death, disfigurement or mutilation of a tree.

dwelling means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

exempt vegetation management works means those works not requiring the consent of Council (as defined in Section 2.3 of this Chapter).

garage means a class 10(a) building as defined by the Building Code of Australia.

hazardous means a risk to human safety and wellbeing or property created by a tree’s interaction with its surroundings.

immediate risk means a risk where the danger is present, likely and not distant in time of occurrence which is usually the result of extreme wind and storm events.

keystone species are species identified by Wyong Council as having a critical relationship in providing food or habitat for native fauna, and are listed in Appendix B Schedule 3.

local conservation significance are species identified by the Royal Botanic Gardens, Sydney, as being endangered or having only a small distribution, they may also be Aboriginal food plants and therefore of local cultural significance. These are listed in Appendix B Schedule 4.

lopping means cutting between branch unions or at internodes on young trees, (but does not refer to lopping solely for the purpose of feeding stock in an officially drought declared area).

native tree means a tree which is native to the State of New South Wales.

native vegetation means any of the following types of indigenous vegetation as determined by the Native Vegetation Act and includes:

- trees;
- understorey plants;
- groundcover;
- plants occurring in a wetland.

non-native tree means an exotic tree, not native to the State of New South Wales.

non-urban zone means any of the following zones identified by WLEP 2013, as applied to land within zone RU1 Primary Production, RU2 Rural Landscape, RE1 Public Recreation, RE2 Private Recreation, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, R5 Large Lot Residential, and may include W1 Natural Waterways, SP1 Special Activities, or SP2 Infrastructure, dependant on the location .

prescribed species means species as identified in Section 5 of this Chapter and listed within Appendix B, which are prescribed for the purposes of clause 5.9 of the WLEP 2013. For the purposes of Complying Development under "the Codes SEPP", Section 5 and Appendix B also comprise Council's *Register of Significant Trees*.

private land means any land not owned by Council or the Crown.

Property Vegetation Plan (PVP) means a negotiated and agreed plan to clarify what can be done with native vegetation on a landholder's property, approved under Part 4 of the Native Vegetation Act, 2003. It gives certainty and long term security so that native vegetation can be better managed for both financial and environmental outcomes.

prune or pruning means activities as specified in Australian Standard AS 4373-2007, "Pruning of Amenity Trees", including Crown maintenance and/or modifications.

public land means any land owned by Council or the Crown.

residential zone means any of the following zones identified by WLEP 2013, as applied to land within zone R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, and RU5 Village.

sealed driveways and pathways means an access-way to an approved structure by means of a permanent, constructed, hard surface usually consisting of concrete or paving.

technical expert means any suitably qualified person in the fields including and related to arboriculture, forestry, botany, horticulture, ecology or environment, with a minimum Australian Qualification Framework Level 3 (AQF3).

topping means cutting away part or all of the tree canopy leaving a trunk and stubbed main branches.

tree means a perennial plant with at least one self-supporting woody or fibrous stem, being of any species whether indigenous, exotic or introduced which:

- is 3 metres or more in height; or
- has a trunk diameter of 75 mm or more measured at 1.4 metres above ground level; or

- has a trunk diameter of 75 mm or more measured at ground level where the tree is removed such that the trunk diameter at 1.4 m above ground level can no longer reasonably be measured; or
- is a cycad or mangrove that is indigenous to or is recorded by Council as having special significance in the area of Wyong, irrespective of its dimensions.

tree injury means damage to a tree and includes:

- lopping and topping;
- poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone;
- cutting and tearing of branches and roots that is not carried out in accordance with accepted arboriculture practices, does not qualify as "pruning" or is done for invalid reasons;
- ringbarking, scarring the bark when operating machinery, fixing objects (e.g. signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches;
- damaging a trees root zone by compaction or excavation, asphyxiation (including unauthorised filling or stockpiling of materials);
- under-scrubbing, unless carried out by hand tools, such as brush cutters and the like.

tree removal means to cut down, take away or transplant a tree from its place of origin.

trunk means the main stem of the tree, as distinguished from the branches and roots.

urban zones means any of the following zones identified by WLEP 2013, as applied to land within zone R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, RU5 Village, SP3 Tourist, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial, IN2 Light Industrial, and may include W1 Natural Waterways, SP1 Special Activities, or SP2 Infrastructure, dependant on the location.

Vegetation Management Plan (VMP) means a structured program adopted by the Council for the protection, maintenance, restoration and replacement of trees and native vegetation.

2.0 TREE PRUNING OR TREE REMOVAL – URBAN ZONES

2.1 Application of this Section

This Section specifies when **approval will or will not be required** for tree injuries or tree removals on land within **urban zones** and the matters considered by Council when assessing an application.

2.2 When is Consent Required for Tree Injury or Tree Removal?

Development consent is required for native tree pruning or removal **where:**

- i. the land is vacant land; or
- ii. the tree(s) is identified as a Prescribed Species under Section 5 and Appendix B of this Chapter with the exception of the **Exempt Vegetation Management Works** listed under Section 2.3.

Development Consent is obtained through the lodgement of a Development Application with Council (refer Section 2.5).

2.3 Exempt Vegetation Management Works

The following tree works are defined as Exempt Vegetation Management Works (*see exception in Note 1*) and do not require consent from Council:

- a **pruning** as defined by this Chapter;
- b the **removal or harvesting** of trees grown commercially or domestically for their edible fruit;
- c the removal of **declared noxious plants**;
- d the removal of **trees not native** to the State of New South Wales;
- e the removal of **trees under 3m in height, less than 75mm diameter**, unless more than 1000m² of land is being cleared
- f the removal of trees to **carry out a development in accordance with a consent**;
- g the immediate removal of trees or native vegetation where this is **essential for emergency access or emergency works** by Council or a public authority;
- h the removal of a tree(s) which is a **bushfire hazard** where:
 - i it is approved clearing under the *Rural Fires Act 1997* and/or in accordance with the *10/50 Vegetation Clearing Code of Practice*;
- i the removal of any tree where there is an **immediate risk** to human life or property;
- j the removal of vegetation within 0.5 metres of the boundary between properties for the purpose of **enabling survey** to be carried out along that boundary by a registered surveyor, provided that the surveyed land exceeds one hectare in area and no alternative survey method is feasible;

- k the removal or pruning of tree species **not prescribed under Appendix B Schedule 1 and 2**, if they meet at least one of the following characteristics:
- a dead, dying, dangerous or hazardous trees determined by a **technical expert** (see Note 6)
 - b trees within:
 - i. 10m of an approved structure; or
 - ii. 1m of a sealed access way into an approved structure.

Notes:

1. *With the exception of any tree(s) nominated for **retention by a condition of development consent**.*
2. *If appropriate, the branch removal option should be adopted in preference to complete tree removal.*
3. *These distances are measured from the exterior surface of any trunk of the tree, measured at 1.4 metres above ground level, to the outer surface of the nearest footing (or the waters edge for pools), of the approved structure. Trees on an adjoining property may only be removed with the consent of the owner of that adjoining land.*
4. *Due to severe penalties for the illegal removal of trees, it is recommended that a technical expert or Council arborist is engaged **to identify the species of tree** to avoid prosecution. See section 6.0.*
5. *It is the owner's responsibility **to identify if the tree contains habitat** (such as hollows) for threatened species. An inspection by an ecologist may be required if the tree is considered likely to be habitat for Threatened Species, listed under Schedules 1 & 2 of the Threatened Species Conservation Act (1995). **In these circumstances development consent is required to remove these trees**, as special measures may be required to reduce the potential for injury or death of animals likely to inhabit the tree. Such measures may include:
 - a. *inspection of hollows and other potential sites on the tree;*
 - b. *sectional dismantling; and*
 - c. *supervision of works by an arborist and/or a licensed wildlife carer or handler.**
6. *To determine dead, dying, dangerous or hazardous, sufficient evidence is required to be collected by the proponent to substantiate the claim. See Section 2.4.*
7. *In order to protect the amenity of the Shire and the locality, Council strongly encourages the planting of a replacement native tree, elsewhere on site.*

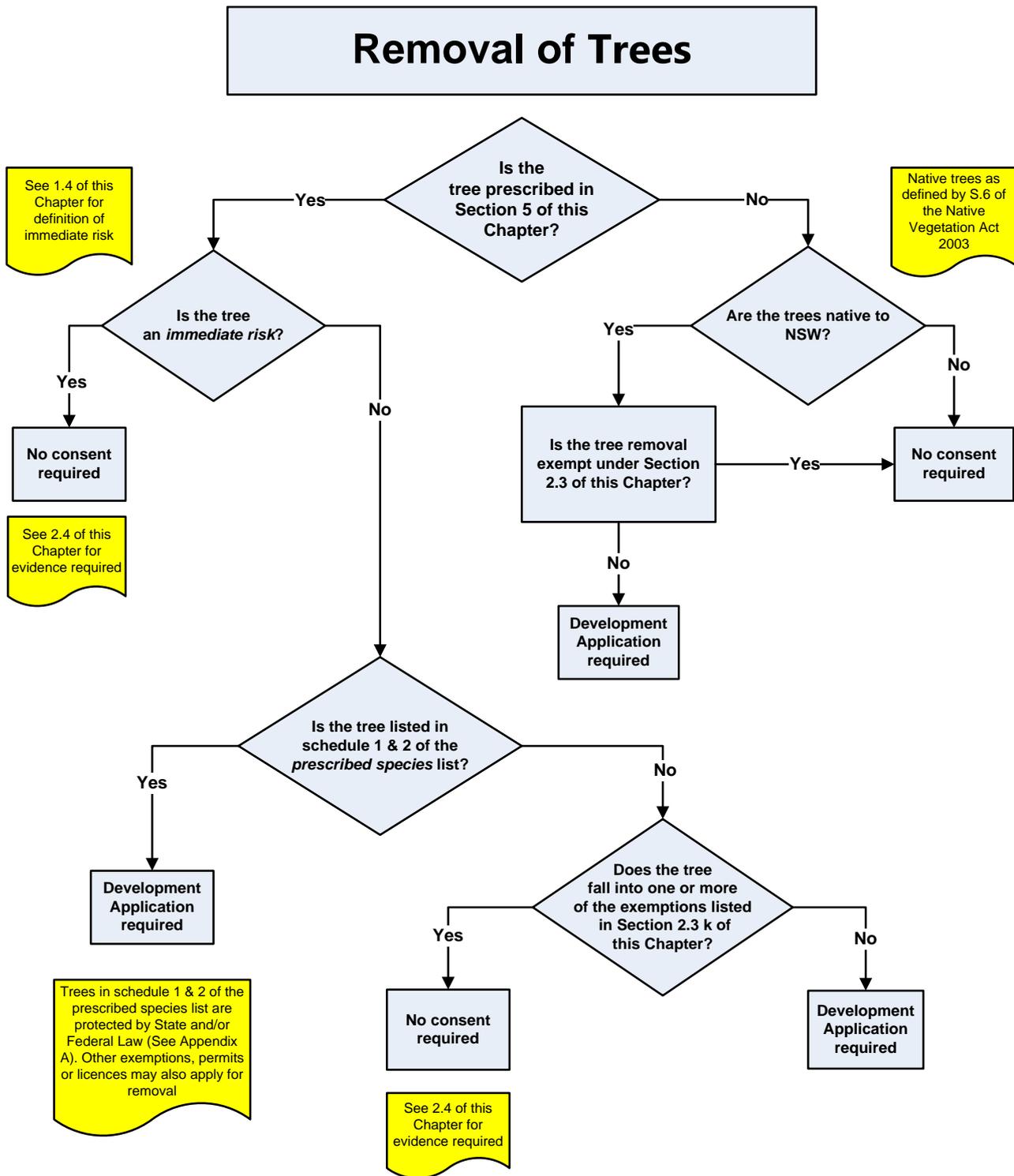


Figure 2 Do I need consent to remove my tree?

2.4 Provide Evidence for Dead, Dying, Dangerous and Hazardous Trees

Technical expert advice **must always be obtained** with respect to dead, dying, dangerous and hazardous trees to confirm their species and condition. Otherwise, their cutting or removal might be in breach of the EP&A Act or other relevant legislation (Appendix A).

Where a tree is removed under this clause it is required that **evidence of the tree's condition should be retained** for a period of at least six (6) months after the event and produced at Council's request if needed. Such evidence should include:

- i photographs of the tree; and
- ii a written statement from a **technical expert**; or
- iii a written statement from the State Emergency Service, if the Service carried out the emergency tree works at the owner's request.

2.5 Tree Removal Considerations

Council does not generally support removal of trees listed by Council's Prescribed Species Schedule in Section 5 and Appendix B of this Chapter except where exemptions apply (Section 2.3).

In assessing whether or not to approve removal or injury of a tree, Council's Arborist will utilise Visual Tree Assessment methodology in accordance with industry best practice.

Provided that no significant hazard or other safety issues also apply, the following shall not generally be considered as valid reasons to remove a tree:

- i leaf drop (into gutters and downpipes - pools, lawns and the like);
- ii to increase natural light;
- iii to improve street lighting of private property;
- iv to enhance views;
- v to reduce shade created by a tree;
- vi to reduce fruit, resin or bird droppings on cars;
- vii to erect a fence;
- viii bushfire hazard control which has not been verified by a Public Authority;
- ix potential damage to sewer mains unless supported by written expert advice and only where reasonable alternatives are not feasible (e.g. relocation or encasement of main).

2.6 Arborist's Reports

Where Council requires a **Consulting Arborist** to prepare an arborist's report, the minimum qualification standard is the Australian Qualification Framework Level 5 (AQF5).

A report prepared by a Consulting Arborist must be submitted in conjunction with any application for:

- the removal of 10 or more trees native to NSW; or
- the reconsideration of a decision on an application by Council, lodged under Section 82A of the EP&A Act.

The following information is required to be included in the consulting arborist's report:

- name, address, telephone number, qualifications and experience of the arborist carrying out the inspection and reporting;
- address of the site containing trees;
- who the report was prepared for, and aims of the report;
- methods and/or techniques used in the inspection;
- a plan, to scale, accurately showing:
 - location of trees on the subject site and any adjoining trees which may be affected by the development. Trees identified on this plan should be numbered;
 - optimum and minimum tree protection zones as recommended by the Consulting arborist in accordance with AS4970-2009 Protection of Trees on Development Sites;
 - lot boundaries, dimensions and North point;
 - proposed development including services, driveways, and any alteration to existing levels and drainage;
 - trees on adjoining properties within 5 metres of the proposed development.
- a table showing, for each tree to be injured:
 - number of the tree as indicated in the plan;
 - species name;
 - age class;
 - height;
 - trunk diameter at 1.4 metres;
 - canopy spread;
 - health and condition, and estimated useful life expectancy.

- a discussion of other relevant information, including details of tree hollows for wildlife, tree structure/weaknesses, root form and distribution, pests and diseases and/or a Tree Hazard Assessment;
- supporting evidence such as photographs and laboratory results to confirm presence of soil pathogens or support soil assessment, where relevant;
- proposed replacement plantings, landscaping and soil remediation;
- tree protection measures and a post-construction tree maintenance program which can be used as conditions, should the application be approved;
- sources of information referred to in the report;
- any other relevant matters.

3.0 CLEARING NATIVE VEGETATION (LAND CLEARING)

3.1 When is Consent Required for Clearing Native Vegetation?

- a The clearing of non-urban lands within Wyong Shire is generally regulated by the Greater Sydney Local Land Service (LLS) in conjunction with the Minister for the Environment under the Native Vegetation Act, 2003 (NV Act). Enquiries should be made to the LLS for **clearing proposals on non-urban lands**.
- b Development Consent is required **from Council** for clearing native vegetation that is:
 - i on land within zone RU6, R5, E2, E3 or E4, unless the clearing is approved by a development consent or a Property Vegetation Plan (PVP) granted by the Minister for the Environment, under the Native Vegetation Act, 2003.
- c Council will only consider granting consent for clearing native vegetation **within those zones above** (where the NV Act does not apply), where the clearing is associated with a development proposal for a permissible use on land within the zone.
- d Notwithstanding a – c above, the following works are classified by this DCP as **Exempt Vegetation Management Works** within Non-urban zones, and do not require consent from Council:
 - i **pruning** as defined by this Chapter;
 - ii the **removal or harvesting** of trees grown commercially or domestically for their edible fruit;
 - iii the removal of **trees not native** to the State of New South Wales;
 - iv **clearing in accordance with** an approved development consent or a Property Vegetation Plan (PVP) granted by the Minister for the Environment, under the Native Vegetation Act, 2003;
 - v **the removal of trees to carry out a development in accordance with a consent**. That is, the removal of trees and vegetation located within the alignment of a proposed road or service easement (in accordance with approved engineering plans) or within a proposed building footprint and up to 10 metres from the external walls of buildings (on the same land parcel), **provided that**:
 - the building or work is the subject of a **current** Development Consent or Complying Development Certificate, and the tree(s) are not shown as intended to be retained; and

- tree removal / clearing procedures are in accordance with Council's Civil Works – Design Guideline and Construction Specification and AS 4970 – 2009/Amendment 1 – 2010: *Protection of Trees on Development Sites*;
- vi the immediate removal of trees or native vegetation where this is essential for **emergency access or emergency works by Council or a public authority**;
- vii the removal of a tree or native vegetation which is a **bushfire hazard** where:
 - the action is reasonably necessary to protect human life, buildings or other property from **imminent danger of a bushfire** burning in the vicinity of the tree; or
 - a public authority has authorised its removal as part of an adopted **bush fire risk management plan** pursuant to the Rural Fires Act 1997;
 - the clearing is in accordance with the **10/50 Vegetation Clearing Code of Practice**.
- viii the removal of trees **NOT prescribed by Section 5**, located within:
 - 10m of an approved structure; or
 - 1m of a sealed access way into an approved structure; and
- ix the removal of vegetation within 0.5 metres of the boundary between properties for the purpose of **enabling survey** to be carried out along that boundary by a registered surveyor, provided that the surveyed land exceeds one hectare in area and no alternative survey method is feasible.

3.2 What are the Requirements when Making an Application for Clearing Native Vegetation?

- a The following general information is usually required to be submitted with an application to Council. However, the amount and level of detail required may vary depending on the circumstances applying:
 - i the written consent of the owner of the land;
 - ii a description of the existing trees and native vegetation on the site;
 - iii location plan including spot levels and/or contours to be generally at 2 metre intervals and at a scale of 1:200 for sites up to 1 hectare and 10 metre intervals and at a scale of 1:1,000 for sites of more than 1 hectare;
 - iv the area to be cleared in hectares;
 - v A Consulting Ecologist's Report addressing species (botanical names and common names if known) of individual trees, or the dominants in the case of woodland, forest or groups of trees (to be shown as clumps) and/or vegetation communities to be marked on the plan. A corresponding schedule shall be submitted for vegetation communities outlining structure and floristics (a plant list), identifying the dominants. Any endangered, vulnerable or locally significant plant species should be shown and in such cases an assessment of potential impacts undertaken as per Section 5A of the EP&A Act. A description of the survey methodology should also be provided;
 - vi appropriate height and trunk diameter at 1.4 metres above ground (average breast height) for individual trees, where applicable;

- vii approximate canopy spread of individual trees, groups of trees and vegetation communities to be marked on the plan;
- viii A Consulting Arborist's Report addressing individual trees and/or groups of trees, summarising useful life expectancy values with recommendations for removal, retention and/or rehabilitation. In the case of vegetation communities, the schedule should summarise the condition, maturity, intactness and rarity, with recommendations for removal, retention and/or rehabilitation;
- ix a method statement detailing the intended approach to the undertaking of the recommended works;
- x plans shall identify site boundaries, dimensions, orientation (north point), the location of relevant land use zones and site areas of the whole of the land and that area proposed to be cleared in hectares or square metres;
- xi a brief description on the plans of existing trees and native vegetation on adjoining land showing:
 - trees, groups of trees and vegetation communities within 20 metres of the site boundaries;
 - the location of trees whose canopy overhangs the site boundaries;
- *Note: The development shall not involve works (e.g. roads, driveways, installation of services, cut and fill, drainage works, installation of barriers to natural drainage) that destabilise, disfigure or ultimately destroy any other trees and native vegetation on adjoining or downstream public or private land.*
 - the reasons for and purpose of the proposed clearing;
 - trees and vegetation to be retained, including the purposes of such retention, such as semi-natural open spaces, buffer and exclusion zones, filter/protection and/or riparian habitat strips;
- xii details for protecting remnant trees and vegetation from damage during clearing works, construction and on completion. This should include site preparation and location of protective fences, in accordance with the methods set out by Council's Civil Works – Design Guideline and Construction Specification and AS 4970 – 2009/Amendment 1 – 2010: *Protection of Trees on Development Sites*;
- xiii soil report and altered ground levels, including soil landscape and profile descriptions, cut and fill, regrading, changes to the soil profile or future growing mediums, fill material, if applicable, and necessary amelioration works required for horticultural purposes;
- xiv drainage details including any natural watercourses or drainage structures, proposed works involving alteration to hydrology, such as ground surface treatments (e.g. paving, accessways, introduction of roads, bund walls, dams or trunk drainage works);
- xv erosion and sediment controls, including a programme and species list for stabilising disturbed areas and soil stockpiling measures that shall be compatible with vegetation retention measures;
- xvi utility installations (underground and overhead lines) where known. Final locations and installation works to be consistent with vegetation retention proposals, Council's Civil Works – Design Guideline and Construction Specification and AS 4970 – 2009/Amendment 1 – 2010: *Protection of Trees on Development Sites*;
- xvii proposed new plantings (species, mature heights and spread) establishment and maintenance details. The level of detail shall be sufficient to assess the adequacy of vegetation retention and future landscape proposals. For large scale landscaping proposals, reference should be made to Council's Landscape Policy and the need for landscape Assessment and Design reports;
- xviii location of future buildings where known and applicable;

- xix the proposed method of clearing, including size and type of any machinery to be used. Final details to comply with Council's Civil Works – Design Guideline and Construction Specification and AS 4970 – 2009/Amendment 1 – 2010: *Protection of Trees on Development Sites*;
 - xx proposed means for disposal of cleared materials. In this regard, sale of millable timber, chipping or tub grinding of plant materials for re-use onsite as mulch to protect and rehabilitate retained vegetation are the preferred methods;
- b In addition to the information required by clause (a) above, applications for clearing in non-urban zones shall also submit the following details:
- i all existing and proposed property improvements including fences, dams, structures, services, service easements, roads, tracks, buildings, outbuildings, stockyards, grazing or cultivated areas, other cleared areas, etc;
 - ii all existing land features including identification of slopes in excess of 18 degrees, rock outcrops, ridges, drainage lines, gullies, erosion areas;
 - iii where the application is for the purpose of agriculture, a description of the land's suitability for its intended use may be required together with supporting comments from the New South Wales Department of Primary Industries;
- c In addition to the information required by clauses (a) and (b) above, applications for subdivisions which involve clearing shall also show that the subdivision is designed to maximise retention of species present which are listed in the Prescribed Species Schedule in Section 5 and Appendix B of this Chapter.

3.3 Considerations

In assessing applications involving the clearing of land, Council will consider the following matters:

- a the potential adverse impacts from the proposed development on:
 - i the condition, patch size and significance of the vegetation on the land and whether it should be substantially retained;
 - ii the importance of the vegetation in that particular location to native flora and fauna and ecosystems;
 - iii any potential to fragment, disturb or diminish the biodiversity values of the land; and
 - iv the condition and role of the vegetation as a habitat corridor; and
 - v any proposed measures to minimise or mitigate those impacts;
- b before granting consent to development to which this clause applies the consent authority must be satisfied that the development satisfies the objectives of this clause and:
 - i the development is sited, designed and managed to avoid potential adverse environmental impacts; or
 - ii where an impact cannot be avoided, having taken into consideration any feasible alternatives, the proposed design, construction and operational management of the development will mitigate and minimise those impacts to a satisfactory extent.
- c whether any species present are listed in the Prescribed Species Schedule in Section 5 and Appendix B of this Chapter. If so, what measures are needed for their conservation, including on-site protection during and after construction and/or the taking of plant material for propagation;
- d the useful life expectancy of remnant trees and native vegetation to be retained;

- e impacts on scenic and visual amenity;
- f the need for bushfire hazard reduction and the effects of this on remaining vegetation. This includes hazard reduction on adjoining land;
- g whether permanent mitigation measures (such as bund walls, catch drains and stilling ponds) to contain nutrient flows and minimise weed spread need to be installed e.g. in non-urban zones or on sites adjoining native vegetation or semi-natural open spaces;
- h whether the proposed means of clearing is appropriate with respect to the soil type, species of understorey or the trees to be retained;
- i the adequacy and appropriateness of siltation and erosion controls during and after construction. In this regard, turf grasses are generally unsuitable in Rural and Environment Protection zones, particularly along or near natural watercourses and native vegetation;
- j the need for retaining vegetation by providing:
 - i buffer zones as screening to roads or for the protection of identified core habitats, wetlands, littoral and other rainforests;
 - ii filter and protection strips to natural drainage lines, watercourses, streams, foreshores or constructed drainage corridors;
 - iii riparian (watercourse) habitat strips;
 - iv wildlife and other "green" corridors connecting remnant patches of vegetation; and
 - v exclusion zones for preserving vulnerable and/or significant remnant vegetation and species;
- k the need to install temporary tree/vegetation protection measures prior to clearing works;
- l whether the proposed method for disposing of cleared materials is appropriate. Any useful timber should be retrieved. Recycling of waste vegetation for fuel, logs, or as chip or grindings is mandatory. The use of wood chips and tub grindings for on site mulching or seedbed regeneration is encouraged;
- m the need for periodic or full time supervision of clearing works to protect environmental values or oversee relocation of native animals;
- n the need to rehabilitate any tree or vegetation adversely affected by clearing or construction works;
- o the need to select and plant new trees as replacement for trees cleared;
- p the effect of the development on the viability and quality of the native vegetation and, in particular, the likelihood of soil erosion, siltation of streams, wetlands and other waterbodies, direct or indirect alterations to drainage patterns and to fire hazard reduction regimes, the spread of weeds, undesirable and exotic species in the native vegetation, rubbish dumping and incursion by domestic or feral animals;
- q the effectiveness of measures proposed to mitigate any identified adverse impacts;
- r any comments made by a public authority including, where appropriate, the Department of Primary Industries, or the Office of Environment and Heritage within the NSW Department of Premier and Cabinet;
- s whether the vegetation is affected by the provisions of any other Act, Regulation or State Environmental Planning Policy applying to the land (See Appendix 1 of this Chapter);

- t whether the tree or trees provide habitat or is a significant component of the habitat of a species listed in the Prescribed Species Schedule in Section 5 and Appendix B of this Chapter, and whether there is a need to assess the significance of the works in accordance with Section 5A of the EP&A Act;
- u whether a Vegetation Management Plan prepared by a suitably qualified person and detailing procedures and specifications necessary to address any issues of concern, should be submitted for approval prior to commencement of clearing works.

4.0 VEGETATION MANAGEMENT PLANS

4.1 What is a Vegetation Management Plan?

- a A **Vegetation Management Plan** (VMP) comprehensively addresses the protection, maintenance, rehabilitation, removal and/or replanting of trees and vegetation on a particular site. A VMP is similar (on a smaller scale) to a Property Vegetation Plan (PVP) as required for rural landholdings under the Native Vegetation Act, 2003.
- b A VMP must be prepared by a suitably qualified and experienced person such as an Ecologist or Bush Regenerator.
- c Council may grant **development consent** for a VMP **for implementation over** a period of **2 to 10 years**, depending on the scope and complexity of the programme and the size of the site. No further consents are required where works comply with an approved VMP.

4.2 When is a Vegetation Management Plan Required?

- a A VMP will be required when Council is of the opinion that a proposed development is of a type needing a comprehensive site-specific management plan to manage the trees and vegetation on a site. The VMP will provide analysis and a strategy to address issues relating to the staging of works, cumulative impact, long term vegetation monitoring and management of progressive tree works for the same site over an extended period of time.
- b Submission of a **VMP is preferred to the making of separate successive applications** for works on/or removal of individual trees for the same site.

4.3 What Information is Required in a Vegetation Management Plan?

In addition to the general information required to be submitted with an application that involves clearing of land (refer Section 3.2 of this Chapter), the following specific information is also required to be included in a Vegetation Management Plan:

- a an overall site plan at an appropriate scale, showing the area to which the VMP applies, including management zones, staging information, vegetation to be retained and removed and the extent of dominant weed infestations;
- b a detailed Vegetation Management Plan Report identifying:
 - i the objectives and performance targets for each management zone;
 - ii a description of existing vegetation in each management zone;
 - iii the vegetation management works involved including the methodology for the undertaking of such works and minimum qualifications and experience for persons undertaking the works;

- iv the likely impacts as a result of such works both within and external to the site;
- v the proposed measures to mitigate against the impacts of the proposed development, such as use of seed, plant material, natural hollows and organic matter generated on the site, measures to prevent the transfer of weeds or pathogens on to or off the site during works and protection of retained trees and vegetation during works. If replanting is recommended, species composition planting layout and densities must be determined based on native vegetation communities occurring in the locality;
- vi a works program and specification detailing the sequence and duration of implementation of mitigating measures corresponding with the staging of construction and vegetation management works (including maintenance period);
- vii a monitoring and reporting program. Photo monitoring points and method of performance evaluation must be identified for future monitoring and reporting purposes.

5.0 PRESCRIBED SPECIES LISTS

5.1 Prescribed Species Schedules (Register of Significant Trees)

Species having conservation significance are listed under one or more of the following headings. These lists are regularly updated and it is recommended that Council or, where relevant, the Office of Environment and Heritage within the NSW Department of Premier and Cabinet (OEH) is to be contacted to determine the status of species proposed to be removed, harmed, picked, etc., prior to any works being undertaken.

The Prescribed Species Schedule (Register of Significant Trees) comprises plants on the following lists:

- **Protected Native Plants (Appendix B, Schedule 1)**, as contained in Schedule 13 of the **National Parks and Wildlife Act 1974**. These species may be picked or removed from private land or land controlled by Council with the consent of the owner, providing the action is not for commercial, scientific, conservation or educational purposes. **Removal**, harming or picking of these species for these purposes, or if the species is also listed as an Endangered, Vulnerable Plant Species, Endangered Population or Ecological Community, **requires a licence** to be obtained **from the OEH**.
- **Threatened Plant Species, Populations and Ecological Communities (Appendix B, Schedule 2)**, as listed under Schedule 1 and 2 of the **Threatened Species Conservation Act 1995**. These species **may not** be removed, picked or harmed unless a **licence** to do so has been obtained **from the OEH**.
- **Keystone Species (Appendix B, Schedule 3)**, identified by Wyong Council as having a critical relationship in providing food or habitat for native fauna. Keystone species are functionally important links in the wildlife food chain. Usually these species may not be removed unless **Council consent** has been obtained, or the **Exemptions under Section 2.3** apply.
- **Species of Local Conservation Significance (Appendix B, Schedule 4)**, as listed by Benson, D., of the Royal Botanic Gardens, Sydney. This Schedule is generally applicable to **public land** only.
- *Note: Appendix B provides further information, in relation to trees and other vegetation that is Prescribed by this Development Control Plan.*

6.0 PENALTIES

6.1 Public Land

Pursuant to Section 629 of the Local Government Act 1993, an **on-the-spot fine of \$2,200** applies to the injury, or unnecessary disturbance of trees and native vegetation on public land including road reserves. A person who, without lawful excuse, removes or destroys any plant or animal from a public place, is guilty of an offence under the Act. Maximum penalty per offence is 20 penalty units.

6.2 Private Land

Offences against the provisions of WLEP 2013, namely the unauthorised injury, removal or destruction of trees or clearing of native vegetation, **can be prosecuted** under the provisions of the EP&A Act 1979. In addition to fines (up to the equivalent of 1000 penalty points), the offender may also be required to rehabilitate the site, plant new trees and native vegetation and maintain these until maturity.

APPENDIX A OTHER LEGISLATION APPLYING TO TREE REMOVALS, VEGETATION MANAGEMENT AND CLEARING

Applications for tree clearing and removals will also need to comply with the provisions of other legislation, including but not limited to the following:

Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 - protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places

NSW National Parks and Wildlife Act 1974 (Schedules 12 and 13) - fauna habitat, protected plants

NSW Threatened Species Conservation Act 1995 - ecological communities, critical habitat, endangered and vulnerable species, key threatening processes, recovery plans

NSW Native Vegetation Act 2003 - clearing native vegetation, regional vegetation management plans, property agreements

NSW Fisheries Management Act 1994 - prohibits cutting of mangroves

NSW Water Management Act 2000 - A controlled activity approval under the WMA is required for certain types of developments and activities that are carried out in or near a river, lake or estuary (e.g., for the removal of material or vegetation)

NSW Rural Fires Act 1997 – “10/50 Vegetation Clearing Code of Practice for NSW”, and authorised removal of fire hazards

NSW Heritage Act 1977 (Sections 129A and 139) - sites under conservation orders, relics

NSW Noxious Weeds Act 1993 - clearing of noxious weeds

State Environmental Planning Policy No 14 - Wetlands

State Environmental Planning Policy No 26 - Littoral Rainforests

State Environmental Planning Policy No 44 - Koala Habitat

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

A APPENDIX B PRESCRIBED SPECIES SCHEDULE DESCRIPTIONS

Schedule 1 - Protected Native Plants Contained in Schedule 13 of the National Parks and Wildlife Act, 1974

Part 1 – Plant Parts Used in the Cut-Flower Industry

Scientific Name	Common Name(s)
Group 1	
(Group 1 of the Schedule is currently vacant)	
Group 2	
<i>Adiantum</i> spp.	Maidenhair Fern
<i>Archontophoenix cunninghamiana</i>	Bangalow Palm (foliage only)
<i>Baekea linifolia</i>	Weeping Baekea
<i>Baekea virgata</i>	Twiggy Heath-myrtle, Tall Baeckea
<i>Banksia spinulosa</i>	Hairpin Banksia
<i>Cassinia aureonitens</i>	Yellow Cassinia
<i>Caustis</i> spp., native to NSW	Curly Sedges, Old Man's Whiskers
<i>Cordyline stricta</i>	Narrow-leaved Palm Lily
<i>Crowea exalata</i>	Crowea
<i>Crowea saligna</i>	Crowea
<i>Davallia pyxidata</i>	Hare's Foot Fern
<i>Dodonaea lobulata</i>	Lobed-leaved Hop Bush
<i>Eriostemon</i> spp. Native to NSW (unless listed under the <i>Threatened Species Conservation Act 1995</i>)	
<i>Gahnia sieberiana</i>	Red-fruited Saw Sedge
<i>Isopogon</i> spp. native to NSW	Drumsticks, Cone Bushes
<i>Kunzea ambigua</i>	Tick Bush
<i>Kunzea capitata</i>	Pink Kunzea
<i>Leptospermum lanigerum</i>	Woolly Tea-tree
<i>Leptospermum rotundifolium</i>	Round-leaf Tea-tree
<i>Livistona australis</i> (foliage only)	Cabbage Tree Palm, Fan Palm
<i>Lomatia silaifolia</i>	Crinkle Bush
<i>Persoonia</i> spp. native to NSW (except <i>P. pinifolia</i> and all species listed under the <i>Threatened Species Conservation Act 1995</i>)	Geebungs
<i>Petrophile</i> spp. native to NSW	Conesticks
<i>Phebalium squamulosum</i>	Scaly Phebalium
<i>Philothea</i> spp. native to NSW (except <i>P. obovalis</i> and all species listed under the <i>TSC Act 1995</i>)	Philotheas
<i>Ptilotus exaltatus</i>	Tall Mulla Mulla
<i>Ptilotus obovatus</i>	Smoke Bush, Cotton Bush
<i>Pycnosorus</i> spp., native to NSW	Billy-buttons
<i>Restio tetraphyllus</i>	Tassel-rush
<i>Sprengelia incarnata</i>	Pink Swamp Heath

Scientific Name	Common Name(s)
<i>Sticherus flabellatus</i>	Shiny Fan-fern, Umbrella Fern
<i>Swainsona formosa</i>	Sturt's Desert Pea
<i>Tmesipteris</i> spp.	Ferns
<i>Xanthorrhoea</i> spp.—foliage only	Grass Trees
<i>Xylomelum</i> spp., native to NSW	Woody Pear
Zamiaceae, native to NSW	Cycads
Group 3	
<i>Actinotus</i> spp., native to NSW (except <i>A.minor</i>)	Flannel Flower
<i>Boronia</i> spp., native to NSW	Boronias
<i>Doryanthes excelsa</i> (foliage only)	Giant Lilies
<i>Eriostemon australasius</i>	Wax Flower
<i>Lycopodium</i> spp., native to NSW	Mountain Moss
<i>Persoonia pinifolia</i>	Pine-leaved Geebung
<i>Philotheca obovalis</i>	Wax Flower
Group 4	
<i>Blandfordias</i> spp.	Christmas Bells
<i>Doryanthes excelsa</i> (flowers only)	Giant Lily
<i>Xanthorrhoea</i> spp. (flowers only)	Grass Tree
Group 5	
<i>Boronia deanei</i>	Dean's Boronia
<i>Boronia umbellate</i>	Boronia
<i>Craspedia</i> spp., native to NSW	Billy Buttons
<i>Dicranopteris linearis</i>	
<i>Doryanthes palmeri</i>	Spear Lily
<i>Grevillea longifolia</i>	Fern-leaf Grevillea
<i>Isopogon fletcheri</i>	
<i>Leptospermum spectabile</i>	
<i>Macrozamia johnsonii</i>	Cycad
<i>Macrozamia pauli-guilielmi</i> spp. <i>Flexuosa</i>	Cycad
<i>Persoonia</i> spp.	Geebung
<i>Phebalium bifidum</i>	
<i>Phebalium glandulosum</i> spp. <i>Eglandulosum</i>	
<i>Philotheca ericifolia</i>	
<i>Philotheca obovatifolia</i>	Native Daphne, Long-leaf Wax Flower
<i>Telopea</i> spp., native to NSW	Waratah
All other species of plant listed in Schedule 1, 1A or 2 to the Threatened Species Conservation Act 1995, unless otherwise listed in this Schedule	

Part 2 – Whole Plants

- Includes all other species of plant included in the list of threatened species, as amended from time to time, established under section 178 of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth and published in the Commonwealth of Australia Gazette.

Scientific Name	Common Name(s)
Group 1	
<i>Ceratopetalum gummiferum</i>	Christmas Bush
<i>Isopogon</i> spp.	Drumsticks
<i>Swainsona formosa</i>	Sturt's Desert Pea
Group 2	
<i>Telopea aspera</i>	Gibraltar Range Waratah
<i>Telopea mongaensis</i>	Monga Waratah, Braidwood Waratah
<i>Telopea oreades</i>	Gippsland Waratah
<i>Telopea speciosissima</i>	Waratah
<i>Wollemia nobilis</i>	Wollemi Pine
Group 3	
Arecaceae, native to NSW	Palms
<i>Asplenium australasicum</i>	Bird's-nest Fern
<i>Asplenium falcatum</i>	Fern
Group 3 (cont'd)	
<i>Cyanthea</i> spp.	Tree Ferns
<i>Dicksonia</i> spp.	Tree Ferns
Orchidaceae, native to NSW	Orchids
<i>Platyserium</i> , native to NSW	Elk Horn and Stag Horn
<i>Sphagnum</i> spp.	Sphagnum Mosses
<i>Todea barbara</i>	King Fern
<i>Xanthorrhoea</i> spp.	Grass Trees
Zamiaceae, native to NSW	Cycads
Group 4	
<i>Casuarina cunninghamiana</i>	River Oak
<i>Pandanus</i> spp. native to NSW	Pandanus

Schedule 2 - Threatened Plant Species, Populations and Ecological Communities

The following is a list of endangered and vulnerable plant species (Schedule 1 and 2 of the Threatened Species Conservation Act 1995) and endangered populations and ecological communities known to exist in Wyong Shire. Other listed species may occur in the Shire but have not been identified at this time. Reference should also be made to the schedules within the Act for the most recent listings by the Scientific Committee.

Vulnerable Species

Angophora inopina, a small tree to 8 metres tall, often multi-stemmed, found in open dry sclerophyll forest within the Wallarah catchment between Charmhaven and Wyee.

Astrotricha crassifolia, a shrub to 2.4m tall, broad stiff linear leaves covered by dense hairs. Upper surface is shiny and smooth or occasionally wrinkled, lower surface covered in brown hairs. Occurs in dry sclerophyll woodland on sandstone.

Baloskion longipes, a perennial grass-like herb. Flowering stems are up to 1.5m tall and circular in cross section. Commonly found in swamps or depressions in sandy alluvium, sometimes growing with sphagnum moss. Also occurs in swales within tall forest, and in Black Gum (*Eucalyptus aggregata*) Woodland.

Callistemon linearfolius, a shrub up to 2-4m tall with long and narrow lance shaped leaves. Flowers are clustered into the typical 'bottlebrush' Callistemons and are red in colour. Flowers in spring and grows in dry sclerophyll forest on the coast and adjacent ranges.

Cryptostylis hunteriana, an orchid in Precinct 4 and the Lake Haven area, at the southern limit of its population. Only identifiable during flowering (December to early February).

Darwinia glaucophylla, a prostrate spreading shrub. Leaves are blue-grey with a white bloom and often tinged with red-purple. Flowers are yellow-green when new, turning red in upper parts as flower matures. Occurs in sandy heath, scrub and woodlands. Often associated with sandstone rock platforms or near hanging swamps and friable sandstone shallow soils.

Diuris praecox, is an orchid that occurs on Munmorah Conglomerates.

Epacris purpurascens var. purpurascens, an erect shrub, 50 - 180 cm high. Leaves are spreading and recurved above, ovate to heart-shaped, 7 - 21 mm long, 4.4 - 9 mm wide, with sharply pointed tips. Flowers are showy, 7 - 10 mm diam., covering much of the branchlets, white or sometimes pinkish. Fruit approximately 2 mm long. Found within grassy woodlands with strong shale soil influence.

Eucalyptus camfieldii, a mallee (multi-trunked, generally less than 5 metres high) growing in coastal sandy soil, populations recently identified at Norah Head, Charmhaven and Bateau Bay. Also includes *Eucalyptus camfieldii* x *Eucalyptus capitellata*.

Eucalyptus parramattensis subsp. Decadens, a woodland tree (usually between 8 – 10m in height) with shedding bark which leaves a smooth, granular and mottled white or grey surface. Generally occurs in dry woodland with a dry heath understorey associated with deep, low-nutrient sands, often subject to periodic inundation or where water tables are relatively high.

Grevillia parviflora subsp parviflora, a low spreading to erect shrub to 1.5m high. Leaves are narrow and flowers are white or pinkish. Occurs in light clayey soils in woodlands.

Maundia triglochinooides, a perennial herb. Flowers in warmer months. Occurs in swamps or shallow freshwater on heavy clay. Is at its southern limit near Wyong

Melaleuca biconvexa, a shrub or small tree growing in moist swamp forests communities on Quaternary Alluvium soils along creek lines.

Melaleuca deanei, a shrub to 3 m high with fibrous, flaky bark, white flowers and woody barrel-shaped fruits. Found growing in heath on sandstone.

Melaleuca groveana, a shrub or small tree (usually 5m tall) with firm fibrous-papery bark and narrow, curved leaves which alternate. Has woody fruit that is barrel-shaped with a smooth outer surface. Usually occurs in heath, shrubland and dry open forest/woodlands, often in exposed sites such as low coastal hills, escarpment ranges and rocky outcrops and cliffs.

Rutidosis heterogama, small perennial herb within the daisy family with a woody base. Grows in heath on sandy soils and moist areas in open forest.

Syzygium paniculatum, a Lilly Pilly found in littoral and gallery rainforest on Quaternary Sands such as, North Entrance Peninsula, Canton Beach, the old pump station site at North Entrance, Munmorah State Recreation Area, Norah Head and the Ourimbah Creek Valley.

Tetratheca glandulosa, a purple flowering low shrub in heath or scrub on sandy or rocky soils (Kulnura area).

Tetratheca juncea, a low shrub, almost exclusively confined to the Munmorah Conglomerate sequence mainly on ridgetops in small, isolated and patchy populations in the north-east of the Shire.

Endangered Species

Acacia bynoeana, a low shrub found in heath and woodlands on sandy soils in the Kulnura plateau area and in some *Eucalyptus haemastoma* woodlands.

Caladenia tessellata, a ground orchid from dry forest and heath in coastal areas extending from Porters Creek to Munmorah State Recreation Area. Often only evident after fire in dense shrubbery. Only identifiable when flowering from late August to early November.

Caladenia porphyrea, a terrestrial herb orchid, growing singly or in small groups. Highly restricted geographic distribution. It has been recorded from 2 localities in the Wyong local government area approx. 2 km apart. At these locations it covers areas of 2 ha and 0.2ha respectively.

Chamaesyce psammogeton, a prostrate perennial herb found on foredunes and exposed headlands.

Corunastylis insignis, A terrestrial orchid with a solitary cylindrical leaf that encloses the flowering stem. Flowers are dark purple and approximately 5 mm in diameter. Recorded from four localities between Chain Valley Bay and Wyong in Wyong local government area. Grows in patches of Themeda australis (Kangaroo Grass) amongst shrubs and sedges in heathland and forest. Flowering period is September to October.

Cynanchum elegans, a climber or twiner which can grow to 10m long with a stem thickness of 3.5cm with white flowers. Occurs on the edge of dry rainforest vegetation. Can also be associated with other vegetation types including littoral rainforest; Coastal Tea-tree *Leptospermum laevigatum* – Coastal Banksia *Banksia integrifolia* subsp. *integrifolia* coastal scrub; Forest Red Gum *Eucalyptus tereticornis* aligned open forest and woodland; Spotted Gum *Eucalyptus maculata* aligned open forest and woodland; and Bracelet Honeymyrtle *Melaleuca armillaris* scrub to open scrub.

Diuris bracteata, an orchid with two linear leaves. Flowers are yellow with blackish markings. Located in dry sclerophyll woodlands with total number of individuals estimated at 50.

Eucalyptus pumila, is a small tree that grows in clumps and is found near Mangrove Mountain.

Hibbertia procumbens, a prostrate spreading shrub with yellow flowers. Stems are smooth and mostly hairless, with leaves linear and having similar surfaces. Known populations occur within Banksia ericifolia–Angophora hispida–Allocasuarina distyla scrub/heath on skeletal sandy soils. May also be found associated with 'hanging swamp' vegetation communities on sandy deposits and in escarpment areas.

Prostanthera askania, a small shrub 2 metres high occurring in rainforests and gullies and only known to occur at Askania Park, Strickland State Forest, Niagara Park, Matcham Holgate and Berkeley Vale area.

Prostanthera junonis, a low spreading shrub 0.1m to 0.3m high. Only recorded in the Gosford/Wyong local government area. One population at Somersby and one at Kulnura, both growing on soils derived from Hawkesbury Sandstones.

Rulingia prostrata, a small prostrate shrub found in heath and dry sclerophyll forests mainly in gullies and along escarpments. Recorded in Ourimbah State Forest.

Senecio spathulatus, low growing smooth stemmed daisy often forming hummocks. Grows on primary dunes.

Senna acclinis, a shrub (up to 3m tall) with bright golden yellow cup-shaped flowers. *Senna acclinis* can easily be mistaken for introduced Senna (formerly Cassia) species which are environmental weeds.

Wollemia nobilis, a tree that grows up to 40 m tall and is often multi-stemmed at the base. Naturally restricted to remote canyons in the Wollemi National Park, north-west of Sydney. Occurs in warm temperate rainforest and rain forest margins in remote sandstone canyons.

Critically Endangered Species

Corunastylis sp. Charmhaven, a recently described species of terrestrial orchid, restricted to a single location in the Gorokan/Charmhaven area. It is similar to *Corunastylis archeri* (syn. *Genoplesium archeri*) but differs from *C. archeri* in having fewer, larger flowers (6-9 flowers, 6 mm across, versus 10-20 flowers, 4.5-5 mm across in *C. archeri*), borne on a shorter inflorescence (1.4 cm long versus 2-3.5 cm long in *C. archeri*).

It occurs within low woodland to heathland with a shrubby understorey and ground layer. Dominants include Black She-oak (*Allocasuarina littoralis*), Prickly Tea-tree (*Leptospermum juniperinum*), Prickly-leaved Paperbark (*Melaleuca nodosa*), Narrow-leaved Bottlebrush (*Callistemon linearis*) and Zig-zag Bog-rush (*Schoenus brevifolius*).

Thelymitra sp. 'Adorata', a hairless terrestrial herb, dying back annually to a tuberous rootstock. A single linear to linear-lanceolate leaf emerges from the ground in about May, dying off in late November. The flowering stem (usually emerging in September, with not all plants flowering in all years) is dark bluish-purple when seen from a distance. Individual flowers 15-27 mm across, pale to dark blue, opening in warm weather. Found in the area bounded by the towns of Wyong, Warnervale and Wyongah. Recorded populations occupy patches totalling less than 100 m². The geographical distribution is therefore very highly restricted.

Endangered Populations

Eucalyptus oblonga endangered population, consists of trees to 15m high, narrow leaved Stringybark. Occurs in Bateau Bay on coastal sands of the Norah Head Soil Landscape. Population consists of about 20 trees, and can sometimes be confused with *Eucalyptus camfieldii* which occurs in the same area. The population is at the eastern limit of the species' range.

Eucalyptus parramattensis subsp parramattensis endangered population, consists of approximately 1300 trees in the Wyong LGA and 10 in the Lake Macquarie LGA. The population is located at the north eastern limit of the range of the species.

Endangered Ecological Communities

Coastal Saltmarsh in the NSW North Coast, Sydney Basin and South East Corner Bioregions, occurs in the intertidal zone on the shores of estuaries and lagoons, permanently or intermittently open to the sea, often a zone on the landward side of mangrove stands. Characteristic plants include *Baumea juncea*, *Juncus kraussii*, *Sarcocornia quinqueflora*, *Sporobolus virginicus*, *Triglochin striata*, *Isolepis nodosa*, *Samolus repens*, *Selliera radicans*, *Suaeda australis* and *Zoysia macrantha*. Occasionally mangroves are scattered through the saltmarsh. Tall reeds may also occur, as well as salt pans.

Freshwater wetlands on coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions, occurs on silts, muds or humic loams in low-lying parts of floodplains, alluvial flats, depressions, drainage lines, backswamps, lagoons and lakes. May also occur in backbarrier landforms where floodplains adjoin coastal sandplains. Dominated by herbaceous plants and have very few woody species. The structure and composition of the community varies both spatially and temporally depending on water regime.

Littoral Rainforest in the NSW North Coast, Sydney Basin and South East Corner Bioregions, generally a closed forest, occurring on sand dunes and on soil derived from underlying rocks. The species of this community are predominantly rainforest species. Associated species including *Angophora costata*, *Banksia integrifolia*, *Eucalyptus botryoides* and *Eucalyptus tereticornis*.

Low woodland with heathland on indurated sand at Norah Head, very open cover of trees up to 3 metres high with a mid to dense cover of shrubs, grasses, and grass like plants (e.g. rushes and sedges) up to 1 metre high. Dominant trees include *Melaleuca quinquenervia* and *Melaleuca sieberi*. The endangered *Eucalyptus camfieldii* is also present. Shrubs include *Banksia oblongifolia*, *Hakea dactyloides*, and *Allocasuarina distyla* plus others.

River-Flat Eucalypt forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions, associated with silts, clay-loams and sandy loams, on periodically inundated alluvial flats, drainage lines and river terraces associated with coastal floodplains. Has a tall open tree layer of eucalypts, which may exceed 40 m in height, but can be shorter in regrowth stands or in lower quality sites. Composition of the tree stratum varies however, the most widespread and abundant dominant trees include *Eucalyptus tereticornis* (forest red gum), *E. amplifolia* (cabbage gum), *Angophora floribunda* (rough-barked apple) and *A. subvelutina* (broad-leaved apple).

Swamp oak floodplain forest of the NSW North Coast, Sydney Basin and South East Corner bioregions, associated with grey-black clay-loams and sandy loams, where the groundwater is saline or sub-saline, on waterlogged or periodically inundated flats, drainage lines, lake margins and estuarine fringes associated with coastal floodplains. Has a dense to sparse tree layer in which *Casuarina glauca* (swamp oak) is the dominant species. Other trees including *Acmena smithii* (lilly pilly), *Glochidion* spp. (cheese trees) and *Melaleuca* spp. (paperbarks) Understorey characterised by vines, *Parsonsia straminea*, *Geitonoplesium cymosum* and *Stephania japonica* var. *discolor*, a sparse cover of shrubs, and a continuous groundcover of forbs, sedges, grasses and leaf litter.

Swamp sclerophyll forest on coastal floodplains of the NSW North Coast, Sydney Basin, and South East Corner bioregions, associated with humic clay loams and sandy loams, on waterlogged or periodically inundated alluvial flats and drainage lines associated with coastal floodplains. Open to dense tree layer of eucalypts and paperbarks. Trees may exceed 25 m in height, but can be shorter in regrowth stands. Includes some areas of fernland and tall reedland or sedgeland, where trees are very sparse or absent. Widespread and abundant dominant trees include *Eucalyptus robusta* (swamp mahogany), *Melaleuca quinquenervia* (paperbark). Other trees may be scattered throughout at low abundance or may be locally common at few sites, including *Callistemon salignus* (sweet willow bottlebrush), *Casuarina glauca* (swamp oak) and *Eucalyptus resinifera* subsp. *hemilampra* (red mahogany), *Livistona australis* (cabbage palm) and *Lophostemon suaveolens* (swamp turpentine).

Sydney Freshwater Wetlands in the Sydney Basin Bioregion, restricted to freshwater swamps in coastal areas. Occurs on sand dunes and low-nutrient sandplains along coastal areas. Species include sedges and aquatic plants such as *Baumea* species, *Eleocharis sphacelata*, *Gahnia* species, *Ludwigia peploides* ssp. *montevidensis* and *Pericaria* species.

Lowland Rainforest in NSW North Coast and Sydney Basin Bioregion, is a community of subtropical rainforest and some related, structurally complex forms of dry rainforest. In its relatively undisturbed state, it has a closed canopy, characterised by a high diversity of trees and a wide variety of shapes and sizes. Typically, the trees form three major strata: emergents, canopy and sub-canopy which, combined with variations in crown shapes and sizes results in an irregular canopy appearance. Includes palms, vines and vascular epiphytes.

Schedule 3 – Keystone Species

These species have been identified by Wyong Council as having a critical relationship in providing food or habitat for native fauna. They are typically widespread and common in Wyong but clearing and fragmentation have significantly reduced the occurrence of some species (eg. *Eucalyptus robusta* and *Eucalyptus tereticornis*). Whilst the list below is not exhaustive, the species listed are considered the most important for retention. Usually these species may not be removed unless **Council consent** has been obtained.

Scientific Name	Common Name	Potential Schedule 1 or 2 Fauna
<i>Acacia irrorata</i> and other 'gum' producing <i>Acacia species</i>	Wattle	Squirrel Glider
<i>Acacia longifolia</i>	Wattle	Squirrel Glider
<i>Allocasuarina torulosa</i>	Forest Oak	Glossy Black Cockatoo
<i>Angophora costata</i>	Sydney Red Gum	Squirrel Glider
<i>Banksia integrifolia.</i>	Banksia	Squirrel Glider
<i>Banksia oblongifolia</i>	Banksia	Squirrel Glider
<i>Banksia serrata</i>	Banksia	Squirrel Glider
<i>Banksia spinulosa</i>	Banksia	Squirrel Glider
<i>Corymbia gummifera</i>	Red Bloodwood	Squirrel Glider
<i>C. maculata</i>	Spotted Gum	Squirrel Glider/Yellow -bellied Glider
<i>Eucalyptus acmenoides</i>	White Mahogany	Squirrel Glider
<i>E. amplifolia</i>	Cabbage Gum/Round leaved Gum	Yellow-bellied Glider
<i>E. botryoides</i>	Bangalay	Yellow-bellied Glider
<i>E. deanei</i>	Deanes Gum	Yellow-bellied Glider
<i>E. fibrosa</i>	Broad leaved Ironbark	Regent Honeyeater
<i>E. haemastoma</i>	Scribbly Gum	Masked Owl/Squirrel Glider
<i>E. longifolia</i>	Woollybutt	Various
<i>E. moluccana</i>	Grey Box	Koala
<i>E. paniculata</i>	Grey Ironbark	Regent Honeyeater
<i>E. pilularis</i>	Blackbutt	Koala/Greater Glider
<i>E. piperita</i>	Sydney Peppermint	Squirrel Glider
<i>E. propinqua</i>	Small Fruited Grey Gum	Yellow-bellied Glider/Koala
<i>E. punctata</i>	Grey Gum	Yellow-bellied Glider/Koala
<i>E. resinifera</i>	Red Mahogany	Yellow bellied Glider
<i>E. robusta</i>	Swamp Mahogany	Yellow-bellied and Squirrel Gliders/ Koala/Regent Honeyeater
<i>E. saligna</i>	Sydney Bluegum	Yellow-bellied Glider
<i>E. siderophloia</i>	Northern Grey Ironbark	Regent Honeyeater
<i>E. tereticornis</i>	Forest Red Gum	Yellow-bellied Glider/Koala
<i>E. umbra</i>	Broad leaved White Mahogany	Squirrel Glider
<i>Melaleuca quinquenervia</i> and other local <i>Melaleuca species</i>	Broad leaved Paperbark, etc.	Ringtail Possum
Rainforest communities in gullies and littoral rainforest patches at North Entrance		Frugivorous Pigeons/Doves (Fruit Eating)
<i>Xanthorrhoea spp</i>	Grass Tree	Squirrel Glider

b **Schedule 4 – Local Conservation Significance (Public Land)**

As listed by Benson, D., of the Royal Botanic Gardens, Sydney. Generally, the protection of trees on this Schedule is applicable to **public land** only. However, it should be noted that some tree species on this Schedule also appear on other Schedules, with higher conservation status (see right-hand column). For example, Grass Trees are protected under the NPWS Act, the Biconvex Paperbark is a Vulnerable Species under the TSC Act, and the Red Mahogany, and Swamp Mahogany trees are Keystone Species. Staff should have regard for the requirements applying to the other relevant Schedules, prior to any tree works occurring.

Scientific Name	Common Name	Description	Also Appears on Schedule
<i>Acronychia wilcoxiana</i>	Silver Aspen	Climber	
<i>Alpinia coerulea</i>	Native Ginger	Herb	
<i>Araucaria bidwillii</i>	Bunya Pine	Tree	
<i>Araucaria cunninghamii</i>	Hoop Pine	Tree	
<i>Araucaria heterophylla</i>	Norfolk Island Pine	Tree	
<i>Arthropteris beckleri</i>	Fishbone Fern	Fern	
<i>Asplonium aethiopicum</i>	A Birds Nest Fern	Fern	
<i>Banksia paludosa</i>	Swamp Banksia	Shrub	
<i>Blandfordia grandiflora</i>	Christmas Bells	Herb	
<i>Caldcluvia paniculosa</i>	Rose-marara	Tree	
<i>Casuarina glauca</i>	Swamp Oak	Tree	
<i>Callistemon shiressii</i>	White Bottlebrush	Shrub	
<i>Cryptocarya obovata</i>	Laurelk	Tree	
<i>Cryptocarya rigida</i>	Rose Maple	Tree	
<i>Decaspermum paniculatum</i>	Myrtle	Tree	
<i>Dysoxylon fraserianum</i>	Rosewood	Tree	
<i>Elaeocarpus obovatus</i>	Hard Quandong	Tree	
<i>Embelia australiana</i>		Climber	
<i>Endiandra discolor</i>	Rose Walnut	Tree	
<i>Eucalyptus pilularis</i>	Blackbutt	Tree	3
<i>Eucalyptus resinifera</i>	Red Mahogany	Tree	3
<i>Eucalyptus robusta</i>	Swamp Mahogany	Tree	3
<i>Ficus fraseri</i>	Sandpaper Fig	Tree	
<i>Grevillea shiressii</i>		Shrub	
<i>Hakea bakerana</i>	Hakea	Shrub	
<i>Lepidosperma quadrangulatum</i>		Reed	
<i>Macarthuria neocambria</i>		Herb	
<i>Maundia triglochinosides</i>		Aquatic macrophyte	
<i>Melaleuca biconvexa</i>	Biconvex Paperbark	Tree	2, 3
<i>Melaleuca quinquinervia</i>	Broad-leaved Paperbark	Tree	
<i>Neolitsia australiensis</i>	Green Bolly Gum	Tree	
<i>Olearia nernstii</i>	Daisy Bush	Shrub	
<i>Parsonia velutina</i>		Climber	
<i>Phoenix canariensis</i>	Canary Date Palm	Tree	
<i>Phoenix sylvestris</i>	Date Palm	Tree	
<i>Prostanthera askania</i>	Tranquility Mintbush	Shrub	
<i>Rhodomyrtus psidioides</i>	Native Guava	Tree	

Scientific Name	Common Name	Description	Also Appears on Schedule
<i>Ripogonum fawcettianum</i>		Climber	
<i>Sesuvium portulacastrum</i>		Water plant around lake shore	
<i>Tetrastigma nitens</i>		Climber	
<i>Toona cilata (australis)</i>	Red Cedar	Tree	
<i>Vittaria elongata</i>		Fern	
<i>Xanthorrhoea resinosa spp. fulva</i>	Grass Tree	Shrub	1, 3

3.1 Evaluation and Selection of Tenders for Contract CPA/243182 - Warnervale Trunk Main Line 7 Site Rehabilitation

TRIM REFERENCE: CPA/243182 - D11649697

MANAGER: Gary Kinney, Project Director

AUTHOR: John Tennant; Engineer

SUMMARY

Evaluation and selection of tenders for Contract CPA/243182 – Warnervale Trunk Main Line 7 Site Rehabilitation.

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer No '1' in the attached Tender Evaluation Report, for the lump sum amount of \$206,770.00 (excl GST) and the unit rate of \$2.20 each (excl GST) for the replacement of failed plants for Contract CPA/243182 – Warnervale Trunk Main Line 7 Site Rehabilitation.**
- 2 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

Construction of the Warnervale Town Centre Trunk Sewer Main Line 7 was completed in 2013. The construction works required the clearing of areas of native vegetation including some within two Endangered Ecological Communities (EEC's) i.e.:

1. Swamp Sclerophyll Forest EEC; and
2. Swamp Oak Floodplain Forest EEC

The objective of this contract is the eradication of all weeds and the rehabilitation of native vegetation in the areas cleared for the construction of Line 7 and the monitoring and maintenance of the rehabilitated areas for a period of 2 years. This work is a required mitigation to the clearing of the EEC's that was identified in the Review of Environmental Factors for the work and subsequent Part 5 determination.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Infrastructure & Operations before the Request for Tender was issued. The approved Contract Plan is in TRIM D06864086.

3.1 Evaluation and Selection of Tenders for Contract CPA/243182 - Warnervale Trunk Main Line 7 Site Rehabilitation (contd)

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Central Coast Express and eTender on 13th and 14th May 2014 and closed on 12 June 2014.

The invitation documents called for lump sum tenders, based on a detailed specification and a unit rate for the replacement of failed plants.

Tenders closed at 2.00pm on 12 June 2014.

TENDER SUBMISSIONS

The following tenders were received and are listed in alphabetical order:

- B & K Revegetation Landscaping
- Earth Repair ecology Pty Ltd
- Ecoscope Solutions Pty Ltd
- Kleinfelder Australia Pty Ltd
- Paramount Landscapes Pty Ltd
- Toolijooa Pty Ltd
- Total Earth Care Pty Ltd

No late submissions were received.

TENDER EVALUATION

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

All submissions were assessed in accordance with the approved evaluation criteria being:

- a) Price;
- b) Proposed Methodology and Program;
- c) Specific Experience and Performance in the field
- d) Local Content.

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's Sewerage capital works program under Project No. 12048.

RELEVANT LEGISLATION

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

3.1 Evaluation and Selection of Tenders for Contract CPA/243182 - Warnervale Trunk Main Line 7 Site Rehabilitation (contd)

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10 A (2) (d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

It is anticipated that the contract will be awarded on 15 September 2014 and that the works will be completed by February 2017 (end of the 2 year maintenance period).

RISK

This contract has been assessed as a low risk contract. The key risks and mitigations measures have been addressed in the Contract Plan which is on the TRIM file.

REGULATORY APPROVALS

No regulatory approvals are required for this Contract:

PROCESS REVIEW

The Tender evaluation and this Report and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

OPTIONS / ALTERNATIVES

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

The use of suitably skilled internal day labour resources combined with the separate procurement of the necessary materials was also investigated as an alternative model for completion of these works. This was not feasible due to the existing resources being planned and committed to other activities and projects within the 2014/15 Strategic Plan.

PUBLIC CONSULTATION

Consultation specific to this contract has occurred with all affected land owners.

ATTACHMENTS

1	T144 - CPA/243182 - Tender Evaluation Report - Confidential Attachment -	D11690766
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3.2 CPA/241801 - Manufacture, Supply and Delivery of Bulk Liquid Carbon Dioxide to Council's Mardi Water Treatment Plant

TRIM REFERENCE: CPA/241801 - D11658715

MANAGER: Daryl Mann, Manager

AUTHOR: Stephen Mauger; Tech Officer Assets and Capital Works

SUMMARY

Evaluation and selection of tenders for Contract CPA/241801 – Manufacture, Supply and Delivery of Bulk Liquid Carbon Dioxide to Council's Mardi Water Treatment Plant.

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer No 1 in the attached Tender Evaluation Report, for a period of up to 2 years for Contract CPA/241801 - Manufacture, Supply and Delivery of Bulk Liquid Carbon Dioxide to Mardi Water Treatment Plant. The estimated annual expenditure against this contract is \$59,400.00 per annum (excl GST), however actual expenditure may vary significantly with fluctuations in demand.**
- 2 That Council delegate the acceptance of optional two year by one extension to the General Manager based on satisfactory performance.**
- 3 That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 4 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

Liquid Carbon Dioxide is an essential chemical in the treatment of potable water at Mardi Water Treatment Plant. It ensures water produced meets the Australian Drinking Water Guidelines (ADWG's). It is used to reduce PH of the water after Hydrated Lime dosing to achieve a PH level suitable for coagulation. It is also used for PH correction of the potable water.

CONTRACT PLAN

A Contract Development Plan was endorsed by the Director Infrastructure and Operations prior to tenders being called and is available on file.

3.2 CPA/241801 - Manufacture, Supply and Delivery of Bulk Liquid Carbon Dioxide to Council's Mardi Water Treatment Plant (contd)

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald on 22 April 2014 and the Central Coast Express on 23 April 2014. Tenders were also advertised on Council's e-tendering website. The advertised closing date was 15 May 2014.

The invitation documents called for a schedule of rates.

Tenders closed at Council's Chambers at 2.00pm on 15 May 2014.

TENDER SUBMISSIONS

The following tenders were received and are listed in alphabetical order:

- Air Liquide Australia Limited
- BOC Limited
- Coregas Pty Ltd

No late submissions were received.

TENDER EVALUATION

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

All tenders received were assessed in accordance with the approved evaluation criteria being:

- a) Compliance with the tender requirements including specification, WHS and Environmental Management.
- b) Local content.
- c) The tendered price and structure.
- d) Experience and proven performance to supply and deliver Bulk Liquid Carbon Dioxide.

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the next 4 years in the Water and Sewerage OPEX budget.

RELEVANT LEGISLATION

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

3.2 CPA/241801 - Manufacture, Supply and Delivery of Bulk Liquid Carbon Dioxide to Council's Mardi Water Treatment Plant (contd)

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10 A (2) (d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

CRITICAL DATES / TIME FRAMES

Current contract to supply Liquid Carbon Dioxide expired on the 30 June 2014. Interim rates are available from the current supplier whilst this contract is awarded.

RISK

This contract has been assessed as a low risk contract. The key risks and mitigations measures have been addressed in the Contract Plan which is on the TRIM file.

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- Nil

PROCESS REVIEW

The Tender evaluation and this Report and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

OPTIONS / ALTERNATIVES

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

PUBLIC CONSULTATION

No public consultation specific to this contract was necessary and none has occurred.

ATTACHMENTS

- 1 Confidential Attachment A - Tender Evaluation Report - D11648902

3.3 CPA/240716 Design for Retrofitting the South Tacoma Vacuum Sewerage System with a Low Pressure Sewerage System

TRIM REFERENCE: CPA/240716 - D11685718

MANAGER: Andrew Pearce, Director

AUTHOR: Greg Cashin; Commercial Manager Water and Sewerage

SUMMARY

Evaluation and selection of tenders for Contract CPA/240716 – Design for Retrofitting the South Tacoma Vacuum Sewerage System with a Low Pressure Sewerage System.

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer No 4 in the attached Tender Evaluation Report, for the lump sum amount of \$ 241,532 (excl GST) for Contract CPA/240716 Design for Retrofitting the South Tacoma Vacuum Sewerage System with a Low Pressure Sewerage System.**
- 2 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

The South Tacoma sewerage system is a vacuum sewerage system which was installed in 1989. The system has operated since 1989 with an increasing need for maintenance and subsequent increasing costs. In addition the system is inoperable during minor flooding. Council is planning to retrofit the existing vacuum sewerage system with a low pressure sewerage system.

Council has undertaken community consultation during the development of the scheme concept and concerns raised have been incorporated into the proposed approach.

The procurement strategy for the project is to have two contracts, namely a concept and detailed design contract followed by a separate construction contract. This contract is for the concept and detailed design work.

The scope of work has been divided into two phases, these being:

- Phase 1 –Preparation of a concept design for retrofitting the system with a low pressure pumping system using existing vacuum scheme components (pots and pipelines) where possible.

3.3 CPA/240716 Design for Retrofitting the South Tacoma Vacuum Sewerage System with a Low Pressure Sewerage System (contd)

- Phase 2 – Detailed design for delivery of the approved concept design, preparation of technical specifications for construction, development of a decommissioning plan for pumping station WS31 and other vacuum system equipment affected by the conversion to a low pressure sewerage system, pre-tender estimate, review of environmental factors and obtaining formal approval for electrical supply from Ausgrid.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Infrastructure and Operations prior to the issue of the Request for Tender. The approved Contract Plan is on file (D06135214).

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Central Coast Express Advocate and eTender on 27 May 2014 and closed on 26 June 2014.

The invitation documents called for a combination of lump sum tenders and unit rates, based on a detailed specification.

Tenders closed at Council's Chambers at 2.00pm on 26 June 2014.

TENDER SUBMISSIONS

The following tenders were received and are listed in alphabetical order:

- Cardno
- Floth Pty Ltd
- Hyder Consulting
- MWH Australia
- P S Solution Pty Ltd
- P S Solution Pty Ltd (Alternative)

TENDER EVALUATION

All members of the Tender Evaluation Panel signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

All submissions were assessed in accordance with the approved evaluation criteria being:

Threshold Criteria –

- Compliance with all requirements of the Tender Documents
- Substantial acceptance of Council's key commercial terms and conditions.
- Achievement of minimum pass score (60%) in each non-price weighted criteria below (except local content)

3.3 CPA/240716 Design for Retrofitting the South Tacoma Vacuum Sewerage System with a Low Pressure Sewerage System (contd)

Weighted Criteria -

- a) Local Content (as per Council Policy)
- b) Price;
- c) Methodology;
- d) Experience;

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's capital works program under CPA/240716 (Project Number 15809.2.2).

RELEVANT LEGISLATION

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A (2) (d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

TIME FRAMES

Investigation and design work is programmed to commence in September 2014 and is expected to be completed in February 2015.

RISK

This contract has been assessed as a low risk contract. The key risks and mitigations measures have been addressed in the Contract Plan.

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- Ausgrid approval for electrical supply

PROCESS REVIEW

The Tender evaluation and this Report and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

3.3 CPA/240716 Design for Retrofitting the South Tacoma Vacuum Sewerage System with a Low Pressure Sewerage System (contd)

OPTIONS / ALTERNATIVES

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

PUBLIC CONSULTATION

No public consultation specific to this contract was necessary and none has occurred.

ATTACHMENTS

- | | | |
|----------|---|-----------|
| 1 | T144 - Confidential Tender Evaluation Report CPA 240716 Design for Retrofitting the South Tacoma Vacuum Sewerage System with a Low Pressure Sewerage System - | D11648408 |
|----------|---|-----------|

4.1 Local Preference Policy Results and Initiatives

TRIM REFERENCE: F2005/03113 - D10644649

MANAGER: Andrew Pearce, Director

AUTHOR: John McCarthy, Procurement Supervisor

SUMMARY

This business paper reports on the findings of the application of the Local Preference Policy (LPP) for 2013/14 financial year and reports on outcomes of staff initiatives to more effectively engage local suppliers.

RECOMMENDATION

- 1 ***That Council note the Report on the Application of the Local Preference Policy for the Financial Year 2013/14, which is incorporated in this business paper.***
- 2 ***That Council note the results of other initiatives of staff to strengthening local supplier engagement.***

BACKGROUND

Council's Local Preference Policy (LPP) has been in operation since March 2010. In accordance with the policy, results of the application of the policy have been reported to Council at regular intervals to disclose the beneficiaries of the policy and the number of times it has influenced local outcomes.

At the Ordinary Meeting 8 May 2013 it was resolved;

"RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor BEST:

- 584/13 *That Council approve the amendments to the Wyong Shire Council Local Preference Policy as shown in the marked up copy of the Local Preference Policy in Attachment A, except as noted in recommendation 4.*
- 585/13 *That Council note the Report on the Application of the Local Preference Policy for the Financial Year 2011/12, which is incorporated in this business paper.*
- 586/13 *That Council note the other initiatives to be undertaken for strengthening the Local Preference Policy.*
- 587/13 *That Council note that the General Manager has authority to depart from this policy only when that departure results in a significant, identified and recorded benefit to Council. After all tenders have been tested as in*

4.1 Local Preference Policy Results and Initiatives (contd)

Clauses E1 – E10 of the Policy and found not to comply with the required standard.”

This report details the results of the Local Preference Policy for 2013/14 but more importantly highlights the initiatives of staff to better engage local suppliers through the implementation of new technologies.

CURRENT STATUS

The Local Preference Policy has been in effect since 1 March 2010, and applies to all procurement with a definable cumulative value greater than \$20,000 (ex GST) that is to be sourced from a single supplier.

Since the inception of the policy, Council staff have regularly reported to Council on the application of the policy, its financial impact and who has benefited in accordance with the governance criteria stipulated in the policy.

For the Financial year 2013/14 there have been 3 occasions the policy influenced a local outcome. The total value of expenditure directed to Central Coast businesses as a result of the policy was \$165K.

The following table summarises the results of the LPP for the 2013/14 financial year and its financial impact to Council.

Number of times LPP influenced procurement decisions in 2013/14	The name of the beneficiaries	The cost to Council Ex Gst
3	ADW Johnson Pty Ltd	\$1,000.00
	Brian Hilton Motor Group	\$1,054.00
	B & K Revegetation and Landscaping Pty Ltd	\$2,928.00
Total		\$4,982.00

In the report to Council on the 8 May 2013 an analysis of Council's expenditure was conducted on the previous financial years expenditure data and concluded that 62% of Council's discretionary expenditure above \$145K was conducted with Central Coast businesses. Within this report Council staff advised of several future initiatives that would be undertaken to complement the Local Preference Policy. The most significant initiative is the introduction of a supplier engagement tool called VendorPanel.

Vendorpanel enables Council staff to establish panels of suppliers for various categories of goods and services that Council needs to engage on a regular basis. Council staff can seek offers from the panel as and when work packages come up. The expenditure range that Vendorpanel can be used for is in the up to \$150K ex GST space not regulated by legislation.

The benefit of Vendorpanel is that local suppliers can be invited to register within the available panels. Suppliers then have multiple opportunities to submit pricing for work packages. The competition within the panel derives value outcomes for Council. In 2013/14 it is estimated that \$29M of Council expenditure was sourced via seeking quotations of which \$5.2M was sourced through Vendorpanel.

In accordance with the initiatives outlined in the Council report on the 8 May 2013, procurement staff have actively targeted local businesses to register within the available panels established in Vendorpanel. The results of the expenditure sourced through the application up until 30 June 2014 has indicated a higher % of local suppliers commissioned than what is otherwise obtained when Council calls an open regulated tender.

The following table summarises the results of the procurement activities undertaken via Council's Vendorpanel and compares it to higher value expenditure undertaken by open tender.

Summary of results of Council's > \$150K regulated expenditure for 2013/14			
Value of discretionary expenditure over \$150K paid to suppliers in 2013/14	% of the total value of discretionary expenditure this represents	Value of expenditure spent with local suppliers	Value of expenditure spent with non-local suppliers
\$98M	77%	\$60M = 61%	\$38M = 39%

Summary results of Council's Vendorpanel < \$150K expenditure since inception (February 2013 to June 2014)					
Value of discretionary expenditure sourced through Vendorpanel	No of requests issued through Vendorpanel since inception of the application	No of requests awarded to local businesses	No of requests awarded to non-local suppliers	Value of expenditure awarded to local suppliers	Value of expenditure spent with non-local suppliers
\$5.2M	189	148 (79%)	41 (21%)	\$3.8M (73%)	\$1.4M (27%)

The above table indicates the strategies of procurement staff to target local businesses via the implementation of Vendorpanel are having a material effect on the value of Council expenditure spent within the local community. Even though the total value of expenditure through Vendorpanel is less than regulated expenditure, a higher % of that expenditure goes to local suppliers.

THE PROPOSAL

This report is provided for information purposes only.

There is no recommendation to change the LPP as the intent of the LPP complements Social Procurement initiatives.

Staff will continue to further complement the LPP by:

- Continue to approach local suppliers to register within the available panels established in WSC's Vendorpanel.
- Utilising Vendorpanel as a first point of reference for staff to obtain quotations.

4.1 Local Preference Policy Results and Initiatives (contd)

- Update and maintain a 'Doing Business with Council' web page on Council's website, to make it easier for suppliers (including local suppliers) to do business with Council.
- Contract Plans will include a requirement for staff to consider local suppliers when planning their procurement. The point at which procurement decisions are most heavily influenced by local content is at the procurement planning stage, when decisions are made about the procurement need, work packaging, panel structuring, evaluation criteria and market strategy (including, for selective sourcing, which suppliers will be invited to bid).

OPTIONS

Other options available to Council that have been considered are:

- Rescind the policy – Not recommended. While the policy has to date had only a small material impact on purchasing activity the policy has been developed and implemented separately from other key initiatives Council is currently implementing including Vendorpanel and social procurement initiatives. The policy shows promise to complement these initiatives and maximise their impact within a holistic procurement approach. Strategic procurement involves both the development of a proactive policy framework as well as development of the supply chain the policy complements.
- Increase the 10% Local Content weightings in the policy – Not recommended as the cost of increasing this weighting is not known. In addition, the policy in its present form can influence a local outcome where all other weighted criteria result in an equal score.

STRATEGIC LINKS

The Proposal is linked to the Community Strategic Plan 2012-2016 Priority Objective 6: "There will be a strong sustainable business sector".

Budget Impact

The proposed amendments to the Local Preference Policy are unlikely to impact Council's budget.

CONSULTATION

Details of consultation undertaken in relation to this recommendation are set out in the following table.

Who was consulted?	Interest/Reason for consulting	Views about current Policy	Response to proposed amendments to Policy
Contracts & Project Management Staff; Purchasing Staff (Internal)	Staff responsible for implementing and administering the	Supportive of the intent of the policy.	Supportive – proposed changes will allow staff to focus less on

Who was consulted?	Interest/Reason for consulting	Views about current Policy	Response to proposed amendments to Policy
	Policy (Tenders and Purchasing)		reporting and more on securing of local supplier participation
Director Infrastructure & Operations	Directorate responsible for most purchasing and contracts requiring application of the Policy	Concerns regarding effectiveness of the Policy but encourage with staff's initiatives.	Supportive – cost of administering the LPP is not material.
Community & Cultural Programs Staff: Social & Community Enterprise Coordinator	Staff responsible for supporting key initiatives to implement the Regional Social Enterprise Strategy including social procurement initiatives	Policy provides an initial framework that will complement and become essential to future initiatives for social procurement and building capacity of local supply chains.	Supportive – proposed changes will allow a timeframe for fairer evaluation that better aligns with upcoming projects.

GOVERNANCE AND POLICY IMPLICATIONS

The change proposed is minor and will not affect any other Council policy.

MATERIAL RISKS AND ISSUES

Not applicable.

CONCLUSION

The LPP is providing a benefit to local suppliers and staff will continue to provide reports to Council on its effectiveness.

ATTACHMENTS

Nil

4.2 Draft Water Craft Storage Policy

TRIM REFERENCE: F2004/06004 - D11362203

MANAGER: Maxine Kenyon, Director

AUTHOR: Brett Sherar; Manager

SUMMARY

Following a previous report to Council and the subsequent exhibition of the draft Water Craft Storage Policy on Council's website, approval is sought in this report for adoption of the Policy.

RECOMMENDATION

- 1 That Council adopt the draft Water Craft Storage Policy.**
- 2 That Council communicate compliance requirements of the Policy by placing signage at identified key sites.**
- 3 That Council advertise the draft Water Craft Storage Policy on Council's website and in local newspapers.**

BACKGROUND

At its meeting on 25 June 2014, following receipt of a report on the Draft Water Craft Storage Policy, Council:

"RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor VINCENT:

687/14 That Council note the draft Wyong Shire Council Water Craft Storage Policy.

688/14 That Council exhibit the draft Water Craft Storage Policy for a period of 28 days."

This report responds to item 688/14 above.

CURRENT STATUS

In accordance with the above Resolution, the draft Water Craft Storage Policy was placed on public exhibition for 28 days during July and August 2014. At the completion of this period no comments have been received from the community on the Policy.

THE PROPOSAL

The draft Policy addresses the primary concerns identified by the public, being the impact on public land created by abandoned and derelict craft and dense storage. It also addresses Council's concerns regarding unauthorised storage of craft. Pursuant to the Policy, unauthorised craft are defined as craft that create damage to, or interference with Council assets that are not fit for purpose, and/or damage to riparian vegetation.

In order to enforce the Policy, Council rangers may make regular patrols of public spaces without significant impact on their current levels of service, including public roads, parklands, beaches and bushland reserves, placing a Notice of Intended Removal sticker on craft that appear derelict or abandoned. The Notice will request the craft owner to contact Council rangers and advise if the craft is seaworthy and has been operated within three months from the date of the notice. If after three months the owners of the craft have not contacted Council rangers, the craft may be removed by authorised officers and disposed of as per the *Impounding Act 1993*. Three months allows adequate notice to craft owners who may be local residents or seasonal visitors to the Shire.

If adopted, Council will advertise the intended implementation of the Policy in local media and The Lakes Mail newspaper to cover the regional areas. This advertising will explain the responsibilities of water craft owners choosing to store craft on public land and Council's management and enforcement procedures. Local key sites will also be identified for a letterbox drop which will include fishing clubs in the Shire. Locations that experience high density storage will have adequate signage erected to advise the public of storage requirements pursuant to the Policy.

Due to no feedback being received on the Policy, no changes have been made from the exhibition draft.

OPTIONS

- 1 Adoption of the draft Policy will address the primary concerns of the community created by derelict, abandoned and unauthorised water craft identified by the public and Council. This is an essential activity carried out by Local Government and individuals in response to State legislation and the community's desire to maintain the amenity in the Shire.
- 2 Not adopt the draft Policy.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The draft Water Craft Storage Policy allows for improved management of water craft on public land giving increased access to, and promotion of recreation areas and leisure activities.

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Social	Open Space and Recreation	Communities will have access to a diverse range of affordable and coordinated facilities, programs and services	Revenue	Design, approvals and construction of dinghy storage structures in priority areas

Contribution of Proposal to the Principal Activity

Nil impact.

Long Term Financial Strategy

Nil impact.

Asset Management Strategy

The Asset Management Strategy states that the general principle of asset management must take into account a number of key considerations including the need for public safety. Management of water craft on public land satisfies one of the desired outcomes of the strategy, ensuring risk reduction and increase of public safety.

Workforce Management Strategy

Nil impact.

Budget Impact

The enforcement of the Water Craft Storage Policy will form part of the work program for Council rangers, without significantly impacting the current level of service.

CONSULTATION

Prior to exhibition on Council's website, consultation was held by staff at held three on-site public meetings at areas most impacted by unauthorised storage of water craft on public land.

Public invitations to all three meetings were advertised in local print media. Direct invitations were extended to Precinct Committees, Progress Associations and fishing and boating clubs.

They were held at the following locations:

- Lioness Park Koowong Rd, Gwandalan - 13 February 2012
- Lloyd St Reserve, Chain Valley Bay - 29 February 2012
- Mannering Park Sailing Club – 10 March 2012

The public meetings advertisements also included an opportunity to participate in an on-line survey.

Regular Councilor updates were provided during the policy's development.

Details of the Strategy were also outlined as part of the Councillor Briefing on the Aquatic Infrastructure Strategy on 26 March 2014.

GOVERNANCE AND POLICY IMPLICATIONS

Jurisdiction

The Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of Council.

The Policy does not confer any delegated authority upon any person.

Current Legislation

Council is the responsible authority to manage activities which occur on public land under State enacted legislation and local regulations.

Crown Lands Act 1989

Council is empowered under provisions contained in the Crown Lands Act 1989 to control, restrict, or prohibit any activity that occurs, or is likely to occur, on Crown land reserved for public recreation.

Local Government Act 1993

Under Section 632 of the Local Government Act 1993, Council is empowered to control, restrict, or prohibit any activity that occurs, or is likely to occur, on public open space.

Impounding Act 1993

Under Section 15 of the Impounding Act 1993, an impounding officer may impound an article found in the officer's area of operations if the officer believes on reasonable grounds that the article has been abandoned or left unattended. **Note:** The Local Government Act 1993 gives a council power to order the removal of an object or matter that is causing or likely to cause an obstruction.

MATERIAL RISKS AND ISSUES

Nil

CONCLUSION

The draft Water Craft Policy addresses Council's obligation to manage public land in response to State legislation, the community's desire to maintain the amenity, and provide a sense of place in the Shire. The Policy targets the identification and removal of derelict watercraft on public foreshore.

The Policy incorporates the views and needs of the community, as well as addressing issues identified by Council staff.

ATTACHMENTS

- 1 Draft Policy for Water Craft Storage on Public Land D03296189



POLICY No: WSC104

POLICY FOR WATER CRAFT STORAGE ON PUBLIC LAND

© Wyong Shire Council
Wyong Shire Council
2 Hely Street Wyong
PO Box 20 Wyong NSW 2259
P 02 4350 5555 F 02 4351 2098
E Council@wyong.nsw.gov.au
W www.wyong.nsw.gov.au



AUTHORITY	NAME & TITLE
AUTHOR	Megan Cooper, Project Officer, Recreation Planning
MANAGER	Luke Sulkowski, Acting Manager. Sport Leisure and Recreation
DIRECTOR	Maxine Kenyon, Director Community and Recreation Services
GENERAL MANAGER	Michael Whittaker

CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

AUTHOR SIGNATURE	
COUNCIL RESOLUTION DATE	

History of Revisions:

Version	Date	TRIM Doc. #
1	4 January 2013	D03296189

A. POLICY SUMMARY

- A1 This Policy details the proposed management and control of water craft on public land within Wyong Shire and outlines Wyong Shire Council's management of abandoned, derelict and unauthorised water craft on public land.

B. POLICY BACKGROUND

- B1 Management of public land is an essential activity carried out by local government and individuals in response to State legislation, common law and the community's desire to maintain the amenity, sense of place and freedom of choice in the Shire. Mismanagement of public land can detrimentally affect aspects of health, safety, and enjoyment of urban life.
- B2 In recognition of the social, recreational, operational and practical benefits of water craft storage adjoining the lakes and its estuaries; this Policy outlines Wyong Shire Council's philosophy of the management of water craft on public land, and provides guidelines by which management can be achieved.
- B3 For many decades, Wyong Shire Council has permitted water craft to be stored on public land which includes, but is not limited to, public roads, parklands and reserves. This activity will continue to be permitted within the guidelines detailed by this Policy.
- B4 Council will manage the storage of water craft on public land for the benefit of water craft owners and for the convenience and enjoyment of the broader community accessing public land. Management will also allow for greater maintenance of public land by Council staff.
- B5 Informal and ad-hoc storage of water craft can be unsightly, potentially dangerous, degrading to the environment, impede or restrict public access to public space and leave Council open to legal risk. Council's Water Craft Policy will address the management of these issues created by abandoned, derelict and unauthorised craft, or where dense storage occurs creating any of the aforementioned issues.
- B6 In areas of dense craft storage, Council may choose to provide purpose built public water craft storage facilities.

C. DEFINITIONS

- C1 **Abandoned and Derelict Craft** shall be defined as water craft stored on public land which appears to be unseaworthy by evidence of damage which may affect vessel flotation and user safety, or appears to be abandoned remains unclaimed after an official Council notice is placed on the craft by Council authorised officers. An official Council notice will be placed on derelict craft by Council authorised officers requiring the owner of the craft to claim the craft and prove its seaworthiness. A derelict vessel may be retained onsite at Council's discretion or removed by Council authorised officers as per the *Impounding Act 1993*.
- C2 **Council** means the elected representatives, Councillors, who form the governing body of Wyong Shire Council and the organisation responsible for the administration of Council affairs an operations and the implementation of Council policy and strategies.
- C3 **Operable Craft** is defined as water craft stored on public land, which appears sea worthy or has been verified as operated in the last three months by the craft owner.
- C4 **Public Land** Public land is land that is set aside for the purpose of public recreation, or any other public purpose where Council either owns the land; the land is dedicated as public reserve and administered by Council; or is Crown land set aside for the purpose of public recreation and administered on behalf of the State Government by Council. Public land includes land that is part of a public road reservation.

- C5 **Storage Facilities** shall be defined as purpose built public storage structures for water craft. Storage facilities shall be constructed in a fashion, and located in a position, so as not to adversely affect the visual amenity of public land or inconvenience neighbouring houses. Storage facilities may be of varying material and/or design e.g. in the form of vertical or horizontal metal racks, stand-alone vertical tie-posts, or horizontal fixing rails. Public use of Council storage facilities will be on a 'first in best dressed' basis. Water craft storage facilities will be available free of charge to the public.
- C6 **The Act** means the *Local Government Act NSW 1993*.
- C7 **Unauthorised Craft** shall be defined as water craft stored on public land that is:
- anchored to vegetation and/or a Council asset that is not provided for that purpose e.g. fencing, signage posts etc
 - stored within or on an operating Council asset including a stormwater treatment zone, stormwater outlet, drainage channel etc. Unauthorised craft also includes craft which are not stored where suitable storage facilities have been made available, or are stored inappropriately at storage facilities
 - directly affecting riparian vegetation. For the purpose of this policy, riparian vegetation is defined as vegetation on land that adjoins, directly influences or is influenced by a body of water
- C8 **Unauthorised Furniture** shall be defined as items placed on public land by the public without the permission of Council. Such items include, but are not limited to, tables and chairs, hammocks, play equipment etc.
- C9 **Water Craft** shall be defined as any single or multi-hulled marine vessel, a medium/large trailable vessel, catamaran, sailboard, jet-ski, surfboard, work punt, pontoon, sailboat, rowing skull, inflatable boat, canoe, kayak, and the like.

D. POLICY STATEMENTS

Jurisdiction

- D1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.
- D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

Current Legislation

- D3 Council is the responsible authority to manage activities which occur on public land under State enacted legislation and local regulations.

Crown Lands Act 1989

- D4 Council is empowered under provisions contained in the Crown Lands Act 1989 to control, restrict, or prohibit any activity that occurs, or is likely to occur, on Crown land reserved for Public Recreation.

Local Government Act 1993

- D5 Under Section 632 of the Local Government Act 1993, Council is empowered to control, restrict, or prohibit any activity that occurs, or is likely to occur, on public open space.

Impounding Act 1993

- D6 Under Section 15 of the Impounding Act 1993, an impounding officer may impound an article found in the officer's area of operations if the officer believes on reasonable grounds that the article has been abandoned or left unattended. **Note:** The Local Government Act 1993 gives a Council power to order the removal of an object or matter that is causing or likely to cause an obstruction.

Roads Act 1993

- D7 Under Division 3 of the Roads Act 1993, Council is empowered to authorise use of, and deal with obstructions on road reservations.

Courtesy

- D8 It is essential that persons who wish to store water craft on public land are aware of the right of the public to gain free and unrestricted access to public land and the lake shoreline. Appointed officers and authorised staff will monitor positioning of water craft to ensure this outcome, as well as consideration and courtesy.

E. POLICY IMPLEMENTATION - PROCEDURES

- E1 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.
- E2 Council authorised officers (Rangers) will enforce the provisions of the Local Government Act 1993, the Crown Lands Act 1989, the Impounding Act 1993 and the Roads Act 1993.
- E3 Police officers may also enforce the provisions of the relevant Acts and Regulations.
- E4 Council Rangers make regular patrols of public spaces, including public roads, parklands, beaches and bushland reserves.
- E5 Fines may be issued to the appropriate person for non-compliance with the relevant Act or Regulation, any signs placed by Council, or Council policies that may be applicable.
- E6 Signage to control storage of water craft on public land will be installed and maintained as required, at the appropriate locations within parks, reserves and roads.
- E7 Derelict, abandoned or unauthorised water craft may be removed and impounded or disposed of by Council Rangers as per the *Impounding Act 1993*.
- E8 Removal and impoundment or disposal of derelict, abandoned and unauthorised craft will be undertaken if after three months of the placement of a Notice of Intended Removal, the craft has not been claimed and identified as operable.
- E9 Unauthorised craft may be relocated to a suitable location by the craft owner to private land.
- E10 **Associated documents:**
- Crown Lands Act 1989
 - Local Government Act 1993
 - Impounding Act 1993
 - Roads Act 1993

4.3 Aquatic Infrastructure Strategy

TRIM REFERENCE: F2012/01090 - D11637941

MANAGER: Maxine Kenyon, Director

AUTHOR: Brett Sherar, Manager

SUMMARY

This report and the accompanying Draft Aquatic Infrastructure Strategy has been developed to provide guidance for the future works programs for the provision of aquatic infrastructure in Wyong Shire that meets the needs of the community.

RECOMMENDATION

- 1 That Council receive and note the draft Aquatic Infrastructure Strategy.**
- 2 That Council exhibit the draft Aquatic Infrastructure Strategy for 28 days.**
- 3 That Council adopt the draft Aquatic Infrastructure Strategy after exhibition conditional that no material challenges are made to the strategy during exhibition.**

BACKGROUND

Council has 40 sites that provide access to the Shire's lakes and ocean, servicing the needs of the community. These sites vary in type, capacity, condition and co-location of assets.

The Aquatic Infrastructure Strategy has been developed to both identify gaps in the community's needs for aquatic infrastructure and to inform Council's future capital works program in relation to type and quality of the assets.

It aligns to strategic documents such as the Community Strategic Plan, Roads and Maritime Services Draft Regional Boating Plan, Council's Four Year Delivery Plan and Long Term Capital Expenditure Plan.

A full list of all Council aquatic infrastructure assets is provided in the strategy including co-located assets, the condition of the assets, missing assets based on the desired attractors and a priorities scale for renewal or upgrade.

CURRENT STATUS

The condition of the currently provided aquatic infrastructure ranges from the high quality of the soon to be complete Cabbage Tree Bay ocean boat ramp and the recently installed Picnic Point facility to the very poor condition of a number of jetties that are recommended for replacement in this document.

4.3 Aquatic Infrastructure Strategy (contd)

Key attractors such as co-locating of assets including boat ramps, jetties, trailer parking, fish cleaning tables, toilets and adjacent parks have been identified through consultation. Many different user types and usages have further informed this strategy.

A review of Wyong Council's aquatic infrastructure has identified shortfalls between the preferred provision of co-located assets and the current provided level at a number of sites as well as a number of assets that require renewal, replacement or upgrade.

A risk analysis along with the previously identified shortfalls has led to a Four Year Capital Works Program being developed for key identified sites. The works are to be in line with the described design and management principles outlined in this report.

A number of the identified works within this strategy are funded in Council's 10 Year Capital Program. Discussions with the RMS have identified grant funding opportunities that may support the rest of the identified works. Discussions have been held with the RMS about support funds needed to complete the four year works program prior to its development.

THE PROPOSAL

To have an adopted Aquatic Infrastructure Strategy and the recommendations below that will drive the future development and management of this infrastructure in the future:-

- Provide appropriate recurrent funding for licence fees, maintenance and repairs.
- Provide a co-ordinated approach to marketing the aquatic infrastructure facilities through:
 - a Signage
 - b Media coverage
 - c Development of brochure
 - d Link brochure to Council's and Central Coast Tourism websites
- Plan for and implement an improvement program to augment current boat ramps with supporting infrastructure
- Implement the attached four year capital works program
- Actively pursue grant funding to co-fund the works program
- It is proposed to place this document on public exhibition for 28 days and be provided through Council's website, Community Hub and in the local newspaper. If no significant comments or recommended changes are received through the exhibition period, it is proposed to adopt the strategy without seeking further endorsement from Council.

OPTIONS

- 1 Adoption of the draft Aquatic Infrastructure Strategy. This is essential to ensure that Wyong Shire's aquatic infrastructure meets the needs of the community and is developed and maintained in a sustainable way.
- 2 Not adopt the draft Aquatic Infrastructure Strategy leading to the continued ad hoc development of aquatic infrastructure in the Shire. (Not recommended)

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The draft Aquatic Infrastructure Strategy allows for improved provision, development and management of aquatic infrastructure in Wyong Shire.

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Social	Open Space and Recreation	Communities will have access to a diverse range of affordable and coordinated facilities, programs and services	Revenue and grant	Design, approvals and construction of aquatic infrastructure in priority areas

Contribution of Proposal to the Principal Activity

The Aquatic Infrastructure Strategy will support the provision of access to a diverse range of affordable and co-ordinated facilities.

Long Term Financial Strategy

All works in the Four Year Capital Works Program are either funded in the long term CAPEX program or identified to be completed using grant funding.

Asset Management Strategy

The Asset Management Strategy states that the general principle of asset management must take into account a number of key considerations including the need for public safety. Management of aquatic infrastructure on public land satisfies one of the desired outcomes of the strategy, ensuring risk reduction and increase of public safety.

The strategy considers the condition of the asset and identifies an appropriate program of works.

Workforce Management Strategy

Nil impact.

Link to Community Strategic Plan (2030)

This report addresses Objective 3 of the Community Strategic Plan: Communities will have access to a diverse range of affordable and coordinated facilities, programs and services. Providing and maintaining local and regional community facilities for recreation, culture, health and education.

Budget Impact

The Four Year Capital Works Program identified in the Aquatic Infrastructure Strategy is either provided for in the next four years of Council's Capital Works Plan or is identified to be funded through grants.

CONSULTATION

Meetings have been held with the Roads and Maritime Services (RMS) to ensure the Wyong Shire Aquatic Infrastructure Strategy aligns with their Draft Regional Boating Plan which will support Wyong's request for grant funding. Extensive community consultation has been undertaken by the RMS in preparing their program.

It is proposed that this draft Strategy be placed on public exhibition on Council's website and also be advertised in the local newspaper. Hard copies will be provided to all libraries for public access.

GOVERNANCE AND POLICY IMPLICATIONS

Jurisdiction

The policy does not confer any delegated authority upon any person.

MATERIAL RISKS AND ISSUES

If grant funding is not available to provide for projects in the Four Year Capital Works Program to be undertaken, works reliant on grant funding will be delayed until either funding is made available through Council's CAPEX program or other funding sources are identified.

CONCLUSION

The draft Aquatic Infrastructure Strategy addresses Council's need to take a strategic approach to the provision, position and co-location of aquatic infrastructure in Wyong Shire that meets the community's needs and provides a sense of place in the Shire.

The strategy incorporates the views and needs of the community for aquatic infrastructure as well as addressing issues identified by Council staff.

ATTACHMENTS

- 1 Draft Aquatic Infrastructure Strategy D11673701



AQUATIC INFRASTRUCTURE STRATEGY

Open Space and Recreation



July 2014

AQUATIC INFRASTRUCTURE STRATEGY

Author: Open Space and Recreation

Date: September 2014

Version 0.1 Draft

Approved by:

Date of Approval:

Assigned review period: 4 years

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Wyong Shire Council

2 Hely Street Wyong

PO Box 20 Wyong NSW 2259

P 02 4350 5555 **F** 02 4351 2098

E wsc@wyong.nsw.gov.au

W www.wyong.nsw.gov.au

Opening Hours 8.30am - 5.00pm

Executive Summary

Introduction

Council has 40 sites that provide access to the shire's lakes and ocean, servicing the needs of the community. These sites vary in type, capacity, condition and co-location of assets.

The Aquatic Infrastructure Strategy has been developed to both identify gaps in the community's needs for aquatic infrastructure and to inform Council's future capital works program in relation to type and quality of the assets.

It aligns to strategic documents such as the Community Strategic Plan, Roads and Maritime Services Draft Regional Boating Plan, Council's 4 year delivery plan and long term capital expenditure plan.

A full list of all Council aquatic infrastructure assets is provided including co-located assets, the condition of the assets, missing assets based on the desired attractors and a priorities scale for renewal or upgrade.

Findings

The condition of the currently provided aquatic infrastructure ranges from the high quality of the soon to be complete Cabbage Tree Bay Ocean boat ramp and recently installed Picnic Point facility to the very poor condition of a number of jetties that are recommended for replacement in this document.

Key attractors such as co-locating of asset including boat ramps, jetties, trailer parking, fish cleaning tables, toilets and adjacent parks have been identified through consultation. Many different user types and usages have further informed this strategy.

A review of Wyong Council's aquatic infrastructure has identified shortfalls between the preferred provision of co-located assets and the current provided level at a number of sites as well as a number of assets that require renewal, replacement or upgrade.

A risk analysis along with the previously identifies shortfalls has led to a Four Year Capital Works Program being developed for key identified sites. The works are to be in line with the described design and management principles outlined in this report.

Consistency in planning and development is needed to ensure the most effective and efficient delivery of this type of asset.

Recommendations

1. Provide appropriate recurrent funding for licence fees, maintenance and repairs.
2. Provide a co-ordinated approach to marketing the aquatic infrastructure facilities through:
 - a. Signage
 - b. Media coverage
 - c. Development of brochure
 - d. Link brochure to Council's and Central Coast Tourism websites
3. Plan for and implement an improvement program to augment current boat ramps with supporting infrastructure
4. Implement the attached four year capital works program
5. Actively pursue grant funding to co-fund the works program

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Introduction

Interaction with Wyong Shire's waterways is one of the key attractors for people to live in or visit the Shire. Aquatic Infrastructure is a term used to describe the assets that support this interaction such as boat ramps, jetties, wharves, fishing platforms, Water Craft storage and delineated swimming areas. The provision and maintenance of these facilities by Wyong Council enables people to engage in water based recreation activities enhancing residents' quality of life and attracting visitors to the Shire. These assets and the public foreshores are the interconnection between land and water, and facilitate a high level of usage of our waterways along with providing economic benefits by supporting waterway based industries such as professional fishing, tourism services and events.

Wyong Shire is blessed to be able to offer residents and visitors opportunities to recreate on three distinctly different bodies of water: Tuggerah Lakes have a surface area of 77 square kilometres with an average depth of two metres and has 38 kilometres of developed lake foreshore for access. Lake Macquarie has a surface area of 110 square kilometres with an average depth of eight metres and has 10 kilometres of developed lake foreshore within Wyong Shire. Wyong Shire also has 33 kilometres of coastline on the Tasman Sea with two ramps that provide access to the ocean. The provision and placement of aquatic assets can impact the quality of life of residents and affect tourism which has a flow on economic benefits to the locale and the Shire as a whole.

Impacting on Council's ability to provide and maintain suitable aquatic infrastructure to the community in a fiscally responsible way is the plethora of unapproved boat ramps and jetties which have been informally constructed over many years. As many of these assets are on public land, Council has provided maintenance to minimise the risk to the public. This in turn has led the public to consider them as Council assets and expects them to be of a minimum standard.

Many of the aquatic infrastructure assets that Council provide to the community are on Crown land and as such require Council to pay an annual licence fee to the Crown for the life of the asset. For this reason, the number and placement of these assets needs to be strategically determined.

Wyong Shire has 27 boat ramps, 35 jetties, six delineated swimming areas and three fishing platforms. This infrastructure provides focal points and often have associated infrastructure, such as car parks, playgrounds, parks and toilet blocks which support the use of the aquatic infrastructure across the Shire.

In order to manage our infrastructure and reap the benefits for our Shire, Council needs to plan appropriately for what we have and what may be needed in the future. This Strategy does that through needs assessment, asset management principles and our current asset improvement plans.

To be able to plan for aquatic infrastructure across the Shire we need to understand the key activities and attractors that make these areas destinations for both our locals and visitors.

Purpose of the Strategy

This strategy will set out objectives to determine the need for, the positioning of and the co-locating of assets to provide a financially sustainable suite of aquatic infrastructure assets that support and encourage water based recreational activities.

This strategy will guide decision making for investment in aquatic infrastructure asset by:

- Identifying key attractors and types of activities that are supported by this infrastructure
- Identifying current and committed aquatic infrastructure assets and align with identified needs
- Describing design and management principles
- Providing an Action Plan to implement the Strategy
- Comply with Council's asset management policy

Vision

Wyong Shire will have a sustainable and functional network of aquatic infrastructure that meets the communities needs and encourages usage.

Relationship to other strategies / plans / policies and legislation

In developing the Aquatic Infrastructure Strategy, a number of plans / policies were considered including:

- Community Strategic Plan 2030
- Wyong Shire Strategic Plan 2013 – 17
- Open Space And Recreation Service Unit Business Plan
- Maritime Services Draft Regional Boating Plan
- Wyong Council Masterplans
- Draft Water Craft Storage Policy 2014
- WSC Economic Development Strategy 2014
- Estuary Management Plan
- NSW Maritime Boat Launching Ramps Guidelines
- AS 3962-2001 Guidelines for Design of Marinas

Community Strategic Plan 2030

The Community Strategic Plan (CSP) identifies the community's vision of the Shire into the future. The CSP identifies the following objectives which assist in informing this strategy:

3 – Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.

We will have a range of local and regional facilities that support the diverse needs of the community and contribute to its vibrancy, connections and pride, including complementary programs, services and activities that are affordable, financially sustainable and maximise use of the facilities.

We will achieve this through:

- Providing and maintaining local and regional community facilities for recreation, culture, health and education
- Promoting community facilities to help maximise their benefits and use
- Balancing the varying provision of facilities and amenities between towns/suburbs to enhance the quality of life in the Shire
- Maximising the access to, and potential for, new and existing facilities/infrastructure to support growth.
- Supporting people in the community to lead healthy, active lifestyles

Infrastructure Asset Types

General descriptions of the facilities terms are defined below.

Boat Ramp	Formed ramps into water with a durable surface providing the launching and retrieval point for water craft from trailers.
Jetty	Extending platform into water consisting of piles, supports beams and decking, sometimes with handrails and tie up points.
Fishing Platforms	Similar to jetties but are designed and situated primarily for recreational fishing.
Wharf	These are heavier sectioned platforms designed to absorb impacts from vessels with buffer piers.
Pontoons	These are platforms extending onto the water as for jetties but supported on a buoyancy system with piles only for alignment and protection. These offer a consistency height relationship to vessels.
Delineated Swimming area	Areas that are delineated by either buoys or in two areas within Lake Macquarie delineated by a net.
Water Craft Storage	A number of residents and visitors have boats moored in the lakes. Water Craft are stored on the foreshore to allow access to these boats.



Picnic Point boat ramp, jetty, pontoon and fish cleaning table

Key Activities

Aquatic Infrastructure is a focal point for many activities that support the quality of life and are destination attractors for the Shire, some of the key activities in the Shire are outlined below:

Family/Social Events	Picnics, family and group holidays are often based around the waterways and many use the foreshores on the lakes and the coastline as destination points.
Recreational Fishing	Jetty fishing and fishing from vessels is very popular as a local recreation activity and can be in the ocean or the Lakes.
Professional Fishing	There are approximately 35 licenses in Tuggerah Lakes.
Power Boating	Recreational boating is a very popular activity for both residents and visitors to the Shire, requiring ramp launching. The water depth requirement is based on engine and vessel draft.
Water Skiing/Wake Boarding	The boats tow skier and require a deep water launch ramp, submerging trailer and access to protected open water. This often occurs in Lake Macquarie and to a lesser extent Tuggerah Lakes.
Power Boat Racing	Heavier and larger boats with higher speeds requiring large ramp launching and open water, mainly occurring in Toukley area or in the ocean.
Cruising	Many people have yachts moored in the lakes for leisure cruising, particularly in Lake Macquarie.
Personal Water Craft (Jet Ski)	These vessels have small trailers with flexible launch requirements and shallow draft and are often found in both the lakes and the beaches.
Sailing	Shallow draft dinghies, catamarans and trailer sailors use the Tuggerah Lakes. Deeper draft fixed keel boats are usually on Lake Macquarie.
Rowing/Canoeing/Kayaking Dragon Boats/ Paddle Boards	Shallow draft vessels with good manoeuvrability able to self-launch off a shore can be supported by a jetty, can be found in both lakes.
Sail Boarding / Kite Boarding	Self-launching wind powered, able to launch off a shore. These are an activity found in the lake and the ocean.
Ancillary activities	Many of our waterways and coastlines are often photographed by professionals or as part of the backdrop for special occasions.
Swimming	Swimming is a popular recreational activity in the ocean and lakes. It occurs in delineated swimming enclosures as well as at unprotected locations.

Key Attractors

For the different activities supported by ramps and jetties there are key attractors that support the activity in a sustainable and safe way.

Road Access

The location of the jetties, boat ramps, wharves should be accessed by roads related to the catchment of the user. Regional facilities should be accessed from higher capacity roads and local facilities from local roads. Consideration needs to be given to the impact on nearby residents.

Presence of a Jetty, Wharf or Pontoon

A jetty structure adjacent to a ramp makes entering and leaving vessels safer for passengers and increases the efficiency of the ramp's operation. Motor boats, larger sailing vessels, paddling and rowing all benefit from jetties.

Floating Pontoons maintain a constant height relative to vessels and make access to and from vessels more predictable and generally easier. Strong and well located buffer piles to pontoons, jetties and wharves allow vessels to be tied temporarily and encourage use of shore based facilities by recreational boaters.

Adequate width, handrails, predictable surface and good access with no steps all contribute to the usability and attraction of jetties, wharves and pontoons.

Fishing platforms are special purpose jetties.

Rigging Areas

Rigging Areas for sailing craft are foreshore areas free of obstacles and with even access to the water for shore based launch points for sailing and paddling craft. Power craft require rigging areas in association with the approach to ramps.

Trailer Parking

Adequate and safe trailer manoeuvring and parking areas contributes to the safety and efficiency of the site. Adequate curtilage and suitable design will also reduce the impact on adjacent residential areas.

Design and Surface of Boat Ramps

Ease and safety of use are facilitated by the design and surface of boat ramps and the immediate surrounds. Boat Ramps should be wide enough for ease of reversing with a regular grade from the manoeuvring area to the toe. Drop offs, sharp or irregular surfaces contribute to potential hazard in launching and retrieval. A durable, regular material with a non - slip surface and a wide manoeuvring area suitable for the catchment of ramp are key attractors.

Navigable Water

Navigable water that has adequate depth and is free of hazards is a key attractor for all activities.

Deeper water is required for power boating and sailing activities. All activities benefit from safe navigation and absence of shoals and hazards.

Separation of Non Motor and Motorised Activities

A separation of power and sail is generally desirable due to the relative speeds and likely movements of the different activities. It is safer to encourage usage of sail craft away from racing, skiing and wake boarding activities.

Water Craft Storage Areas

The ability to store small Water Craft e.g. dinghies on the shoreline in close proximity to a moored boat is critical for some residents and visitors as they have limited access to transport the Water Craft to and from the shoreline. A Water Craft storage policy has been developed and exhibited prior to adoption.



An example of a multi dinghy storage unit

Catchments for Aquatic Infrastructure

The existing Aquatic Infrastructure is divided into Local or Regional catchments as discussed below:

Local

Local facilities support local residents and visitors to the area with a safe sustainable small craft facility to serve immediate access to waterways. Local facilities have a low capacity and a limited range of facilities at their site. They do not require high capacity road access due to limited catchment and capacity. They do not require Main Road access.

Regional

These Aquatic Infrastructure support a wide catchment based upon the attraction of the waterway they serve. They will provide sustainable facilities for large numbers of users and larger vessels.

Sites with regional facilities should have good road access and a co-location of facilities. Due to increased frequency of traffic and size of vessels they require short access from Main Roads to reduce impact on residents.

Due to number of users and range of activities they should have high capacity primary and supporting assets.

Location of assets

Wyong Shire has vast access to both lake and ocean shoreline when compared to other regional councils. The pressure for local access to the water has led to the development of a large number of informal ramps and the duplication of local facilities within small areas.

Based on the identified catchment and planning provisions in this document an identified oversupply of aquatic infrastructure in the Shire has led to under resourcing of the renewal and maintenance of the facilities. In some cases local informal facilities have been amplified and reinforced in low capacity sites that create unplanned traffic impacts within residential streets.



Norah Head ocean boat ramp currently being replaced

Planning

This section provides guiding principles for aquatic infrastructure that guides future site development.

Appropriate Use

The asset should be located appropriately for the catchment and intensity of usage predicted for it.

Environmental

Assets should be located in accordance with the current environmental assessment requirements of Council to reflect planning legislation and policies applying to foreshore and aquatic environments.

Structural

Location of an asset should not create a structural problem that can only be addressed by repeated maintenance interventions.

Distribution

Provide local facilities around the waterways of the Shire within a reasonable distance of developed areas. Local facilities should be available to all residential areas close to water bodies within 15 minutes driving distance of their residence.

Provide regional facilities based upon the synthesis of sustainable transport and supporting infrastructure to the regional waterways of the Shire. Regional facilities should be located close to transport connections with adequate traffic capacity.

Generally there should be an equitable distribution of aquatic facilities to serve the south and north of the Shire relative to the existing waterways.

Navigation

Ease of navigation is determined by depth of water, absence of hazard and size of water body relative to the water based activity.

Ramps should be located where navigation does not require dredging to maintain access for the draft of vessels the ramp is intended for:

- Local ramps provide for shallower draft vessels.
- Regional ramps provide for deeper draft vessels able to navigate the water body average depth.

Capacity

The suite of facilities located at each site should be directly related to the catchment hierarchy of the site with a wider range of facilities at higher level sites. Demand for access to a waterway determines the catchment of the facility and capacity should reflect water way catchment at selected locations.

Minimum Provision

The minimum provision of facilities is suggested below:

Local

- Single ramp
- Adequate manoeuvring and rigging area
- Trailer parking adjacent minimum 5 spaces
- Jetty adjacent to ramp

Regional

- Double or triple ramp
- Jetty, pontoon and/or wharf adjacent and accessible
- Adequate manoeuvring and rigging area
- Trailer parking adjacent minimum of 10 spaces
- Disabled parking
- Public Toilet

Co-location of facilities

Aquatic Infrastructure is generally located on foreshore reserves which are the most popular open space areas in the shire. Facilities such as ramps and jetties attract more concentrated use to open space and there are often parallel activities occurring. Having aquatic assets co-located with parks, playground and public toilets improves the experience for the community.

Other desired supporting assets include fish cleaning table, picnic shelters and car parking.

Development of Sites

In determining priorities for future development of new aquatic infrastructure, it is useful to have consistent principles for decisions. Set out below is a checklist for planning development and prioritising between site developments:

- Where is the asset in terms of the distribution of development in the Shire
- Which water body and transport access does it serve
- Determine the capacity and catchment of the water body that the asset will access
- Determine the capacity of the road system used to access the asset and impact of vehicles and trailers on it
- What is the size of the area available for development
- What other assets are located on the site
- What assets does the site need to match its potential catchment use
- What benefits would be provided by co location
- Examine the surrounds to the site in terms of other assets, land use, environment and tenure
- Identify and consider the impacts of site conditions on safe usage

Risk

Aquatic Infrastructure represents a potential risk to Council as well as a major opportunity.

For each existing site consider 4 options and their costs and the impacts upon current uses and the use of adjacent sites.

- **Remove** – Close and/or remove the existing assets
- **Do nothing** - Leave the site as it is
- **Minimum** - Do the minimum work needed to make the site safe and operational
- **Maximum** - Develop the site to its potential capacity

The opportunity/risk assessment for each site is set out below and is used to support recommendations for the future actions. Complete a risk assessment for each site in terms of:

- The environmental conditions the site is located in
- Ramp and trailer access grades
- Surfaces of ramps and jetties
- Predicted and identified hazards
- Co - location of assets
- Current and predicted activities
- Catchment of the waterway and intensity of use
- Adjacent development and uses
- Special needs groups (e.g. wheel chair access, non-English speaking)
- Asset Audit assessment of the infrastructure on the site to support recommendations for action
- Development of the site is to be sustainable
- What are the current maintenance requirements of the site and do they meet asset management requirements and provide a safe site?
- What are the recommended costs of maintenance?
- Identify and consider the impacts of specific environmental factors upon the site and the whole of life costs of developing and maintaining its use
- Can nearby facilities absorb increased demand
- Do usage levels justify the ongoing maintenance costs

Design and Management Principles

This section provides guiding principles for the design of aquatic infrastructure that guides future asset construction.

Core Infrastructure

Boat Ramps

There are several principles of boat ramp development that Council can use to test its recreation provision. Australian Standards 3962 – 2001 Marinas and 4997 – 2005 have been considered in the formulation of the principles set out below:

- Boat Ramps should be structurally sound. (Refer Aquatic Infrastructure Audit)
- Boat ramps should have uniform grade. (Variations to grade should be sign posted at the head of the ramp)
- The junction between ramp and approach should have a suitable vertical curve to allow a smooth transition and satisfactory vehicle clearances
- Boat ramps should have a non-slip surface. (In concrete - provide non-slip grooves at 45 degrees to fall – not raked or rough broomed)
- Boat ramps should have adequate width (min lane width 4.0m single without kerbs and 3.7m multiple)
- Boat Ramps should not have drops more than 200mm from ramp to adjacent surfaces unless there is a curb
- Navigable approaches should be safe – have adequate depth, be free of hazards and aligned into dominant wave direction

Jetties, Fishing Platforms and Wharves

Jetties should be structurally sound and meet requirements for timber or alternate structures in water. Jetties should be safe to use. As new facilities are constructed provide accessible jetties.

- Jetties, wharves and pontoons should be structurally sound
- All piles and supports should be from select material suitable for water immersion
- Jetties should have a flat surface with uniformly graded approaches
- The junction between jetty and approach should not create a trip hazard
- Decking surfaces should not have significant deterioration or hazard from either material or fixings
- Jetties should have adequate width – minimum 900mm
- Handrails to jetties should be on one side only and should be a minimum of 900mm high
- Jetties and wharves should have fixings for temporary mooring of vessels
- Wharves should be protected with buffer piles of appropriate diameter and height
- On pump out jetties, lights should be focussed down onto the water to reduce glare across the water to vessels or adjacent residences

Supporting Infrastructure

Trailer Parking

- Trailer parking should meet Australian standards for storage and access
- Sweep paths should meet Australian standards for trailers
- Reversing should not have a complex path from approach to ramp
- Reversing should not be on a traffic lane or cross trafficable roads
- Regional parking areas should have a minimum 10 trailer spaces and 1 disabled car space
- Local ramps should have a minimum of 5 trailer spaces
- Trailer parking spaces should be clearly marked separate to adjacent roads for safe and efficient use

Rigging Areas

- Rigging areas should be provided adjacent to all ramp approaches
- Rigging areas should be out of the direct path or sweep path
- Rigging areas should be selected and aligned to reduce the noise and headlight glare to adjacent residents
- For sailing craft, ensure integration of foreshore rigging areas with other facilities such as shared paths and picnic areas

Fish Cleaning Tables

- Tables should be provided to all regional ramps and fishing platforms
- Tables need to be connected to waste
- Tables require water service for wash down and cleaning

Water Craft Storage

- Can be simple poles to tether to
- Complex multi-unit structure

Delineated Swimming Areas

- Buoyed or netted based on risk analysis



Vales Point Park Mannering Park includes boat ramp, jetties, swimming enclosure, public toilets, BBQ's and parking for trailers.

Recommendations

The following recommendations are proposed to achieve a strategic approach to the provision of aquatic infrastructure to the community.

1. Provide appropriate recurrent funding for licence fees, maintenance and repairs.
2. Provide a co-ordinated approach to marketing the aquatic infrastructure facilities through:
 - a. Signage
 - b. Media coverage
 - c. Development of brochure
 - d. Link brochure to Council's and Central Coast Tourism websites
3. Plan for and implement an improvement program to augment current boat ramps with supporting infrastructure
4. Implement the attached four year capital works program
5. Actively pursue grant funding to co-fund the works program

Action Plan

Undertake risk assessment of netted vs. non-netted swimming enclosures and report to Council.

Provide name and hazard signage to all ramps.

Promote all Wyong Shire aquatic infrastructure to encourage increased use.

Action the Water Craft Storage policy.

Mark and sign parking to all ramps including disabled.

Investigate and plan for a high capacity site to consolidate local ramps at the northern end of Budgewoi Lake.

Conclusion

With Wyong Council being an owner of a large number of aquatic assets that vary in size, value, capacity, usage, condition and design, it is imperative that a strategic approach is taken to provision of these facilities to the community into the future.

This document identified criteria for the design, placement and co-location of aquatic infrastructure based on key attractors for the community and standard principles.

The action plan and four year capital works program have been derived by taking into account all factors outlined in this report and the state governments draft regional boating program.

The adoption of this strategy including its action plan and four year capital works program will allow funding opportunities to be pursued through grant programs such as the Better Boating Program and the Regional Fishing Trust.

This strategy when delivered in full will improve outcomes for the community including accessibility, tourism and event opportunities, reduce risk and have an anticipated increase in utilisation.

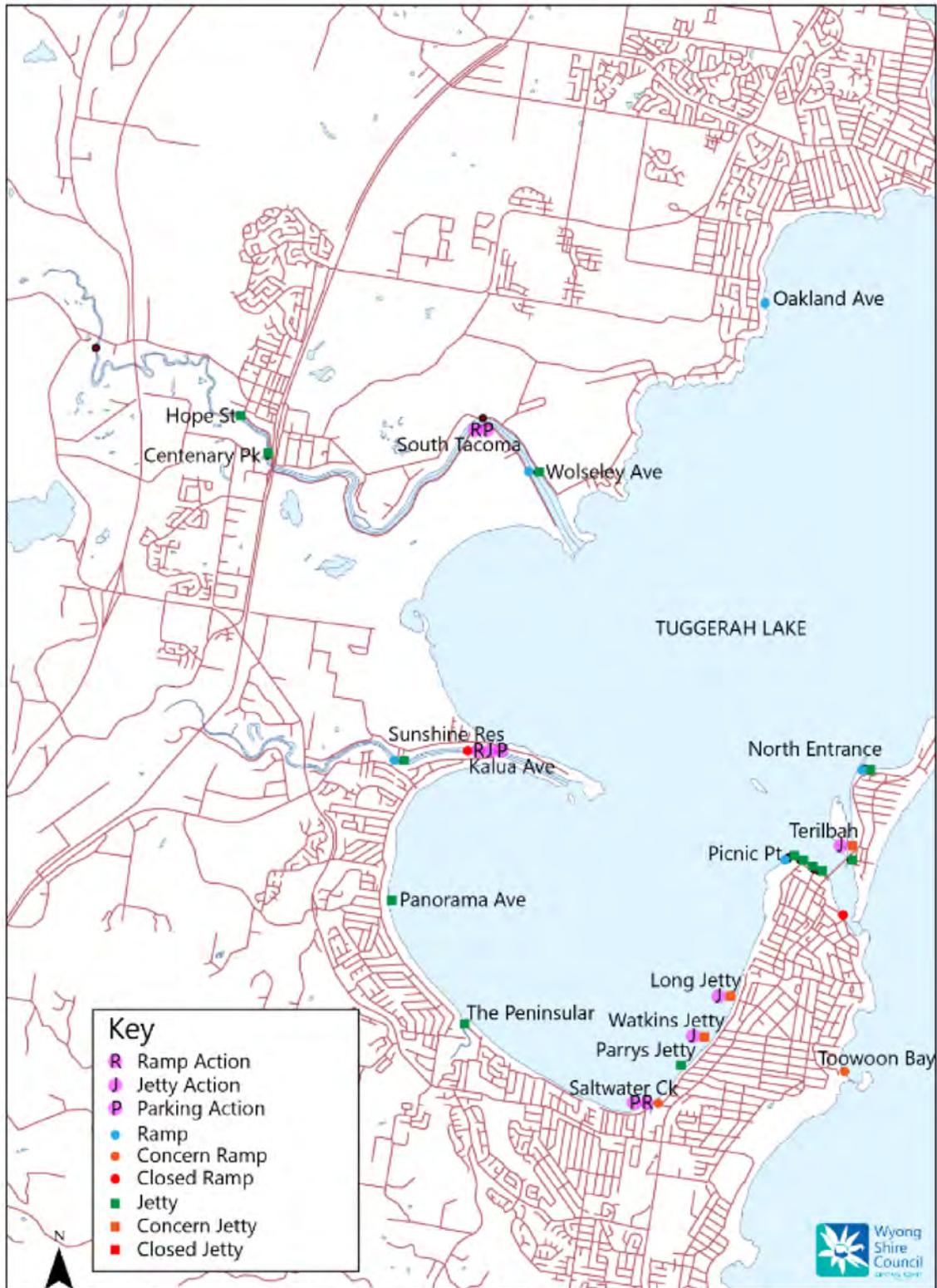
Four Year Capital Works Program

Year	Locations	Suburb	Action	Estimated Cost	Funding Source
2014/15	Bald Street Cabbage Tree Bay	NORAH HEAD	Replacement of boatramps	\$ 2,795,000	Grant & Capex
	Toukley Bridge East	GOROKAN	Renewal of fishing platform	\$ 50,000	Capex
	Wallarah Point Peace Park	GOROKAN	Renewal of fishing platform	\$ 50,000	Capex
	Gwandalan Lions Park	GWANDALAN	Repair drop off at end of ramp	\$ 45,000	Grant dependant
2015/16	Teribah Reserve	THE ENTRANCE NORTH	Renewal of fishing platform	\$ 90,000	Capex & Grant Dependant
	Long Jetty Foreshore - Long Jetty	LONG JETTY	Sub structure and decking replacement	\$ 90,000	Capex
	South Tacoma Rd	SOUTH TACOMA	Relocate boat ramp	\$ 70,000	Grant Dependant
	South Tacoma Rd	SOUTH TACOMA	Install Jetty	\$ 35,000	Grant Dependant
	South Tacoma Rd	SOUTH TACOMA	Formalise trailer and car parking	\$ 120,000	Grant Dependant
	Boat Harbour	SUMMERLAND POINT	Repair drop off at end of ramp	\$ 22,000	Capex
	Boat Harbour	SUMMERLAND POINT	Formalise trailer and car parking	\$ 120,000	Capex
	Long Jetty Foreshore - Saltwater Creek	LONG JETTY	Replacement of boatramp	\$ 357,000	Capex
	Long Jetty Foreshore - Watkin's Jetty	LONG JETTY	Sub structure and decking replacement	\$ 90,000	Capex
	Diamond Head Drive/Budgewoi Creek	BUDGEWOI	Renewal of jetty	\$ 55,000	Capex
2016/17	Slade Park Reserve	BUDGEWOI	Install fish cleaning table	\$ 12,000	Capex
	Long Jetty Foreshore - Saltwater Creek	LONG JETTY	Install Jetty	\$ 357,000	Capex
	Wallarah Point Peace Park	GOROKAN	Renewal of jetty #2	\$ 45,000	Capex
	Kalua Avenue	CHITTAWAY	Renew boat ramp	\$ 70,000	Capex
2017/18	Kalua Avenue	CHITTAWAY	Install Jetty	\$ 35,000	Grant Dependant
	Kalua Avenue	CHITTAWAY	Formalise trailer and car parking	\$ 120,000	Capex
	Garema Ave Taylors Bay	GWANDALAN	Install Jetty	\$ 45,000	Capex
	Long Jetty Foreshore - Saltwater Creek	LONG JETTY	Formalise trailer and car parking - 2 yr project	\$ 714,000	Capex
	Colongra Bay	LAKE MUNMORAH	Formalise trailer parking	\$ 120,000	Grant Dependant
	Hot Water Outlet	SAN REMO	Install boat ramp	\$ 180,000	Grant Dependant
	Hot Water Outlet	SAN REMO	Install Jetty	\$ 55,000	Capex
	Hot Water Outlet	SAN REMO	Formalise trailer parking	\$ 120,000	Grant Dependant
Hot Water Outlet	SAN REMO	Install fish cleaning table	\$ 12,000	Grant Dependant	

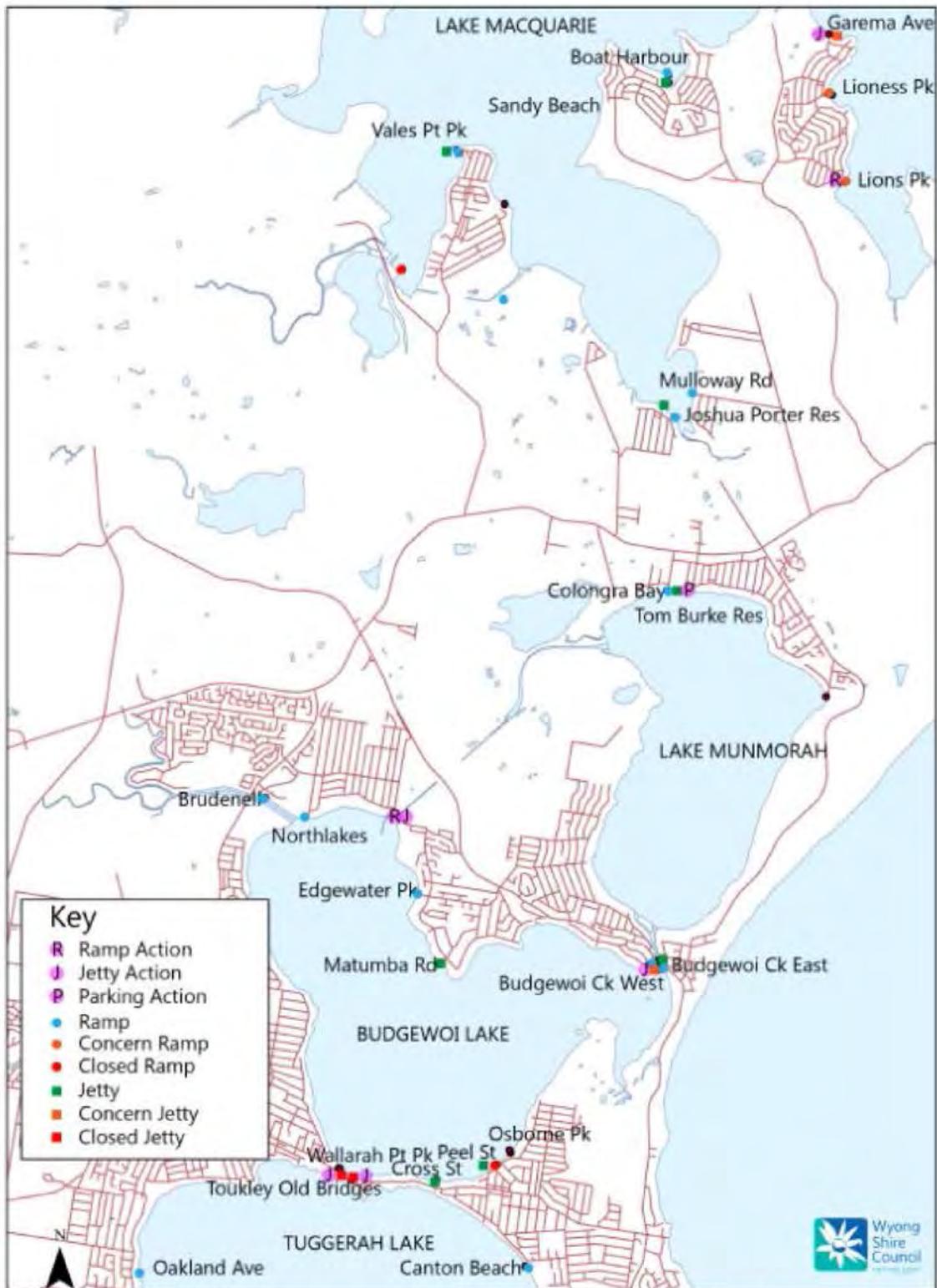
Summary of Aquatic Infrastructure in the Shire

Locations	Suburb	Multi Ramp	Single Ramp	Jetty/Wharf adj to ramp	Jetty/Wharf #1	Jetty/Wharf #2	Jetty/Wharf #3	Trailer Parking	Parking	Fish Cleaning	Adjacent Park	Toilet Block	Swimming Enclosure	Comments	Key
Berkeley Vale Foreshore (Panozama)	BERKELEY VALE				1			X	X					Uniform/misc informal parking area	X Site has asset
Budgevlei Creek Near Shops	BUDGEVOI				1			X	X					Fishing platform near bridge	1 Excellent - No work required
Diamond Head Drive/Budgevlei Creek	BUDGEVOI	3	4	3	4			X	X					Jetty requires renewal	2 Good - Only minor maintenance
Slade Park Reserve	BUDGEVOI	2		3				X	X	R	X	2			3 Average - Maintenance required
Ederwater Park	BUFF POINT	1						X	X		X	1		Ramp in excellent condition. depth of water to launch boats an issue.	4 Poor - Renewal required
Mitumba Road	BUFF POINT				2			X	X					Shared parking with all access playground	5 Very poor - Urgent Renewal Required
Canton Beach Foreshore	CANTON BEACH	1						X	X		X	1			R. New asset required
Joshua Porter Reserve	CHAIN VALLEY BAY	1			3			X	X		X	1			Works required in 2014/15
Mulloway Rd Foreshore	CHAIN VALLEY BAY	1			1			X	X		X				Works required in 2015/26
Killa Avenue	CHITTAWAY	5	R	R				X	X					Informal ramp with informal parking	Works required in 2016/17
Sunshine Reserve	CHITTAWAY POINT	1			2			X	X		X				Works required in 2017/18
Toulley Bridge East	GOROKAN				2			X	X						
Wallarah Point Peace Park	GOROKAN	2			4			X	X		X	1		Uniform/misc informal parking area Ramp recently replaced	
Gwandalan Lionsess Park	GWANDALAN	2			3			X	X		X			Informal ramp with informal parking	
Gwandalan Lions Park	GWANDALAN	1			3			X	X		X			Toulley Old Bridge with jetty	
Garfene Ave. Taylors Bay	GWANDALAN	1			R			X	X		X	3		Contains Toulley Old Bridge with a jetty off the front	
The Peninsula Foreshore	KILLARNEY VALE	1						X	X					Boat ramp in excellent condition though large drop off at the end of ramp a hazard	
Colongra Bay	LAKE MUNICORAH	2			2			X	X		X	1		Shared parking with mall - formalise trailer parking	
Tom Burke Reserve	LAKE MUNICORAH							X	X		X	1			
Long Jetty Foreshore	LONG JETTY	3			4			X	X		X	2			
Valley Point Foreshore	MANNING PARK	2			2			X	X		X	1		Shared parking with Saltwater Crook Park - Long Jetty and Parry's jetty require sub structure and decking replacement	
Bald Street Cabbage Tree Bay	NORAH HEAD	3			2			X	X		X	2		Ocean ramp - Replacing in 2014	
Errol Brindell Ave	SAN REMO	2			2			X	X		X			Uniform/misc informal parking area	
Hot Water Outlet	SAN REMO	R			R			X	X		X			Will allow the closure of 2-3 other restricted ramps	
San Remo Foreshore/Alrthakes Oval	SAN REMO	1			1			X	X		X			Opposite sportsground	
South Tacoma Rd	SOUTH TACOMA	2			R			R	R		X			Dangerous ramp located on bend - Rehabilitation required	
Beet Harbour	SUMMERLAND POINT	2			2			X	X		X	2		Buoyed Swimming Area - End of boat ramp drop off requires repair - Trailer parking requires formalisation	
Sandy Beach Reserve	SUMMERLAND POINT							X	X		X	1			
Walsley Av Foreshore	TACOMA	1			2			X	X		X			Uniform/misc informal Parking On Grassed Area - Fencing Platform Behind Co-Op	
Pentic Point Reserve	THE ENTRANCE	1			1			X	X		X			Emergency Services ramp	
Marine Parade	THE ENTRANCE	1			2									On street parking available	
The Entrance Foreshore West	THE ENTRANCE														
End of Hargreaves St	THE ENTRANCE NORTH				1			X	X		X	1			
Pelicans Wharf	THE ENTRANCE NORTH	2			2			X	X		X			High use fishing platform structurally sound - Elected by erosion	
Terribah Reserve	TOOMOON BAY	1						X	X		X	X		Corral ramp - Sand base	
Toomoon Bay Beach	TOUKLEY				3									Single lane concrete boat ramp that is closed	
Cross Street	TOUKLEY				2										
Pool Street	TOUKLEY				3										
Wyong Rotary Centenary Park	WYONG							X	X		X			Uniform/misc informal parking area	
Tiggerawong Rd Oakland Ave Foreshore	WYONG	2						X	X		X				

Map of Aquatic Infrastructure



Aquatic Infrastructure Strategy Map of Sites in the South



Aquatic Infrastructure Strategy Map of Sites in the North

Details of Aquatic Infrastructure Sites



This site has a regional catchment and is the only direct Ocean access ramp in Wyong Shire. The ramp is currently being replaced.



Boat Harbour has a regional catchment on Lake Macquarie. Triple ramp, jetties, wharf, pump out and ancillary recreation and community facilities in large park adjacent commercial facilities.



This is a local facility with limited size and facilities but has direct access to deeper water on Wallarah Creek into Budgewoi Lake.



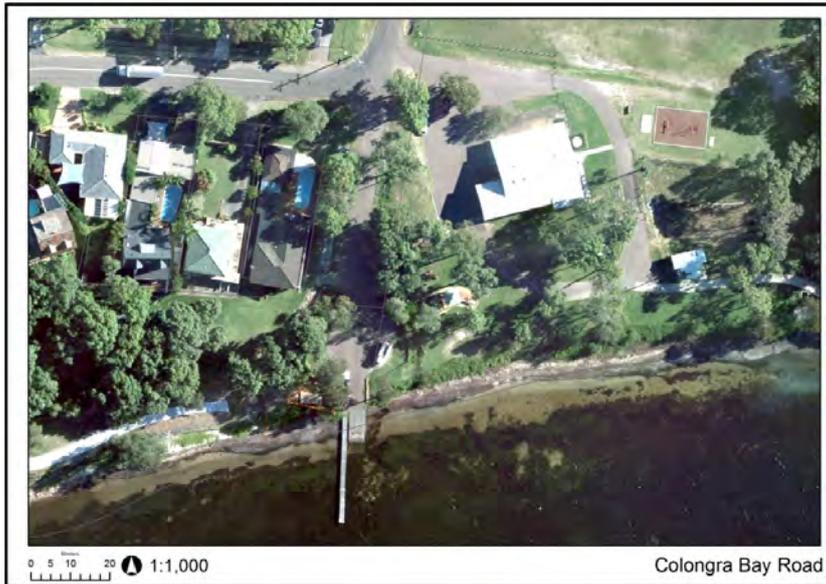
Budgewoi Channel has two public ramps to the west and east with jetties serving both and a fishing platform adjacent to the Circle. This site has significant potential due to its proximity to main roads, shops and tourism accommodation and location serving two lakes.



A local ramp on Budgewoi Lake maintained by the local sailing club with adjacent public recreation facilities.



A local public ramp with a regional playground and tourist park adjacent on Tuggerah Lake. Limited water depth. Canton Beach is a significant tourist destination for Wyong Shire.



A local ramp and jetty with no dedicated trailer parking on Lake Munmorah. Adjacent to a suite of public community and recreation facilities.



A local jetty with no parking and limited passive surveillance on Budgewoi Lake.



A local public ramp with no dedicated trailer parking on Budgewoi Lake. The ramp is subject to wrack accumulation due to the inlet design. Adjacent to a well-developed park.



A local public ramp on Lake Macquarie. No jetty or trailer parking. Limited capacity.



A local jetty primarily used as a fishing platform on The Entrance Channel. On- street parking.



Local platform for launching padding craft on Wyong River. Limited parking. Adjacent to Wyong township.



A major fishing destination with large parking area and toilets on Budgewoi Lake.



A local facility attracting a regional catchment on Lake Macquarie with adjacent recreation facilities. Limited trailer parking and no adjacent jetty or pontoon. Potential for amplification.



A local informal ramp closed in 2010 at the end of a residential street on Ourimbah Creek. Good access to deep water and lake. Limited cleared area for parking.



A regional site with a local ramp, limited parking and a netted swimming area on Lake Macquarie. A well-developed suite of recreation and community facilities adjacent.



A regional site with a higher capacity single ramp requiring upgrade and a large parking area on Lake Macquarie.



A local ramp with a dangerous approach maintained only for emergency services and commercial use on The Entrance Channel.



A high quality private local ramp for the use of the Sailing Club on Lake Macquarie.



A local jetty recently upgraded on Budgewoi Lake. A dedicated parking area.



A local ramp and jetty recently upgraded with a shallow approach and underdeveloped parking area on Lake Macquarie.



A local public jetty with limited parking and visual connection to the road on Tuggerah Lake.



A regional site with a local ramp serving the deep water channel on Tuggerah Lake. Limited parking. On a main road and adjacent recreation facilities, commercial and emergency services.



A local ramp and jetty with very limited parking accessed by a residential street on Budgewoi Lake at Wallarah Creek.



A local ramp on the western side of Tuggerah Lake with no jetty and a very poor trailer parking area.



A regional site on Budgewoi Lake with adjacent recreation facilities, club and emergency services. A private triple ramp with car park on parkland.



A local jetty recently upgraded on Tuggerah Lake. An unformed off street parking area. Adjacent to EMP interpretive facilities



Recently upgraded jetty with regional catchment on Tuggerah Lake. Parking nearby.



A regional site on Tuggerah Lake. Double ramp, pontoon, large parking area and a wide range of adjacent recreation facilities. Serves the major tourist destination of The Entrance.



Regional recreation site at the gateway to The Entrance Peninsular on Tuggerah Lake with an old ramp and no jetty or trailer parking. Adjacent to wide range of recreation facilities. Scheduled for renewal.



Buoyed swimming area on Lake Macquarie with a regional catchment due to popularity for boating.



Local ramp on Wyong River with no parking in a dangerous location requiring access on a road travelling land. Requires relocation.



Local ramp and wharf on Ourimbah Creek with trailer parking and adjacent community and recreation facilities. Recently upgraded.



Regional fishing platform on deep water channel on Tuggerah Lake with adjacent recreation facilities and large car park on Main Road. No toilet facilities without crossing road - limits capacity.



Regional site on The Entrance Channel with several smaller jetties very popular for fishing. Recently redeveloped seawall with paths and fishing rail facility.



Regional jetty with adjacent recreation and commercial facilities on Tuggerah Lake. Requires upgrade.



Local boat ramp and jetty on Tumbi Umbi Creek. Limited parking accessed by residential street.



Swimming area on Lake Munmorah adjacent recreation facilities with parking area.

Beach renourishment recently completed.



Limited Ocean access ramp across beach with very limited trailer parking located on very popular tourist destination and high use recreational beach.



Fishing platforms retained on remnants of local heritage listed Old Toukley Bridge on Budgewoi Lake. Requires renewal for safe public use.



Private local ramp built and maintained by sailing club on Tuggerah Lake.



Regional site with double ramp, netted swimming area and two jetties on Lake Macquarie. Adjacent high standard recreation facilities and parking. Access via residential street. Recently renewed.



Regional site with single ramp and jetty, large parking area on Budgewoi Lake. Shallow water depth. Adjacent recreation, commercial and tourism facilities. On main road.



Regional jetty adjacent commercial and recreation facilities on Tuggerah Lake. Recently upgraded.



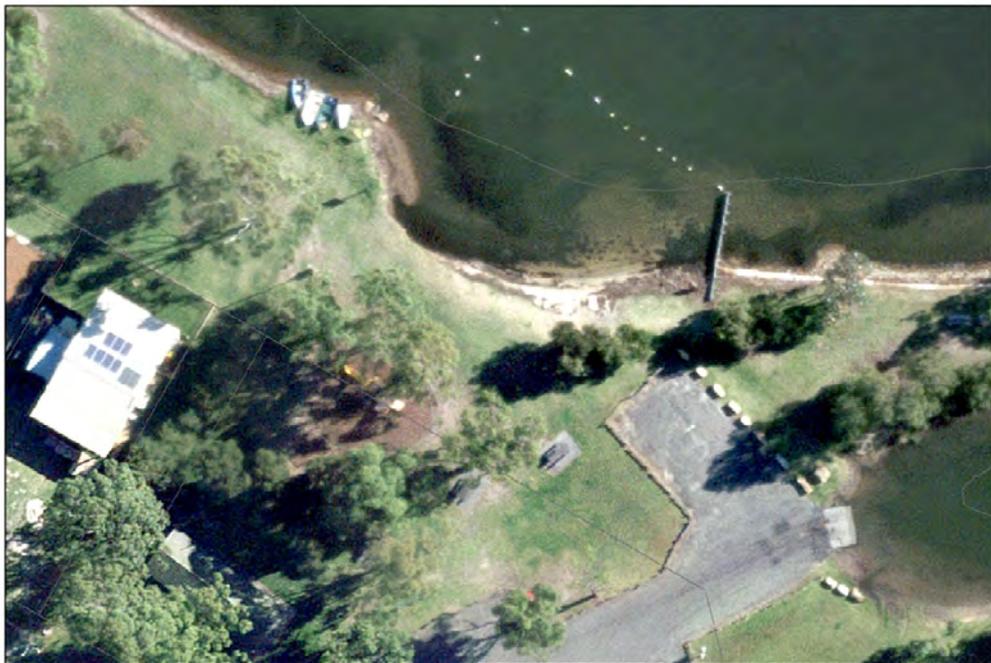
Local ramp with wharf on Wyong River. No trailer parking on distributor road. No toilets.

Access deep water in River.

Aerial Photos of Swimming Areas



Boat Harbour Swimming Area, Summerland Point



Joshua Porter Swimming Area, Chain Valley Bay



0 2.5 5 10 Meters 1:500

Lioness Park Swimming Area, Gwandalan



0 2.5 5 10 Meters 1:500

Sandy Beach Swimming Area, Summerland Point



Tom Burke Swimming Area, Lake Munmorah



Vales Point Swimming Area

4.4 Policy for Investment of Council Funds

TRIM REFERENCE: F2004/06602 - D11658188
MANAGER: Stephen Naven, Chief Financial Officer
AUTHOR: Devini Susindran; Financial Accountant

SUMMARY

Policy for Investment of Council Funds directs staff in its management of Council investments.

RECOMMENDATION

That Council adopt the Policy for Investment of Council Funds and the Investment guidelines for Asset Allocation and Performance Measurement and Risk Management

BACKGROUND

Legislation requires Council's to maintain an Investment Policy that complies with the Local Government Act 1993, the Local Government (General) Regulation 2005, Ministerial Investment Order of 12 January 2011 as advised to WSC by way of DLG Circular 11-01 17 February 2011 and Investment Policy Guidelines, issued by the Division of Local Government, Department of Premier and Cabinet in relation to comparative benchmarks used in investment decisions as well as Council's current investment strategy.

WSC's Investment Policy and guidelines are also required to establish the mandatory requirements for the management of WSC's cash and investment portfolio. The Policy is designed to safeguard WSC's cash and investments, achieve appropriate earnings and manage WSC's cash resources to ensure sufficient liquidity to meet WSC's business objectives over the long, medium and short term and is supported by the Investment Guidelines for asset allocation and Performance Measurement and Risk Management.

The Policy and Guidelines require updating from time to time.

The Local Government Code of Accounting Practice & Financial Reporting requires WSC to undertake an annual review (or as required in the event of legislative changes) of its Investment Policy and Investment Strategy.

CURRENT STATUS

WSC has an adopted Investment policy and guidelines which staff adhere to.

THE PROPOSAL

It is proposed to make minor changes to the Policy and Guidelines as follows:

1. The Investment Policy :
Amend Policy Statement E.4. - to report variations to the policy to Council in the next monthly Investment Report (previous version specified 21 days which didn't always coincide with an Ordinary Council meeting).
2. The Investment (Performance Measurement and Risk Management) Guidelines :
 - a. To remove Grandfathered investments from Guidelines as all investments held under the Grandfathered provisions have now been liquidated
 - b. Counterparty/Institution Credit Frame work – to remove Grandfathered Investments and to allow for 5% exposure to unrated investments (previously 15% for Grandfathered and unrated)

Individual Institution Limits		
Long Term Credit Ratings	Short Term Credit Ratings	Direct Securities Maximum Limit
AAA Category**	A-1+	20%
AA Category**	A-1+	20%
A Category*	A-2*	15%
BBB Category*	A-3*	5%
Unrated Category*	Unrated*	5%

3. Investment Asset Allocation Guidelines :
 - a. Target Asset Allocation and Return Expectations – to remove grandfathered investments and include Fixed and Floating Rate notes instead of the acronym FRN's

Investment Category	Investment Horizon	Target Allocation* %	Net Target Over Bank Bills	Example of Suitable products
Working capital funds	0-3 months	30.0%	- 0.20% - 0.50%	11am,,overnight call and cash A/Cs, short dated bank bills, TCorp Hour-Glass Cash Facility
Short term funds	3-12 months	45.0%	0.30% - 0.60%	TCorp Hour-Glass Strategic Cash, term deposits
Short-Medium term funds	1-2 years	10.0%	0.50% - 1.00%	Term deposits, senior ADI Fixed and Floating Rate Notes, short dated bonds
Medium term funds	2-5 years	7.5%	0.80% - 1.20%	Term deposits, senior ADI Fixed and Floating Rate Notes and bonds
Long term funds	5 years	7.5%	1.00% - 1.50%	Term deposits, senior ADI Fixed and Floating Rate Notes and bonds
TOTAL		100.0%		

- b. Approved Investment Types and Benchmarks By Investment Category - to remove grandfathered investments and include Fixed and Floating Rate notes instead of the acronym FRN's

Investment Category	Horizon (at purchase date)	Benchmark	Council specific considerations	Examples of Suitable Instruments
Working capital funds	0-3 months	Official cash rate + 10 basis points	Same day or following day access;	11am and cash A/Cs, short dated bank bills, TCorp Hour-Glass Cash Facility
Short term funds	3-12 months	BBSW	Liquid enough to sell or redeem in one or two weeks if necessary without expressive buy-sell spread	TCorp Hour-Glass Strategic Cash, term deposits,
Short-Medium term funds	1-2 years	18 Month BBSW +10 basis points	Council generally maintains its holding in bonds and similar instruments in third party registries, e.g. Bank treasury section	Term deposits, senior ADI Fixed and Floating Rate Notes, bond, short dated bonds
Medium term funds	2-5 years	3 year BBSW+10 basis points	As above	Term deposits, senior ADI Fixed and Floating Rate Notes and bonds
Long term funds	5 years	5 year BBSW yield	Held by custodian	Term deposits, senior ADI Fixed and Floating Rate Notes and bonds

Long term Financial Strategy

Investment earnings are a significant source of revenue for Council and it is important that returns are maximised, risk minimised and that Council's investments are made in accordance with the relevant legislation.

GOVERNANCE AND POLICY IMPLICATIONS

Legislation requires that councils must maintain an Investment Policy that complies with the Local Government Act, the Local Government (General) Regulation and the Ministerial Investment Order.

MATERIAL RISKS AND ISSUES

Council officers must act with the duty of care, skill, prudence and diligence that a prudent person would exercise when investing and managing their own funds. However, by the very nature of investments, there are some risks associated. WSC's internal controls are in place to ensure that assets are safeguarded.

CONCLUSION

An annual review of the investment policy is a requirement of The Local Government Code of Accounting Practice & Financial Reporting and a revised policy and Guidelines are required for Council's consideration.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Investment Policy August 2014 | D11668822 |
| 2 | Investment Performance and Risk Management Guidelines August 2014 | D11668832 |
| 3 | Investment Asset Allocation Guidelines August 2014 | D11668833 |



POLICY No: WSC039

POLICY FOR INVESTMENT OF COUNCIL FUNDS

© Wyong Shire Council
Wyong Shire Council
2 Hely Street Wyong
PO Box 20 Wyong NSW 2259
P 02 4350 5555 **F** 02 4351 2098
E wsc@wyong.nsw.gov.au
W www.wyong.nsw.gov.au



AUTHORITY	NAME & TITLE	SIGNATURE	DATE
AUTHOR	Carlton Oldfield, Financial Controller		
MANAGER	Stephen Naven, Chief Financial Officer		
GENERAL MANAGER	Michael Whittaker		
MAYOR (IF APPLICABLE)			

History of Revisions:

Version	Date	TRIM Doc. #
1	18/8/2014	D11668822

A. POLICY SUMMARY

- A.1 This policy defines the circumstances under which Wyong Shire Council (WSC) may invest Council funds not required for immediate and short-term operational purpose.
- A.2 It sets the risk profile, investment strategy and authorities to execute investment instruments.

B. POLICY BACKGROUND

- B.1 Council is given statutory functions, duties and powers under the Local Government Act. It is specifically required to conduct the affairs of the Council in accordance with its Charter s.8, operate particularly in accordance with Chapter 12 of the Act - and all other relevant requirements of the Act.
- B.2 All investments are to comply with:-
 - B.2.1. Local Government Act 1993;
 - B.2.2. Local Government– Ministerial Order dated 12 January 2011;
 - B.2.3. The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2); Local Government Code of Accounting Practice and Financial Reporting;
 - B.2.4. Local Government (General) Regulation 2005;
 - B.2.5. Division of Local Government Circular 11-01
 - B.2.6. The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2); and
 - B.2.7. Australian Accounting Standards.
- B.3 The Department of Local Government releases guidance to Councils on investment management from time to time.

C. POLICY OBJECTIVES

- C.1. To provide a framework for the investing of Council's funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.
- C.2. While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the rate of return of the investment.

D. DEFINITIONS

- D.1. **Delegated Authority** - means any function, duty or power vested in the Council by the Act, that the Council may, within the terms of the Act, delegate to a Council member, Committee of the Council, General Manager, employee or person or class of persons approved for the purpose.
- D.2. **Policy** – means a statement by the Council or General Manager that defines WSC's position or attitude toward any issue.
- D.3. **Council** – means the group of elected members that form the Wyong Shire Council governing body.
- D.4. **Investment** - means the placement of Council monies in any form of investment instrument that provides for returns. It does not include any investment made in capital assets, people or property. An investment must comply with Council's adopted Investment Policy.

E. POLICY STATEMENTS

- E.1. This policy does not confer any delegated authority upon any person.
- E.2. Council will not instruct the General Manager in any manner that requires the General Manager to breach his/her statutory responsibilities in respect of investments.
- E.3. Subject to any functions, duties or powers conferred directly on a Council or General Manager by the Act, the Council will delegate to the General Manager, the power to make decisions relating to the effective and efficient management of investments in accordance with this policy.
- E.4. The General Manager may, in exceptional or emergency circumstances, approve an action outside the requirements of this policy provided that any such variation to this policy is reported to Council in the next monthly investment report.
- E.5. Other investment acquisitions - the Council alone may approve the acquisition of land or holding of any shares or interests in a body corporate, partnership, joint venture or other association of persons; or settle, or be, or appoint a trustee of, a Trust.
- E.6. The Council will not delegate to any person, the authority to raise capital or to specifically borrow money by any means, including options, swaps, or any other non balance-sheet items.
- E.7. Council will only allow investment for the purpose of achieving the effective and efficient on-going management of the Council organisation in accordance with the Act, Four Year Delivery Plan, Annual Plan, Long Term Financial Strategy and any other policy made from time to time.
- E.8. Investments will be managed with the care, diligence and skill that a prudent person would exercise and officers shall not engage in activities that would conflict with the proper execution and management of Council's investment portfolio.
- E.9. Subject to functions, duties or powers conferred upon the General Manager by the Act, all delegated authorities must be exercised in accordance with relevant WSC policies and procedures set by the Council or General Manager from time to time.
- E.10. Variations, reviews or additions to this policy shall be approved by resolution of the Council.
- E.11. All investment securities must be denominated in Australian Dollars.
- E.12. New Investments shall be limited to (by statute):-
- E.12.1. Any public funds or securities issued by or guaranteed by the Commonwealth, any State or a Territory;
 - E.12.2 Any debentures or securities issued by a Council;
 - E.12.3. Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (ADI), as defined in the Banking Act 1959 (Cwth), but excluding subordinated debt obligations;
 - E.12.4. A deposit with NSW Treasury Corporation or investments in a Hourglass Investment Facility of the NSW Treasury Corporation;
 - E.12.5 Any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australia prudential Regulation Authority.
- E.13. Council may not invest in suspended instruments formerly available but may retain such investments until maturity or sale, which ever is the sooner.

- E.13.1. Deposits in prescribed securities that either have a minimum long term credit rating of 'A' or short term rating of 'A1' from Standard & Poor's (S&P) or Fitch Ratings/Moody Investor Services (Moody's) equivalent (where not otherwise open – for example, where they are issued by a bank).
- E.13.2. Managed funds with a minimum long term S&P credit rating of 'A' or better, or Fitch/Moody's equivalent.
- E.14. This investment policy prohibits but is not limited to any investment carried out for speculative purposes including:
- E.14.1. Derivative based instruments;
- E.14.2. Principal only investments or securities that provide potentially nil or negative cash flow;
- E.14.3. Stand alone securities issued that have underlying futures, options, forwards and swaps of any kind; contracts
- E.14.4. The use of leveraging (borrowing to invest) of an investment.
- E.15. The General Manager, in consultation with Council staff shall issue guidelines reviewed at least annually, for the management of the following risk classes:-
- Credit Risk Management** which must include:-
- E.15.1. Maximum portfolio weighting by total assets in an asset grouping.
- E.15.2. Maximum amount to be held with an individual institution within an asset grouping.
- Term to Maturity Framework**
- E.15.3. Asset groupings will be defined with reference to credit rating and whether or not they fall within the "closed to new investment" category detailed above.
- E.15.4. The amount of investment risk attached to a particular security is in part related to its term to maturity. Guidelines for the management of term to maturity risk shall at a minimum prescribe the maximum exposure by term to maturity groupings, as an example, percentage of portfolio maturing in three to four years.
- E.16. This policy is not dependent on the terms of any other policy or procedures except the Act or direct, lawful instruction under the terms of the Act.

F. PROCEDURES

- F.1. Council will comply with appropriate accounting standards in valuing its investments and quantifying its investment returns.
- F.2. Investment income must be recorded according to accounting standards, published reports may show a break down of its duly calculated investment returns into capital gains and losses, and interest.
- F.3. A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.
- F.4. From time to time financial assets may be acquired at a discount or premium to their face value. Discount or premium is to be taken into account in line with relevant Australian Accounting Standards.

- F.5. For audit purposes, certificates must be obtained from the banks/fund managers/custodian confirming the amounts of investment held on Council's behalf at 30 June each year.
- F.6. The General Manager, in consultation with council staff, will approve investment guidelines, within this policy, as part of the annual review, which will set the general direction for the purchase and sale of investment assets for the coming period and prescribe performance targets by asset category.
- F.7. Management of the risks associated with delegation of authority shall be achieved by way of detailed regular reporting on the exercise of all functions, duties and powers delegated throughout the organisation and by the Council.
- F.8. The performance of the portfolio will be assessed against a benchmark set annually in the Annual Plan.
- F.9. From time to time, Council may utilise the services of a suitably qualified and experienced investment advisor for the purposes of achieving the aims of this policy.
- F.10. The Investment Policy will be reviewed annually or as required in the event of legislative changes.

Investment (Performance Measurement and Risk Management) Guidelines

Measurement

The performance of each investment should be greater than or equal to the applicable benchmark.

Investment Category	Horizon (at purchase date)	Benchmark
Working capital funds	0-3 months	Official cash rate + 10 basis points*
Short term funds	3-12 months	Bank Bill Swap Rate ("BBSW")
Short-Medium term funds	1-2 years	18 Month BBSW +10 basis points
Medium term funds	2-5 years	3 year BBSW+10 basis points
Long term funds	5 years	5 year BBSW

- At the time of writing this spread was available on the market for 11 a.m. money with AA institutions. This benchmark needs regular review based on market experience.

Credit Risk Guidelines – Managed Funds

The ability to invest in Managed Funds has now been suspended for new investments post the Cole Report of April 2008. Existing Managed Fund investments have been "Grandfathered" and can be continued to be held by Council.

Credit Risk Guidelines – Direct Investments

Before entering into any investment transaction with a new institution there will be a diligent review of the creditworthiness of that institution. Council must form its own opinion of the risk attached to an institution and not merely rely on published credit ratings. Nevertheless, all investments will be at investment grade, namely Standard & Poor's (S&P) BBB long term (or equivalent) or above.

Council will not invest in subordinate debt.

Portfolio Credit Framework

The portfolio credit guidelines to be adopted will be based on the S&P ratings system criteria. The maximum available limits in each rating category are as follows:

Long Term Credit Ratings	Short Term Credit Ratings	Target Credit Weighting
AAA Category	A-1+	10%
AA Category	A-2	45%
A Category*	A-2*	30%
BBB Category*	A-3*	10%
Unrated	Unrated*	15%

* Investments with counterparties below AA Category (Long Term) and below A-1 (Short Term) are to be restricted to authorised deposit-taking institutions.

Counterparty/Institution Credit Framework

Exposure to individual counterparties/financial institutions will be restricted by their S&P rating so that single entity exposure is limited, as detailed in the table below:

Individual Institution Limits		
Long Term Credit Ratings	Short Term Credit Ratings	Direct Securities Maximum Limit
AAA Category**	A-1+	20%
AA Category**	A-1+	20%
A Category*	A-2*	15%
BBB Category*	A-3*	5%
Unrated Category*	Unrated*	5%

*Investments with counterparties below AA Category (Long Term) and below A-1 (Short Term) are to be restricted to authorised deposit-taking institutions.

**The limit may be exceeded temporarily to the extent that the excess represents funds held on deposit awaiting reinvestment.

Term to Maturity Framework

The investment portfolio is to be invested with the following term to maturity constraints:

Description	Maximum Exposure
Portfolio allocation:	
Portfolio % < 1Year	100%
Portfolio % > 1 Year < 3 Years	70%
Portfolio % >3 Years < 5 Years	30%
Portfolio % > 5 Years	30%
Maturity of financial institution securities:	
ADI issues rated A or above	10 years
ADI issues rated BBB to A-	3 years
ADI issues non-rated	nil

Authorised: Steven Naven
Chief Financial Officer August 2014

Investment (Asset Allocation) Guidelines

Council is a risk-adverse investor. It is intended to maximise investment returns while maintaining the security of investments through the prudent management of risk.

RISK MANAGEMENT

Detailed decisions on the purchase and sale of investment assets will be mindful of the following risk categories.

Risk	Mitigants
Risk of Capital Loss	Matching investment maturity dates to known cash outflows, investment strategy to buy and hold until maturity, diversification constraints and diligent product research.
Concentration risk (“all eggs in one basket”)	Credit Risk management guidelines by individual investment (see table below).
Credit Risk	Credit Risk management guidelines by asset class (see table below).
Interest Rate (duration) risk	Term to Maturity Guidelines (see table below).
Market timing risk (“not getting a good price on the day”)	Stagger investment dates, maintain spread of maturity dates.
Regulatory risk	Regulation embedded in Investment Policy. Portfolio actively managed to comply with Policy.
Product risk	Undertake rigorous product research.
Liquidity risk	Cash flow forecasting, allocation of investment funds to time horizons, maintenance of a “liquidity reserve” through conservative assumptions in cash flow forecasting.
Income risk	Conservative approach to investment income budgeting.
Fraud risk	Documented investment procedures, separation of responsibilities for investment decision making and transaction settlement, only one account for payment of redemption proceeds, use of licensed custodians or third party registries where applicable.
Safe keeping / Clear title risk	Documented investment procedures.

ALLOCATION OF FUNDS

The Target Asset Allocation (TaR) will be determined from time to time having regard to the economic conditions that are prevalent. The table below headed “Target Asset Allocation and Return Expectations” outlines the TaR.

The TaR will be established between the minimum and maximum allocation range shown in the table below. The factors and/or information used to determine the TaR include, but are not limited to:

- Council’s liquidity requirements;
- The shape of the bank bill swap curve (yield curve);
- Term deposit spread curve (i.e. the rate financial institutions are paying above the relevant BBSW rate);
- Credit spreads; and
- Macro economic variables.

Investment Category	Investment Horizon	Minimum Allocation	Target Allocation	Maximum Allocation
Working capital funds	0-3 months	10.0%	See table below	100.0%
Short term funds	3-12 months	20.0%	See table below	100.0%
Short-Medium term funds	1-2 years	10.0%	See table below	70.0%
Medium term funds	2-5 years	0%	See table below	30.0%
Long term funds	5 years	0%	See table below	30.0%

In setting the strategic asset allocations, Council is relying upon assumptions of expected investment returns and market conditions.

REBALANCING

Each investment category will be re-balanced back to the target asset allocation weight at least quarterly. The tolerance range outside of the target asset allocation is reflected in the table below.

Investment Category	Tolerance range outside of target asset allocation
Working capital funds	$\pm 10.0\%$
Short term funds	$\pm 10.0\%$
Short-Medium term funds	$\pm 7.5\%$
Medium term funds	$\pm 7.5\%$
Long term funds	$\pm 5.0\%$

BENCHMARKING AND MONITORING

Each investment in the portfolio is to be evaluated and monitored against a performance benchmark appropriate to the risk and time horizon of the investment concerned. The objective is to ensure that all investments considered can deliver a level of return commensurate with their risk profile and that they are competitive with an appropriate peer group of alternative investment options. During the currency of this Strategy Document, no assets other than those listed will be eligible.

Compliance of the portfolio with this Investment Strategy shall be reported to the General Manager quarterly.

IMPLEMENTATION and AUTHORITY TO AMEND STRATEGY

This Investment Strategy sets out the intended approach to investments in the market conditions that are expected to prevail over the medium to long term investment horizon. However, there will be periods, sometimes sustained, where “normal” market conditions do not apply.

For example, periods where short term interest rates are higher than long term interest rates, or investments of similar credit quality offer different yields due to liquidity differences.

The General Manager may approve a variation to this strategy if the investment is to the Council’s advantage or due to revised legislation.

PROFESSIONAL ADVICE

Council may seek professional, external investment advice from time to time to provide assistance in Investment Strategy formulation, portfolio implementation and monitoring.

Authorised: Steven Naven

Chief Financial Officer

August 2014

TARGET ASSET ALLOCATION & RETURN EXPECTATIONS

Investment Category	Investment Horizon	Target Allocation*	Net Target Over Bank Bills	Example of Suitable products
Working capital funds	0-3 months	30.0%	-0.20%	11am, overnight call and cash A/Cs, short dated bank bills, TCorp Hour-Glass Cash Facility
Short term funds	3-12 months	45.0%	0.30%	TCorp Hour-Glass Strategic Cash, term deposits
Short-Medium term funds	1-2 years	10.0%	0.50%	Term deposits, senior ADI Fixed and floating Rate Notes, short dated bonds
Medium term funds	2-5 years	7.5%	0.80%	Term deposits, senior ADI Fixed and Floating Rate Notes and bonds
Long term funds	5 years	7.5%	1.00%	Term deposits, senior ADI Fixed and Floating Rate Notes and bonds
TOTAL		100.0%		

* Council's Target Asset Allocation is derived from the expected funds available to invest in each nominated investment category. This will be reviewed annually at a minimum. At times the actual allocation will differ from the target allocation until such times as normal investment conditions return. The rationale for any differences between actual and target allocation will be detailed in Council's semi annual portfolio reviews.

APPROVED INVESTMENT TYPES & BENCHMARKS BY INVESTMENT CATEGORY

Investment Category	Horizon (at purchase date)	Benchmark	Council specific considerations	Examples of Suitable Instruments
Working capital funds	0-3 months	Official cash rate + 10 basis points	Same day or following day access; Liquid enough to sell or redeem in one or two weeks if necessary without expressive buy-sell spread	11am and cash A/Cs, short dated bank bills, TCorp Hour-Glass Cash Facility
Short term funds	3-12 months	BBSW	Council general maintains its holding in bonds and similar instruments in third party registries, e.g. Bank treasury section	TCorp Hour-Glass Strategic Cash, term deposits,
Short-Medium term funds	1-2 years	18 Month BBSW +10 basis points		Term deposits, senior ADI Fixed and Floating Rate Notes, bond, short dated bonds
Medium term funds	2-5 years	3 year BBSW+10 basis points	As above	Term deposits, senior ADI Fixed and Floating Rate Notes and bonds
Long term funds	5 years	5 year BBSW yield	Held by custodian	Term deposits, senior ADI Fixed and Floating Rate Notes and bonds

Notes:

1. The eligibility of an investment is determined by the NSW Local Government Minister's Order dated 12 January 2011.

4.5 Waste Disposal Voucher

TRIM REFERENCE: F2013/00826 - D11682721
MANAGER: Eric Lemon, Manager Commercial Enterprises
AUTHOR: Stefan Botha; Manager

SUMMARY

Councillors have requested the recommendation of a methodology to assist residents to undertake an annual clean-up ("spring clean") of their properties.

RECOMMENDATION

- 1 That Council approve a one-off free waste disposal voucher to be made available to each household. The voucher can be utilised between 1 November 2014 and 31 January 2015 for the disposal at Buttonderry of household inert waste equal to one bulk kerbside collection, with the following conditions:**
 - a only one load per voucher with a maximum weight of 200kg.**
 - b usable only for household waste, as per the bulk kerbside collection guidelines , excluding unacceptable materials such as hazardous wastes, problem wastes, food wastes, medicine, batteries, tyres, and construction materials.**
- 2 That Council approve the additional expenditure for this project which, based on an estimated 25 % participation rate, is estimated at \$390,000.**

BACKGROUND

Each residential ratepayer currently has an allocation of 6 on-call bulk kerbside collections per year. Each allocation consists of a maximum of 2 cubic meters of inert or dry organic household waste, which excludes materials such as hazardous wastes including asbestos, chemicals, etc., problem wastes such as paints and oils, and construction materials such as soil, bricks and tiles. A bulk kerbside collection is booked by the household through the booking system, and will be scheduled to be picked up on the same day as the regular bin collection.

Currently residential households are using an average of 1.4 free kerbside pick-ups per annum (83,200 pick-ups across 60,000 residences) compared to the 6 per annum that they are entitled to use. This represents an approximate 23% participation or take-up rate. Council uses this average in its calculations of the Domestic Waste Management Charge (DWMC).

Proposals have been made to allow households the option to have a voucher or coupon system as an alternative to the bulk kerbside collection. This would provide the household the flexibility to be able to do a clean-up and take the waste to Buttonderry for disposal

instead of placing the waste on the kerbside for collection. Households that take their waste directly to Buttonderry currently have to pay the full cost regardless of whether they have any unused bulk kerbside allocations to their property available.

OPTIONS

The Waste Unit has identified three methods of allowing households to exchange some or all of their kerbside pick-up entitlements for free disposal at Buttonderry:

- 1 Council issued waste disposal vouchers** - Council could mail waste disposal vouchers along with rates notices. The key problem with this approach is that many residents are tenants and therefore not the ratepayer, so it is not certain that the voucher would always be made available to the occupant of the household. Systems would need to be put into place to prevent inappropriate trading or usage of waste disposal vouchers, as well as requiring additional systems to be implemented to process and validate the vouchers at the Buttonderry weighbridge.
- 2 Voucher System where free waste disposal is booked through the current system (1Coast.com.au)** - A system could be implemented enabling households to create a free waste disposal voucher using the existing online booking system. Remondis have indicated that they could amend their system to allow the resident to print out a voucher with a unique barcode that could be presented at the Buttonderry weighbridge. There would still be a need to have processing and validation systems in place at the weighbridge.
- 3 Verification at the Buttonderry weighbridge** - This option would involve no vouchers being issued with all verification and recording occurring at the Buttonderry weighbridge. Robust systems and processes would need to be implemented so that weighbridge staff could verify the identity and address of the resident. Weighbridge staff would also need to have access to the booking system to determine whether the resident had remaining eligible pick-ups, and to record the current visit as a credit against that household's allowance. This method may cause disruption to weighbridge operations due to the processing time involved, possibly resulting in traffic congestion at the weighbridge at peak times.

PREFERRED OPTION

It is proposed to provide households with one free disposal voucher along with the next issue of rate notices. The voucher would be valid for use during the three months from 1 November 2014 to 31 January 2015. This period has been nominated because household 'spring clean-ups' generally occur during those summer months, with the December and January holiday period being the most popular time.

It is recommended that the voucher value should be capped at a maximum of 200 kg per voucher. The average weight of each bulk kerbside pick-up is approximately 120 kg, and it is also estimated that an average trailer load is around 120kg. Some loads may contain bulky and/or heavier items but a limit of 200kg should be sufficient for most household wastes.

The voucher would be usable only for household waste, as per the bulk kerbside collection guidelines, excluding unacceptable materials such as hazardous wastes, problem wastes, food wastes, medicine, batteries, tyres, and construction materials.

The free disposal voucher is recommended to be provided in addition to their existing or remaining kerbside collection entitlements. This will eliminate the need for much of the difficult administrative activity associated with tracking, validating, and accounting for the swapping of kerbside entitlements.

BUDGET IMPACT

It is estimated that a 25% participation rate will result in the presentation at Buttonderry of up to 15,000 “free” disposal vouchers, which will incur additional costs to Council totalling up to **\$390,000**. This comprises approximately \$280,000 for additional waste disposal costs (predominant incremental cost is the EPA levy of \$120.90 per tonne), and approximately \$110,000 in additional systems, processing, and administration costs. Potential increase to DWMC is estimated at \$4/household which would be charged in the 2015/16 billing period.

CONSULTATION

Internal consultation was held with the Waste Board, Information Management, Financial Performance and Financial Systems.

External consultation was conducted with Cessnock City Council who currently have a waste voucher system available to their residents.

MATERIAL RISKS AND ISSUES

A potential risk is that the participation rate may exceed the estimated 25% which will result in increased expenditure that may need to be recovered from an increase to the DWMC.

Given that December and January are the most popular months for households to do clean-ups, the vouchers could create significant additional traffic at Buttonderry during those months. System and procedures will need to be amended to make provision for an unknown additional load and traffic congestion during the popular days.

ATTACHMENTS

Nil.

4.6 Election of Council Representative for Wyong Chamber of Commerce

TRIM REFERENCE: F2009/01343 - D11696506

MANAGER: Brian Glendenning, General Counsel

AUTHOR: Lesley Crawley; Manager

SUMMARY

Reporting resignation of Councillor Eaton as Council's representative on Wyong Chamber of Commerce and proposing the election of a new Council representative on Wyong Chamber.

RECOMMENDATION

- 1 That Council note that it has elected Councillor Eaton and Councillor Greenwald as alternate as its representative on the external body, Wyong Chamber of Commerce for the current term of Council.**
- 2 That Council note that Councillor Eaton has resigned as Council's representative on Wyong Chamber of Commerce.**
- 3 That Council elect a representative of Council for the Wyong Chamber of Commerce for the remainder of the current term of Council.**

BACKGROUND

At its meeting held on 10 October 2012 Council considered a report concerning the election of delegates to Committees and Advisory Groups of Council and election of Council's representatives on various external boards and Committees.

In respect of Council representatives to external bodies or groups Council resolved to appoint its representatives as follows:

"247/12 That Council elect the following Council representatives to External Bodies or Groups for the term of Council or in accordance with the individual Charters.

<i>a</i>	<i>Central Coast Group Training</i>	<i>Councillor Eaton</i>
<i>b</i>	<i>Central Coast Tourism</i>	<i>GM or delegate</i>
<i>c</i>	<i>Greater Toukley Vision Inc</i>	<i>Councillor Nayna</i>
<i>d</i>	<i>Public Libraries NSW – Metropolitan</i>	<i>Staff as nominated by the General Manager</i>
<i>e</i>	<i>Regional Development Australia - Central Coast</i>	<i>Councillor Webster</i>
<i>f</i>	<i>The Entrance Town Centre Management Corporation Board</i>	<i>Councillors Webster and Eaton</i>

<i>g</i>	<i>Wyong Council Community Environment Network and WyCare Liaison Group</i>	<i>Councillor Troy</i>
<i>h</i>	<i>Wyong Regional Chamber of Commerce</i>	<i>Councillor Eaton and Councillor Greenwald (alternate)</i>
<i>i</i>	<i>Central Coast Regional Organisation of Councils Executive Group</i>	<i>Mayor, Deputy Mayor, Councillor Nayna"</i>

CURRENT STATUS

Councillor Eaton and Councillor Greenwald, as alternate, were appointed by Council as its representative for the Wyong Regional Chamber of Commerce.

Councillor Eaton has indicated that as he is unable to attend the regular meetings of the Chamber and has resigned as Council's representative as of 29 August 2014.

THE PROPOSAL

It is proposed that Council note the resignation of Councillor Eaton as Council's representative on the Wyong Chamber and that it elect a new delegate as its representative.

The aim of the Chamber is to promote and develop the Wyong area as a desirable commercial investment opportunity, as an attractive shopping area, and as a vibrant and popular tourist destination.

The Executive Committee of the Chamber meets monthly on Tuesdays at 6pm.

While Council has a funding agreement with the Chamber for the marketing and promotion of Wyong Town Centre, agreement does not require Council to have representation on the Chamber Executive Committee.

OPTIONS

Council may choose to put forward a Councillor or a staff member as its representative at the Chamber Executive Meetings.

Council may choose to have no representative attending the Chamber Executive meetings.

STRATEGIC LINKS

Ongoing liaison with the Wyong Chamber of Commerce and other town centre bodies assists Council to pursue its economic development, tourism and employment objectives in accordance with its strategic and community plans.

CONSULTATION

Nil

GOVERNANCE AND POLICY IMPLICATIONS

There is no requirement in either the Chamber constitution or the funding agreement between Council and the Chamber for the Council to have a representative attending the meeting of the Chamber executive; however in the interests in maintaining an ongoing relationship between the two bodies, retaining a representative of Council as a liaison to the Chamber is recommended.

MATERIAL RISKS AND ISSUES

Nil

CONCLUSION

Council has previously resolved to elect Councillor Eaton and Councillor Greenwald (alternate) as its representatives to attend Wyong Chamber of Commerce Executive meetings, for the term of Council (October 2012- September 2016).

Councillor Eaton has indicated that he is no longer able to attend the meetings and has formally resigned as a Council's representative.

It is recommended that Council appoint another representative to replace Councillor Eaton.

ATTACHMENTS

Nil.

5.1 Road Capital Works Program

TRIM REFERENCE: F2011/00879 - D11655048

MANAGER: Peter Murray, Manager

AUTHOR: Stuart Baverstock; Manager

SUMMARY

Council's 2014/15 Strategic Plan commits Council to a road pavement renewal, upgrade and resealing rolling works program with the objective of improving the overall pavement network condition and corresponding levels of service. The following report summarises the timing of projects planned for the following 12 month period.

RECOMMENDATION

That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

BACKGROUND

Council's 2014/15 Strategic Plan has committed \$26.24M to road related asset capital works. The majority of these funds (\$17.0M) are committed to road pavement upgrade, or road drainage works (\$5.4M). The remaining \$3.84M is allocated to shared pathways, footpath, kerb & gutter, bridges and road safety improvement projects.

The target volume output for 2014/15 is:

- Pavement resealing = 45 km
- Road upgrade / renewal = 13.5 km

Council continues to operate an advanced Pavement Management System which is used to measure and model network condition and to develop optimised works programs. The allocation of funding is consistent with the strategically developed optimised works program that continues to see an overall improvement in network condition towards the 2014/15 target Pavement Condition Index (PCI) of 7.1.

The following table provides a listing and timing of proposed works for the remainder of this financial year, sorted by suburb.

During August the following major achievements in the Road Capital Works program were;

- Wyong CBD drainage Stage 2 – The drainage works from Apex Park to the Centrelink building in Hardware Lane have been successfully completed. This was a critical stage in Council's planned upgrade of the Wyong drainage system and the most difficult in terms of construction due to the many underground utilities that had to be avoided. The design and construction teams who delivered this project are to be commended for their ability to deliver such a difficult project to budget and schedule.

5.1 Road Capital Works Program (contd)

- The Ridgway Tumbi Umbi road upgrade – an 800m section of The Ridgeway which was previously in a very poor condition was successfully upgraded by Council staff. Despite the excavation of significant rock underlying the original pavement, the Council crews completed the works to budget by finding savings in other works and have now moved on to a landslip further west on The Ridgeway.

ATTACHMENTS

- 1 CAPEX and Resealing Programme - September 2014 D11658604

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Subunit Location	Capital AC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Bateau Bay	Local Roads Rehab Works/Road Pavement Renewals	GERMAINE AVENUE. Road Pavement Renewal														
		NEPEAN STREET. Road Pavement Renewal														
		VISTA PARADE. Road Pavement Renewal														
		PAPALA AVENUE. Road Pavement Renewal														
	Reseals Local Roads-General	BURRAWONG ST : From Bateau Bay Rd to Reserve Dr														
		CURZON AVE : From Cresthaven Ave to Promenade Ave														
		CURZON AVE : From Promenade Ave to Margherita Ave														
		MARLOWE RD : From Change Of Seal to Shakespear Ave														
		MOSSMAN AVE : From Mr 336 The Entrance Rd to Valley View Rd														
		RICKARD ST : From Bateau Bay Rd to Change Of Width														
		RICKARD ST : From Change Of Width to Pasadena Ave														
		RICKARD ST : From Pasadena Ave to Change Of Seal														
		ROTHERHAM ST : From Sherry St to Debra Anne Dr														
		STEPHENSON RD : From Kipling Dr to Dead End														
VALLEY VIEW RD : From Lumby Rd to Berne St																
WOODSIDE CT : From Cresthaven Ave to Dead End																
YARUGA ST : From Hilltop St to Reserve Dr																
Roads To Recovery Program	CRESTHAVEN AVENUE. Road Pavement Renewal (Roads to Recovery)															
Berkeley Vale	Capital Local Roads Rehab - General/Roads Upgrade	BERKELEY ROAD. Road Upgrade														
		BLENNHEM AVENUE, BUCKINGHAM ROAD, ST JAMES AVENUE, WINDSOR STREET. Road upgrades (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
	Reseals Local Roads-General	TAROONA AVE : From Chetwynd Ave to Dead End														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Suburb Location	Capital RC Name	Published Project Description													
Blue Bay	Capital Local Roads Rehab - General/Roads Upgrade	BAY ROAD. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)													
Blue Haven	Reseals Local Roads-General	BIRDWOOD DR : From Penguin Rd to Local Boundary No 101\103													
		BIRDWOOD DR : From Local Boundary No 101\103 to Penguin Rd													
Budgewoi	Reseals Local Roads-General	DELIA AVE : From Lukela Ave to Ulana Ave													
		DELIA AVE : From Natuna Ave to Lukela Ave													
		DELIA AVE : From Ulana Ave to Lilo Ave													
		DELIA AVE : From Woolana Ave to Natuna Ave													
		KAILUA AVE : From Change Of Width to Diamond Head Dr													
		KAILUA AVE : From Diamond Head Dr (West) to Change Of Width KAILUA AVE : From Change Of Width to Change Of Width (Left) KAILUA AVE : From Change Of Width to Change Of Width (Right)													
Buff Point	Reseals Local Roads-General	MOOLA RD : From Bruce Rd to Matumba Rd													
		MOOLA RD : From Buff Point Ave to Dead End													
		MOOLA RD : From Matumba Rd to Buff Point Ave													
Charmhaven	Capital Local Roads Rehab - General/Roads Upgrade	PANORAMA AVENUE/HOBSON AVENUE. Road Upgrade													
	Local Roads Rehab Works/Road Pavement Renewals	LOWANA AVENUE. Road Pavement Renewal													
	Reseals Local Roads-General	RESTLEA AVE : From Alan Ave to Panorama Pde WYREEMA AVE : From Sh 10 Pacific Hwy to Panorama Ave													

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburbs Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Chittaway Bay	Reseals Local Roads-General	SOVEREIGN CR : From James Watt Dr to Sophia Jane St														
		THOMAS WALKER DR : From Kinsey Cr to Platypus Rd														
		THOMAS WALKER DR : From Lakedge Ave to Kinsey Cr														
		SOVEREIGN CR : From Sovereign to Dead End														
Chittaway Point	Local Roads Rehab Works/Road Pavement Renewals	GEOFFREY ROAD, Road Pavement Renewal														
		Reseals Local Roads-General														
		GEOFFREY RD : From Change Of Seal to Change Of Seal														
		GEOFFREY RD : From Ansell Cl to Local Boundary 98/100														
		GEOFFREY RD : From Change Of Seal to Local Boundary 79/81														
		GEOFFREY RD : From Local Boundary 116/118 to Change Of Seal														
		GEOFFREY RD : From Local Boundary 117/119 to Ansell Cl														
	GEOFFREY RD : From Local Boundary 79/81 to Local Boundary 117/119															
	GEOFFREY RD : From Local Boundary 98/100 to Local Boundary 116/118															
Dooralong	Roads Rehab Minor Rolling Works	YAMBO ROAD, Road upgrade (seal)														
		PHIL TINKS LANE, Road upgrade (seal)														
Doyalson	Roads Rehab Minor Rolling Works	WYFF ROAD, Road upgrade (seal)														
Doyalson Total																
Durren Durren	Roads Rehab Minor Rolling Works	DICKSONS ROAD, Road upgrade (seal)														
		SMITHS ROAD @ DURREN DURREN ROAD, Road upgrade (seal)														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													
Subunit (Location)	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Fountaindale	Reseals Local Roads-General	HEATHCLIFF CL : From Manns Rd to Dead End													
		JENNY LNE : From Change Of Seal to Dead End													
		OLD CHITTAWAY RD : From Enterprise Dr to Station St East													
		OLD CHITTAWAY RD : From Power Pole Bv329 to Enterprise Dr													
		OLD CHITTAWAY RD : From Station St East to Power Pole Bv329													
		OLD CHITTAWAY (LANE)RD : From Old Chittaway Rd to Dead End													
		VALERIE CL : From Heathcliff to Dead End													
Glenning Valley	Reseals Local Roads-General	BOWER BIRD CL : From Glenning Rd to Dead End													
		CORONA LNE : From Berkeley Rd to Power Pole Bv1489													
		CORONA LNE : From Change Of Seal to Dead End													
		CORONA LNE : From Power Pole Bv1489 to Change Of Seal													
		ROXBURGH CL : From Rutherford Dr to Dead End													
		RUTHERFORD DR : From Corona Ln to Dead End													
Gorokan	Capital Local Roads Rehab - General/Roads Upgrade	<i>GASCOIGNE AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)</i>													
	Reseals Local Roads-General	BRENNON RD : From Change Of Seal to Power Pole T0681													
		BRENNON RD : From Power Pole T0681 to Leichhardt Rd													
		ESSEX ST : From Change Of Width to Middlesex St													
		ESSEX ST : From Cornwall Ave to Change Of Width													
		GRANDVIEW PDE : From Mr 509 Wallarah Rd to Ruby St													
		GRANDVIEW PDE : From Ruby St to Glendale St													
		MARY ST : From Western End to Lakeview St													
		MAXWELL AVE : From Clucas Ave to Ocean View St													
SPRING VALLEY AVE : From Dudley St to Malvina Pde															

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Gwandalan	Capital Local Roads Rehab - General/Roads Upgrade	QUINALUP STREET (IMGA STREET). Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
	Reseals Local Roads-General	COLLENDINA RD : From Aldinga Rd to Pinaroo Rd														
		NOAMUNGA CR : From Koowong Rd to Orana Rd														
		NOAMUNGA CR : From Murraba Pde to Dead End														
		NOAMUNGA CR : From Orana Rd to Murraba Pdc														
		VILLEEN ST : From Parraweena Rd to Dulkara Rd														
Halekulani	Reseals Local Roads-General	ULO AVE : From Woolana Ave to Sunrise Ave														
Jilliby	Reseals Local Roads-General	HUE HUE RD : From Bushells Ridge Rd to Woods Rd														
		HUE HUE RD : From Culvert to Bushells Ridge Rd														
		HUE HUE RD : From Klar Ridge Rd to Culvert														
Kangy Angy	Reseals Local Roads-General	OLD MAITLAND (NORTH)RD : From End Of Gravel to Cobbs Rd														
		OLD PACIFIC HWY: Carpark														
Karwal	Reseals Local Roads-General	PEARCE RD : From Craigie Ave to Hopetown Rd														
		PEARCE RD : From Hopetown Rd to Wahroonga Rd														
		ROLFE AVE : From Craigie Ave to Stephen St														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Killarney Vale	Capital Local Roads Rehab - General/Roads Upgrade	HUME BOULEVARD, Road Upgrade														
	Local Roads Rehab Works/Road Pavement Renewals	ARMSTRONG AVENUE, Road Pavement Renewal														
		CROSBY CRESCENT, Road Pavement Renewal														
		STAR STREET, Road Pavement Renewal														
		CORNISH AVENUE, Road Pavement Renewal														
		GEORGE HFLY CRESCENT, Road Pavement Renewal														
		HINEMOA AVENUE, Road Pavement Renewal														
	Reseals Local Roads-General	TURANA AVE : From Yimbala St (Southern Entry) to Yimbala St														
		WARRATTA RD : From Cornish Ave to Power Pole Bv2766														
		WARRATTA RD : From Power Pole Bv2766 to Adelaide St														
Kingfisher Shores	Reseals Local Roads-General	KAROODA AVE : From Tall Timbers Rd to Lakeshore Ave														
Lake Haven	Local Roads Rehab Works/Road Pavement Renewals	GOOBARABAH AVENUE, Road Pavement Renewal														
Lemon Tree	Roads Rehab Minor Rolling Works	DOORALONG ROAD, Road upgrade (gravel)														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No:	(Multiple Items)	SRV Projects														
Subarea Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Long Jetty	Local Roads Rehab Works/Road Pavement Renewals	TUGGERAH PARADE. Road Pavement Renewal														
	Reseals Local Roads-General	ALFRED ST : From Nirvana St to Daad End														
		ALFRED ST : From Watkins St to Nirvana St														
		BONNIEVIEW ST : From Bellevue St to Grandview St														
		BONNIEVIEW ST : From Lindsay St to Lord St														
		BONNIEVIEW ST : From Lord St to Bellevue St														
		BONNIEVIEW ST : From Mayfair St to Lindsay St														
		BONNIEVIEW ST : From Western End to Mayfair St														
		CAPTAIN COOK CR : From Bonnieview St to Enceavour Dr														
		ELDORA RD : From Toowoon Bay Rd to Anzac Rd														
		ELDDORA RD : From Anzac Rd to Boomerang St														
		MINTO AVE : From Mr 336 The Entrance Rd to Tuggerah Pde														
		REDMYRE ST : From Shelly Beach Rd														
			SHELLY BEACH RD : From Local Boundary 60 to Local Boundary 65													
		SHELLY BEACH RD : From Local Boundary 65 to Golf Club Entry														
		WATKINS ST : From Toowoon Bay Rd to Local Boundary No 18 - 20														
Manning park	Reseals Local Roads-General	GYMEA CR : From Barclay Ave to Barclay Ave														
		GYMEA CR : From Vales Rd to Barclay Ave														
Mardi	Reseals Local Roads-General	COBBS RD : From Mr 335 Wyong Rd to Dead End														
		COLLIES LNE : From Bridge Abutment to Power Pole WY308C														
		COLLIES LNE : From Power Pole Wy3080 to Dead End														
		LAMONTCL : From Mardi to Dead End														
		COLLIES LNE : From Old Maitland Rd to Bndge Abutment														
Norah Head	Local Roads Rehab Works/Road Pavement Renewals	DENISON STREET. Road Pavement Renewal														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Noraville	Local Roads Rehab Works/Road Pavement Renewals	HAMMOND ROAD. Road Pavement Renewal				■									
	Reseals Local Roads-General	PANDORA PDE : From Change Of Width to Birngast													
		PANDORA PDE : From Mr 509 Main Rd to Change Of Width						■							
Ourimbah	Reseals Local Roads-General	OURIMBAH CREEK RD : From Driveway 604 to Driveway 668				■									
		OURIMBAH CREEK RD : From Driveway 668 to Power Pole Ou715				■									
		RESERVOIR RD : From Change Of Width to Dead End				■									
		RESERVOIR RD : From Glen Rd to Change Of Width				■									
		TURPENTINE RD : From Enterprise Dr to Ourimbah Rd		■											
	Roads Rehab Minor Rolling Works	OLD FOOTES ROAD. Road upgrade (seal)							■						
Ravensdale	Reseals Local Roads-General	RAVENSDALE RD : From Power Pole 11101 to End Of Seal						■							
		RAVENSDALE RD : From Power Pole Ka190 to Power Pole 11101						■							
San Remo	Capital Local Roads Rehab - General/Roads Upgrade	GOORAMA AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)							■						
	Reseals Local Roads-General	ALPINEAVE : From Wills Rd to Claridge Cr													
		CLARIDGE CR : From Dead End (South) to Dead End													
		LIAMENA AVE : From Iluka Ave to Richardson Rd													
		LIAMENA AVE : From Kallaroo Rd to Iluka Ave													
		LIAMENA AVE : From Richardson Rd to Highview St													
		RICHARDSON RD : From Eyre Cr to Wills Rd													
		RICHARDSON RD : From Goorama Ave to Eyre Cr													
Shelly Beach	Reseals Local Roads-General	BELLEVUE ST : From Bonnieview St to Liddell St			■										
		BELLEVUE ST : From Liddell St to Swadling St			■										
		BELLEVUE ST : From Shelly Beach Rd to Bonnieview St			■										

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Suburb Location	Capital RC Name	Published Project Description													
Tacoma South	Reseals Local Roads-General	KINGSLAND CL : From South Tacoma Rd to Dead End RAYMOND ST : From South Tacoma Rd to Dead End													
The Entrance	Capital Local Roads Rehab - General/Roads Upgrade	ASHTON AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies) LAKESIDE PARADE. Road Upgrade													
	Local Roads Rehab Works/Road Pavement Renewals	VICTORIA STREET. Road Pavement Renewal													
	Roads To Recovery Program	GOSFORD AVENUE. Road Pavement Renewal (Roads to Recovery)													
The Entrance North	Reseals Local Roads-General	SIMPSON ST : From Hutton Rd to Dead End													
Toukley	Local Roads Rehab Works/Road Pavement Renewals	FRAVENT STREET. Road Pavement Renewal													
	Reseals Local Roads-General	CROSS ST : From Main Rd to Dead End CROSS ST : From Southern End to Main Rd EVANS RD : From Oleander St to Belbowrie St ROWLAND TCE : From Peel St to Dead End SEVENTH AVE : From Fravent St to Change Of Seal SEVENTH AVE : From Leonard Ave to Fravent St SEVENTH AVE : From Western End to Leonard Ave TAMAR AVE : From Mr 509 Main Rd to Dunleigh St													
Tuggerah	Reseals Local Roads-General	FOWLER RD : From Change Of Seal to Bridge Abutment													
	Roads To Recovery Program	JOHNSON ROAD. Road Pavement Renewal (Roads to Recovery)													

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburbs Location	Capital RC Name	Published Project Description	July 14	Aug 14	Sept 14	Oct 14	Nov 14	Dec 14	Jan 15	Feb 15	Mar 15	Apr 15	May 15	June 15	Project Completed	
Tuggerawong	Reseals Local Roads-General	THURSDAY ST : From Cadonia Rd to Tuggerawong Rd THURSDAY ST : From Tuggerawong Rd to Dead End														
Tumbi Umbi	Capital Local Roads Rehab - General/Roads Upgrade	THE RIDGEWAY, Road Upgrade														
	Local Roads Rehab Works/Road Pavement Renewals	FLORENCE AVENUE, Road Pavement Renewal													✓	
	Reseals Local Roads-General	BERTRAM RD : From Eastern Rd to Northumbland St CAROL ANNE CL : From Bertram Rd to Dead End KARENA ST : From The Avenue to Highview St														
Watanobbi	Reseals Local Roads-General	CASEY DR : From Hasluck Dr to Somers Dr COWAN ST : From De L'Isle Dr to Stonehaven Ave														
Woongarah	Local Roads Rehab Works/Road Pavement Renewals	HIAWATHA ROAD, Road Pavement Renewal													✓	
Wyong	Local Roads Rehab Works/Road Pavement Renewals	PETERS LANE, Road Pavement Renewal													✓	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													
Suburb Location	Capital IIC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Wyang	Works/Road	POLLOCK AVENUE. Road Pavement Renewal													
	Reseals Local														
	Roads-General	BOYCE AVE : From Mcdonagh Rd to Riverview Dr													
		BOYCE AVE : From Paronia Rd to Mcdonagh Rc													
		BOYCE AVE : From Riverview Dr to Dead End													
		NORTHCOTT AVE : From Cutler Dr to Partridge Ave													
		NORTHCOTT AVE : From Partridge Ave to Casey Dr													
	RIVERVIEW DR : From Boyce Ave to Change Of Width														
	RIVERVIEW DR : From Change Of Width to Boyce Ave														
Wyang Creek	Roads Rehab Minor Rolling Works	LAUFFS LANE. Road upgrade (seal)													✓

5.2 Your Future NSW to 2031: Newcastle, Lower Hunter and Central Coast Projected Growth

TRIM REFERENCE: F2004/06396 - D11688529

MANAGER: Steven Mann, Manager

AUTHOR: Jonathan Luke; Senior Strategic Planner

SUMMARY

The following report details population projections that were recently released by the NSW Department of Planning and Environment. The report quotes extensively from a recent report prepared by the consulting firm JBA, which provides a summary and analysis of the growth projected for the Newcastle, Lower Hunter and Central Coast Regions including Wyong Shire.

RECOMMENDATION

That Council receive the report on Your Future NSW to 2031: Newcastle, Lower Hunter and Central Coast Projected Growth.

BACKGROUND

In a recent article, Michael Oliver of the consultant firm, JBA provides a summary and analysis of the recently released population growth projections by the Department of Planning and Environment's Demographics Unit as they relate to Newcastle, Lower Hunter and Central Coast.

"100,400 new dwellings will be needed in the Lower Hunter and Central Coast regions by 2031, with major implications for local planning throughout the regions.

That's according to population projections recently released by the Department of Planning and Environment's Demographics Unit. Based on DP&E's projections, the population of the regions will surpass one million people in 2026, and continuing to grow to 1,051,000 persons by 2031. The additional dwellings will be needed to accommodate an ageing population, shrinking household sizes and a projected 186,000 new residents.

The Wyong Local Government Area is predicted to gain the most new residents, with an additional 43,500 people set to call the area home by 2031, an increase of 28% on the current population. The fastest rate of growth is predicted in the Maitland LGA, where the current population is predicted to grow by 48% to 100,500 persons. The slowest rates of growth are projected to be experienced in the Lake Macquarie and Gosford LGAs, which are projected to grow by just 11% and 12% respectively by 2031."

Local Government Area	Population Growth (persons)	Population Growth (%)
Wyong	43,000	28
Newcastle	34,500	22
Maitland	30,600	44
Port Stephens	21,700	32
Lake Macquarie	21,050	11
Gosford	20,750	12
Cessnock	13,900	26
Total	185,500	

Above: Population growth by LGA.

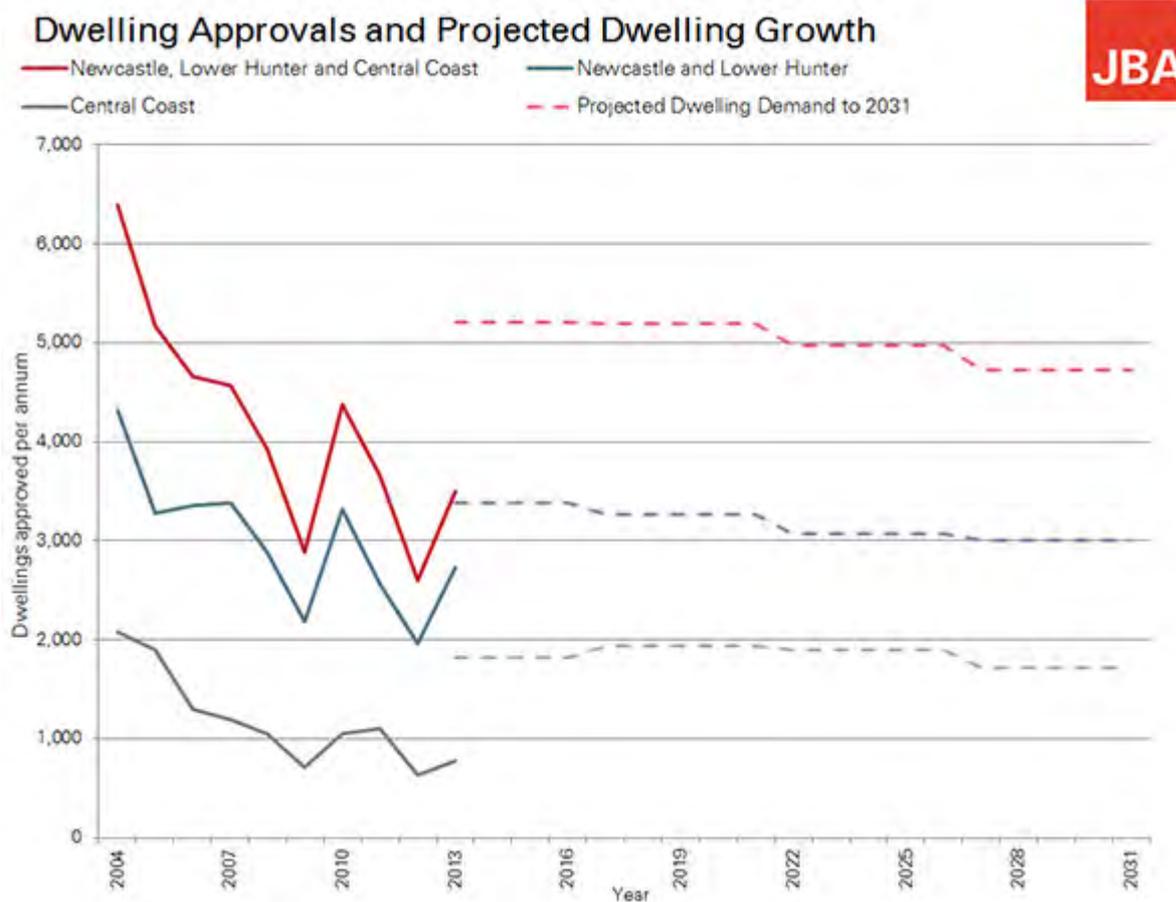
As outlined in the table above, Wyong is earmarked to take the greatest proportion of population in the greater region. In percentage terms Wyong is projected to take a significant 23% of all growth across the entire Newcastle, Lower Hunter and Central Coast regions up until 2031. This will place significant pressure on existing infrastructure and create demand for the provision of new infrastructure to cope with this growth. Such demand will need to be met by equivalent funding for new infrastructure, facilities and services in the Wyong Shire.

JBA's Michael Oliver continues:

"Housing approvals across the region have slowed in recent years. In the five years to 2013, only one of the seven Councils in the regions (Maitland) approved more dwellings than they had in the five years to 2008. In four LGAs – Gosford, Newcastle, Port Stephens and Wyong – average annual dwelling approvals were more than 40% lower in the 2009-2013 period than in the 2004-2008.

In order to accommodate the population growth projected by DP&E an additional 100,400 dwellings will be needed, which represents a 26% increase on existing housing stock. This equates to approximately 5,000 new houses per year until 2031, well above recent dwelling approval rates and harking back to 2004 and 2005 – the last time that more than 5,000 dwellings were approved across the regions in any one year. Housing supply will need to be boosted in order to ensure that increased demand from population growth is not hampered by supply constraints.

The forecast population and dwelling growth will have implications for local planning throughout the regions. Wyong, with the largest projected population growth, will require nearly 1,200 new dwellings each year until 2031 – nearly double the average number of dwellings approved in the LGA each year over the past decade. Port Stephens and Gosford will also need to boost housing approvals, with forecast dwelling growth more than 40% above the average annual dwelling approvals over the past decade."



Above: Recent dwelling approvals and projected growth, by region. Source: JBA News

Residential building approvals	
Wyong Shire	
Year (ending June 30)	Total residential building approvals
2012-13	416
2011-12	352
2010-11	469
2009-10	638
2008-09	404
2007-08	587
2006-07	633
2005-06*	790
2004-05*	1,391
2003-04*	1,971

Above: Residential building approvals – Wyong Shire. Source: Australian Bureau of Statistics, Building Approvals, Australia (8731.0). Compiled and presented in profile.id by .id. The population

5.2 Your Future NSW to 2031: Newcastle, Lower Hunter and Central Coast Projected Growth (contd)

*experts *Years 2003-04, 2004-05, and 2005-06 are based on Council records of number of construction certificates issued.*

It is clear from the above table that residential approvals will need to increase between two to three times compared to recent years in order to accommodate the projected annual growth of around 1,200 dwellings for Wyong LGA.

As pointed out by JBA's Michael Oliver there will be a continual increase in aging of the population leading to an increased demand for appropriate housing types for seniors.

“The key demographic shift across the region continues to be the ageing population, with the number of persons in the 70+ age bracket increasing by 83,300 persons. This shift will be felt across the region, but will be most pronounced in Maitland and Cessnock where the number of persons in the 70+ age bracket is projected to more than double, and in Lake Macquarie where the over-70s population will grow at a rate seven times faster than general population growth. The ageing population will have significant implications for the provision of services across the region, and particularly in the health and aged-care sectors.”

“Overall, the updated population and demographic data presents an opportunity for developers, businesses and service providers to understand the implications of the changing population and demographic profiles on their future projects. These forecasts will inform the next round of strategic planning for the region, including preparation of Regional Growth Plans for the Central Coast and Lower Hunter, and understanding the projected changes will allow businesses to be on the front foot in responding to them.”

Additionally, the growth projections underpin the need for the Shire to receive funding to provide adequate infrastructure and services.

ATTACHMENTS

Nil.

5.3 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2013/02042-02 - D11673814
MANAGER: Lesley Crawley, Manager
AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

Report on Outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Outstanding Questions on Notice and Notices of Motion - 10 September 2014 | D11696645 |
|---|---|-----------|

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
12	Property and Economic Development.	Stefan Botha	<p>8.2 Notice of Motion - Waste Initiatives</p> <p>1 That Council <u>note</u> the recent announcement by the New South Wales Government of their 'Waste Less, Recycle More' program.</p> <p>2 That Council <u>note</u> the 'Supporting Local Communities – Local Government Program' that provides access to \$137.7 million over 5 years to reduce illegal dumping and littering.</p> <p>3 That Council <u>request</u> the General Manager to provide a briefing to Councillors which identify possible applications to the 'Supporting Local Communities – Local Government Program'.</p> <p>4 That Council <u>note</u> that the waste levy will cost Ratepayers \$12.5 million in 2013/14.</p> <p>5 That Council <u>write</u> to The Hon Robyn Parker MP, Minister for the Environment expressing ongoing concerns with the cost to Council of the Waste Levy.</p>	13 March 2013 Cr Nayna	<p>Resolution 3 – Currently waiting on EPA to provide more information – expected in the third quarter of 2014.</p> <p>Resolution 5 – Completed.</p> <p>The remaining resolutions are to be noted.</p>
36	Property and Economic Development.	Kathryn Heintz	<p>9.1 Notice of Motion - Councils Reduction in Red Tape</p> <p>1 That Council <u>indicate</u> its intention to rescind all controls over residential side and rear boundary fencing.</p> <p>2 That Council <u>acknowledge</u> that in Wyong Shire all dividing fence matters are controlled by the Dividing Fences Act 1991.</p> <p>3 That Council <u>insert</u> "Front Boundary Fences" within Schedule 2, Exempt Development, as part of major Amendment No.1 to the Wyong Local Environmental Plan 2012, subject to the following standards:</p> <p>a be not higher than 1.8 metres above ground level (existing); and</p> <p>b be located within, not over, the front boundary; and</p> <p>c be designed to preserve traffic sight line requirements at intersections; and</p> <p>d be not constructed of barbed or razor wire.</p>	24 July 2013 Cr Taylor	Response to be provided by end of 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
56	General Managers Unit	Brian Glendenning	<p>Mayoral Minute – Central Coast Water Board General Meeting</p> <p>1255/13 That Council <u>note</u> the Central Coast Water Corporation proposes to hold its Annual General Meeting at Gosford City Council on Thursday 14 November 2013 at 6.00pm to consider the audited financial statements and that clause 7.8 of the Constitution of the Central Coast Water Corporation permits Council to attend and vote at that proposed Annual General Meeting by proxy.</p> <p>1256/13 That Council <u>appoint</u> the Mayor as Council's proxy at the proposed Annual General Meeting of Central Coast Water Corporation, with that appointment being for the purposes of clause 7.8 of the Constitution of the Central Coast Water Corporation.</p> <p>1257/13 That Council <u>resolve</u> that the Council Seal be affixed to the attached instrument to effect the above appointment.</p> <p>1258/13 That Council <u>request</u> the General Manager to invite all Councillors to attend the Annual General Meeting of the Central Coast Water Corporation once formal notice for that Meeting has been received.</p> <p>1259/13 That Council <u>direct</u> the General Manager to investigate and report the governance options around the Wyong Water Authority.</p>	23 October 2013 Cr Eaton	1255/13 - Completed 1256/13 - Completed. 1257/13 - Completed. 1258/13 - Completed. 1259/13 – Options are being investigated and a report will be prepared – Date of submission to Council to be advised.
84	Community and Recreation Services	Brett Sherar	<p>5.1 Notice of Motion - Council Policy Results in Vandalism</p> <p>1 That Council <u>note</u> further reports of large scale public tree poisoning at Mazlin Reserve Norah Head.</p> <p>2 That Council <u>investigate</u> the complaints and report on this and other similar recent vandalism events.</p> <p>3 That Council <u>recognise</u> that policing this type of vandalism is often unproductive and that the catalyst for such acts may well be a consequence of past Council Policy.</p> <p>4 That Council <u>note</u> its previous resolution to undertake a common sense review of its Tree Policy for private</p>	Clrs Best, Taylor, Troy 14 May 2014	Response to be provided 24 September 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			land. 5 That Council <i>undertake</i> a review of its Tree Policy for Public Lands with a view to developing a more balanced approach to future planting and species choice, particularly around the issue of 'View Sharing' and how that is legislated for in the area of construction and building."		
85	General Manager's Unit	Stephen Naven	Q64/14 Central Coast Regional Development Corporation Funding "As jobs are so important to our region and we have seen the recent announcements of closures of Blue Tongue Brewery and Kellogg's in the Shire. Can the General Manager inform Council the funding supplied to the Central Coast Regional Development Corporation or predecessors from the two Councils, Wyong Shire and Gosford City, and the NSW State Government, from 2010 to the present and please advise?"	Clr Greenwald 14 May 2014	Response to be provided 24 September 2014.
89	Development and Building Department	Jane Doyle/Brett Sherar	8.1 Notice of Motion - Littering in Wyong Shire 609/14 That Council erect warning signs at sites subject to repeated littering as identified by the General Manager or his delegate. 610/14 That Council include the maximum penalties for littering on the signage erected under point 1. 611/14 That Council note that Council's Rangers will continue to have a targeted approach to littering including the regular monitoring of identified sites and the issue of Penalty Infringement Notices for all detected offences.	28 May 2014 Cr Webster	609/14 – Installation of signs has commenced and all signage will be complete by the end of September 2014. 610/14 – Noted 611/14 – Noted
90	Property and Economic Development.	Stefan Botha	8.2 Notice of Motion - Asbestos Amnesty 612/14 That Council note the prevalence of illegally dumped asbestos within the Wyong local government area, which presents significant potential health risks to the public and which Council cleans up at significant cost. 613/14 That Council recognise the urgent need to reduce the incidence of illegal dumping of asbestos within the Wyong local government area. 614/14 That Council direct the General Manager to	28 May 2014 Cr Best	Response to be provided 24 September 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>prepare an Asbestos Amnesty program, such program to:</p> <ol style="list-style-type: none"> a. Enable people who reside in the Wyong local government area to safely dispose of asbestos waste from their permanent home at no cost for a specified period; b. Be subject to the NSW Environment Protection Authority granting relevant exemptions such that no waste levy or contributions are required to be paid by Council in respect to asbestos waste it receives pursuant to the Asbestos Amnesty program; c. Include a requirement for educating the public about the risks associated with the illegal dumping of asbestos and of the operation of the Asbestos Amnesty program. 		
			<p>615/14 That Council acknowledge that such an education and disposal program will have significant cost around its safe delivery.</p>		
			<p>616/14 That Council request that the NSW Government partner with Council in the formulation and future implementation of the Asbestos Amnesty program, with that partnership to include the following:</p> <ol style="list-style-type: none"> a. the prompt consideration and determination of any request to the NSW Environment Protection Authority by Council seeking exemptions from any waste levy in respect to asbestos received by Council pursuant to the Asbestos Amnesty program; b. provision of financial assistance to Council to assist in the funding of the significant costs associated with the promotion and delivery of the Asbestos Amnesty program; c. providing assistance to Council in the formulation of the Asbestos Amnesty program, including technical assistance from the NSW Environment Protection Authority. 		
			<p>617/14 That Council direct that the proposed Asbestos Amnesty policy be reported to Council for</p>		

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>618/14 consideration and adoption. That Council note that it is of the opinion that the Waste Levy was originally established to provide the region with improved waste management options and as only a fraction of this \$11M annual levy has been spent locally, the proposed 'Asbestos Amnesty' program is an excellent opportunity for the NSW Government to partner with Council and honour the original intent of the NSW Government's Waste Levy.</p>		
92	General Manager's Unit	Brian Glendenning	<p>Q69/14 Vandalism and Penalties</p> <p><i>"Mr Mayor,</i></p> <p><i>I note in a recent press article that wilful and wanton destruction of earthmoving equipment was carried out at Council's Lake Haven cinema construction site, allegedly by a gang of youths that were captured on CCTV footage, causing thousands of dollars in damages.</i></p> <p><i>Council appreciates the good work of Staff and the Police in apprehending these individuals and recognises the hundreds and thousands of dollars Council has poured into CCTV surveillance across the shire.</i></p> <p><i>Mr Mayor, could staff please, at the appropriate time, advise Council of the outcome / any court determinations around these acts of vandalism? I do hope the court is in step with Community expectations?"</i></p>	28 May 2014 Cr Best	Investigations into this matter are continuing and a response will be provided at a future meeting.
93	General Manager's Unit	Jean Pooley	<p>Q73/14 Annual Gardening Competition</p> <p><i>"Mr Mayor,</i></p> <p><i>I understand the 41st Annual Gardening Competition for 2014 will be announced on 17 September 2014.</i></p> <p><i>This outstanding community event that recognises some 21 categories of horticultural endeavours is an iconic event.</i></p> <p><i>I understand this event is partially funded by Council through an annual budgetary process.</i></p> <p><i>Mr Mayor I would appreciate if you could advise how this organisation can seek a permanent and ongoing budgetary</i></p>	23 July 2014 Cr Best	Response to be provided at November 2014 Ordinary Meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>allocation?"</i>		
95	Infrastructure and Operations Departments	Peter Murray Andrew Pearce	<p>8.1 – Notice of Motion – Lake Haven Cinema and Shopping Centre Footpath access audit</p> <p>926/14 That Council note the further expansion of Lake Haven Precinct.</p> <p>927/14 That Council request the General Manager to review the adequacy of footpaths and disabled access services throughout the precinct and its pedestrian catchment.</p> <p>928/14 That Council recognise the current significant budgetary allocation of \$489,000 in 2014/15 to the footpaths and disabled access facilities throughout the Shire.</p> <p>929/14 That Council request the General Manager to report the findings of the precinct audit to Council.</p> <p>930/14 That Council approach local job service providers to nominate work for the dole participants to assist with projects arising from the audit.</p>	13 August 2014 Cr Best and Cr Troy	Audit of the footpath network and access has commenced in Lake Haven to provide the information necessary to prepare a program of works.

6.1 Answers to Question on Notice

TRIM REFERENCE: F2013/02042-02 - D11649985 AUTHOR: SS

6.1 Q74/15 Open Pile Burning

The following question was asked by Councillor Lloyd Taylor at the Ordinary Meeting on 23 July 2014:

“Council adopted a new Policy for Control of Open Burning in 2013 and advertised the Notice of Approval to burn dead and dry vegetation in December last year. I am interested to learn of the effectiveness of this strategy as hazard reduction is an important key to limiting damage during the bushfire season.

Could the General Manager please advise how many residents have notified the RFS regarding their intention to burn and how many times has the RFS responded to a pile burn where the resident has not notified the RFS?”

From the figures provided by Rural Fire Service, 476 properties have been able to reduce fuel loads on rural properties in a cost effective manner since Council's Policy for Control of Open Burning was introduced.

Council's Policy for Control of Open Burning is consistent with the National Strategy for Disaster Resilience that recognises there is a shared responsibility across all sectors of the community to contribute to bush fire risk mitigation.

Further details provided by the Manager, The Lakes Team NSW Rural Fire Service in response to the above question is as follows:

Details	Number	Notes
One Hour Burn Notifications Received by RFS from residents	476	Notifications required by Policy for Control of Opening Burning.
Total number of attendances required at pile burns by RFS	35	It should be noted that RFS are obliged to respond on receipt of a "Triple Zero" call.
Failure to Notify letters issued by RFS	10	Number of fires not officially notified to RFS prior to lighting.
Number of times the RFS responded to a pile burn where the resident has not notified the RFS	10	This is an assumption based on the number of Failure to Notify letters issued by RFS.

ATTACHMENTS

Nil.

6.2 Answers to Question on Notice

TRIM REFERENCE: F2014/00474 - D11673849 AUTHOR: LC

6.2 Q75/14 Community Consultation with Councillors

The following question was asked by Councillor Greenwald at the Ordinary Meeting on 13 August 2014:

"I have been contacted by a concerned ratepayer who asks how can a ratepayer talk directly with a group of Councillors without having to be constrained by an official agenda such as the Ward Forum.

Can the General Manager inform Council with the close down of the Community Precinct Committees what venue, if any exists, for the resident/ratepayer to talk in open session with Councillors on their local/subject issues they are concerned with without resorting to having to phone Councillors personally one by one or meet in a normal manner?"

A member of the community can seek to present to Councillors before the start of a Council meeting via Council's Residents Forum. Resident's Forum is held when required, between 4:30pm and 5.00pm on the same day as each Ordinary Meeting. The community may apply to the Mayor to speak on topics relevant to local government and Wyong Shire that are not currently matters on it formal business papers. More details at <http://www.wyong.nsw.gov.au/about-council/council-meetings/residents-forum/>

For matters that are part of Council's business papers, community members are able to speak at the meeting, with the Mayor's prior permission for 5 minutes per item.

Any written communications from a member of the community personally addressed to Councillors are forwarded by staff to Councillors.

Councillors' contact phone numbers are displayed weekly in Council's "Shirewide" pages in the Wednesday edition of the Central Coast Express and contact numbers together with Councillor Email addresses on Council's website at <http://www.wyong.nsw.gov.au/about-council/councillors/>

Councillors regular Ward Forums, occurring several times a year in the north and south of the Shire, offer further opportunity for the Community to meet with Councillors formally and informally.

Councillor Inspections are advised in a formal report to Council each month, indicating the locations that Councillors will be inspecting the following week.

Council regularly holds public meetings where members of the community can communicate with Councillors.

Council also has a number of formal Committees of Council where members of the community are welcome to attend and have an opportunity to engage with Councillors.

6.2 Q75/14 Community Consultation with Councillors (contd)

There are facilities available in the Council Civic Centre for Councillors to meet with community members if the Councillor/s so chooses.

ATTACHMENTS

Nil.