



Local Government Week was celebrated last week and highlighted the services your Council provides. During LG Week, we launched a new photo and story competition where you can tell us what you love about our Shire. Send your best photo or story about life in Wyong Shire by Tuesday, 18 September for your chance to win an iPad3! Visit our website for more details.

Wyong Shire Council

# Business Paper

## ORDINARY COUNCIL MEETING

**22 August 2012**

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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 22 August 2012 at 5.00 pm**,  
for the transaction of the business listed below:

## OPENING PRAYER

## ACKNOWLEDGEMENT OF COUNTRY

## RECEIPT OF APOLOGIES

### 1 PROCEDURAL ITEMS

1.1	Disclosure of Interest.....	5
1.2	Proposed Inspections and Briefings.....	6
1.3	Confirmation of Minutes of Previous Meeting.....	9
1.4	Address By Invited Speakers .....	28

### 2 PLANNING REPORTS

2.1	DA 501/2012 - Proposed Detached Secondary Dwelling at Warnervale.....	29
2.2	DA 531/2012 - Proposed Detached Secondary Dwelling at Bateau Bay.....	48
2.3	DA 589/2012 - Proposed Detached Secondary Dwelling and Carport at Mardi .....	65
2.4	DA 51/2012 - Additions and Alterations to Existing Dwelling at Mardi (distributed under separate cover)	
2.5	State Government "Green Paper" on new Planning Legislation (distributed under separate cover)	

### 3 PROPERTY REPORTS

3.1	Proposed Sale of Lot 1 DP 31313 at 2 Cambridge Circle, Ourimbah.....	83
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### 4 GENERAL REPORTS

4.1	NSW Local Infrastructure Renewal Scheme - Successful Application for a 4% Loan Interest Subsidy.....	87
4.2	2013-17 WSC Strategic Planning - Councillor Engagement Process.....	91
4.3	2011-15 Strategic Plan - June Quarter Review .....	96
4.4	Amendment of Statement of Borrowings.....	98
4.5	Committee Review .....	102
4.6	Final Evaluation for Employee Assistance Program - Joint Tender 2012-15 (distributed under separate cover)	

### 5 INFORMATION REPORTS

5.1	Information Reports .....	114
5.2	CCWC/JSB Project Status Update - August 2012 .....	115
5.3	Report of the Central Coast Water Corporation .....	137
5.4	Joint Water and Sewer Capital Projects.....	140
5.5	Works in Progress - Water Supply and Sewerage.....	143
5.6	Central Coast Tourism Inc - Update .....	149
5.7	Investment Report for July 2012.....	150
5.8	End of Financial Year Update on Section 94 Contributions .....	157

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5.9	Proposed Works on Private Land at Bruce Crescent, Wallarah .....	159
5.10	Results of Water Quality Testing for Beaches and Lake Swimming Locations .....	165
5.11	Activities of the Development Assessment and Building Certification and Health Units.....	168
5.12	Wildlife Road Kill.....	174
5.13	Outstanding Questions on Notice and Notices of Motion.....	176
<b>6</b>	<b>ANSWERS TO QUESTIONS ON NOTICE</b>	
6.1	Q28/12 Fairness Test.....	177
<b>7</b>	<b>NOTICES OF MOTION</b>	
7.1	Notice of Motion - Insurance Risk Briefing .....	178
7.2	Notice of Motion - Disability Friendly Miniature Railway in the North of the Wyong Shire .....	179
<b>8</b>	<b>QUESTIONS ON NOTICE ASKED</b>	

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 Disclosure of Interest

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TRIM REFERENCE: F2012/00026 - D03087689

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Monica Redmond; 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

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TRIM REFERENCE: F2012/00026 - D03087693

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Monica Redmond; Councillor Services Officer

### SUMMARY

There were no Inspections scheduled for the 1 August 2012.

Briefings proposed for 22 August 2012 and future meetings to be held in the Wilfred Barrett and Tim Farrell Committee Rooms:

Time	Topic	Summary	Presented By
12.30 - 1.00 pm	IPart Submission	Providing Council with an update on the preparation of the 2013 – 2017 IPaRT water and Sewer pricing submission.	Director Infrastructure Management Regulatory Services Engineer
1.00 - 1.30 pm	Acquisition Crown Land Tuggerah Pioneer dairy	To inform Councillors on the proposed acquisition of Crown Land for the potential development of a new regional sports facility in Wyong	Manager Economic Property Development
1.30 - 2.00 pm	Green paper planning review	to discuss WSC response	Environment and Planning Services
2.00 - 2.30 pm	Committee Structure	Follow on from previous briefing held 25 <sup>th</sup> July	Manager Corporate Governance
2.30 - 3.00 pm	Q4 Report - Strategic Plan and Financial Update	Fourth Quarter Budget and Strategic Plan Review – Presentation of Strategic Plan & Budget Update for 2011/12 fourth quarter	General Manager

### RECOMMENDATION

*That Council receive the report on Proposed Inspections and Briefings.*

### ATTACHMENTS

- 1 Proposed Briefing Schedule - 22 August 2012      D03102423

Proposed Quarter	PROPOSED DATE	Briefing Title	Director
3rd qtr	8 Aug	Nth Wyong Industrial Precinct - Pre exhibition	Environment and Planning Services
3rd qtr	8 August 2012	Transfer of vegetation control from Roads & Stormwater to Open Space	Community & Recreation Services
3rd qtr	8 August 2012	open burn policy	Environment and Planning Services
3rd qtr	8 aug	Employment Lands Study(findings)	Environment and Planning Services
3rd qtr	8 August 2012	Fishermans wharf update	General Counsel
3rd qtr	22nd August	Q4 Report - Strategic Plan and Financial Update	Corporate Services
3rd qtr	22 August 2012	Acquisition of Crown Land Tuggerah (pioneer diary)	corporate services
3rd qtr	22 August 2012	Green Paper - A New Planning System for New South Wales	Environment and Planning Services
3rd qtr	22 August 2012	plan of management central coast caravan parks	Community & Recreation Services
3rd qtr	22nd August	Wyong Race course expansion -environmental studies	community & Recreation Services
3rd qtr	22 AUG	Ausgrid (NOM 9.2 9 May 2012)	Environment and Planning Services
3rd qtr	after elections	Employment Lands Study workshop (Pt.II)	Environment and Planning Services
3rd qtr	after elections	Affordable Housing Study - Pre exhibition	Environment and Planning Services
		Azzurro Blu Lease	gm'S UNIT/Corp Services
3rd qtr	Sept	PRECINCTS	Community & Recreation Services
4th qtr	New Councillors	Urban Design Principles & Concepts	Environment and Planning Services
4th qtr	after elections	Porters Creek Floodplain Risk Management Plan	Infrastructure Management
4th qtr	October	Full introduction CWC for the new Council	Corporate Services/
4th qtr	Oct/Nov	Tuggerah Lakes Floodplain Risk management Study and Plan	Infrastructure Management
4th qtr	Oct	GM's quarterly expense report	GM unit
4th qtr	Oct	RZ7/2009 Chittaway Point Rezoning	Environment and Planning Services
4th qtr	Oct	Precinct 7A Masterplan - Feedback following exhibition	Environment and Planning Services
4th qtr	Oct	Frank Ballance Park Design	Environment and Planning Services
4th qtr	Oct	Customer Service Charter	Community & Recreation Services
4th qtr	10-Oct	2011/12 Financial Statements - presented by CFO	Corporate Services
4th qtr	oct/nov	Bushfire Works Plan	Environment and Planning Services
4th qtr	10 October 2012	Comprehensive LEP PRIOR TO exhibition	Environment and Planning Services
4th qtr	Nov	mid year performance review	Corporate Services
4th qtr	28-Nov	Q1 Report - Strategic Plan and Financial Update	Corporate Services
4th qtr	14-Nov	Dart Energy - Presentation to Council	Infrastructure Management
4th qtr	End of Dec	Norah Head Boat ramp Part 3	Community & Recreation Services

Proposed Quarter	PROPOSED DATE	Briefing Title	Director
2nd Qtr		Iconic Development Site No 16 - 216-222 Main Road & Rowland Terrace, Toukley	Environment and Planning Services
3rd qtr		Central Coast Taxis	Infrastructure Management
2nd Qtr		Natural Resources Strategy	Environment and Planning Services
3rd qtr		Provide update of plans and financial viability of The Art House and Cultural Development	Community & Recreation Services
3rd qtr		Draft Shire-Wide Contributions Plan	Environment and Planning Services
3rd qtr		Toukley Town Centre Masterplan	Environment and Planning Services
3rd qtr		Industrial Land and employment Lands study - Post exhibition	Environment and Planning Services
4th qtr		Wyong Employment Zone - results of DCP and S94 Contributions Plan/Biocertification update, DCP amendment update	Environment and Planning Services
		Sea Level Rise Notification & 149 Certificate	General Course/Environment and Planning Services



### **1.3 Confirmation of Minutes of Previous Meeting**

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TRIM REFERENCE: F2012/00026 - D03087710

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Monica Redmond; Councillor Services Officer

#### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 8 August 2012.

#### **RECOMMENDATION**

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 8 August 2012.***

#### **ATTACHMENTS**

1 Minutes - Ordinary Meeting - 8 August 2012      d03092359

**WYONG SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY COUNCIL MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBER**  
**WYONG CIVIC CENTRE, HELY STREET, WYONG**  
**ON 08 AUGUST 2012**  
**COMMENCING AT 5:00 PM**

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**PRESENT**

Councillors R L Graham (Chairperson), G P Best, D J Eaton, L A Matthews, E M McBride, J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

**IN ATTENDANCE**

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Director Corporate Services, Director Community and Recreation Services and General Counsel.

Manager Land Use Planning and Policy Development, Manager Environment and Natural Resources, Communications and Marketing Coordinator and two administration staff.

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

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

The Mayor announced that his Personal Assistant, Sue Sampson is due to retire soon and introduced Monica Redmond as the new Mayor's Personal Assistant.

Councillor Eaton advised that a delegation from the Shanghai Government visited the Central Coast today to inspect the site for the proposed Chinese Theme Park and visit local tourist attractions. Councillor Eaton presented a gift on behalf of the delegation to Council and passed on their good wishes.

**APOLOGIES**

There were no apologies.

At the commencement of the ordinary meeting report numbers 1.1, 3.2, 3.3, 3.4, 4.2, 3.1, 3.5, 3.7, 6.4, 6.7, 8.1, 8.2, 8.3, 8.4 and 9.1, were dealt with first then the remaining reports were adopted via the exception method. However for the sake of clarity the reports are recorded in their correct agenda sequence.

**1.1 Disclosure of Interest**

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**3.5 North Wyong Industrial Estate**

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that his family's company is a landowner, left the chamber at 6.17 pm, took no part in discussion, did not vote and returned to the chamber at 6.27 pm.

**6.7 Wyong Shire Council Youth Employment Strategy**

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is the General Manager of Central Coast Group Training, which employs Apprentices and Trainees, and participated in consideration of this matter.

Councillor Best stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because no matter is being determined"*

**8.1 Notice of Motion – Utility Bill Shock Support**

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee in the electricity generation industry and participated in consideration of this matter.

Councillor Vincent stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."*

**8.2 Notice of Motion – Re-evaluation of Strategic Direction in the Shire's North**

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 7.23 pm, took no part in discussion, did not vote and returned to the chamber at 7.32 pm.

**8.4 Notice of Motion – Wyong Shire Community Purchasing Scheme**

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee in the electricity generation industry and participated in consideration of this matter.

Councillor Vincent stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."*

Councillor Matthews left the chamber at 5.05 pm and returned to the chamber at 5.06 pm and as a result took no part in voting.

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

**62/12 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

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

AGAINST: NIL

**PROCEDURAL MOTION**

**SUSPENSION OF MEETING PRACTICE**

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

**63/12 That Council allow meeting practice to be varied.**

**64/12 That Council use the exception method to deal with the balance of the Agenda.**

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

AGAINST: NIL

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

**65/12 That Council adopt the recommendations contained in the remaining reports, with the exception of report numbers 3.1, 3.2, 3.3, 3.4, 3.5, 3.7, 4.2, 6.4, 6.7, 8.1, 8.2, 8.3 and 8.4.**

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

AGAINST: NIL

**PROCEDURAL MOTION**

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

**66/12 That Council recommit the previous procedural motion to use the exception method to include item 9.1.**

**67/12 That Council also consider item 9.1.**

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

AGAINST: NIL

**1.2 Proposed Inspections and Briefings**

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

**68/12 That Council receive the report on Proposed Inspections and Briefings.**

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

AGAINST: NIL

**1.3 Confirmation of Minutes of Previous Meeting**

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

**69/12 That Council confirm the minutes of the previous Ordinary Meeting of Council held on 25 July 2012 with the following amendments:**

Minute Item number 10/12 contained in the resolution on Report Item 2.1 - DA/607/2006/D Section 96(1A) Application for the Modification of Conditions relating to Public Access to the Roof Terrace Observation Deck, Azzurro Blu Wharf, The Entrance has been amended to read as follows:

***“That Council consider a report, at the 8 August 2012 Ordinary meeting, on reasons for refusal of the Section 96 Application based on ensuring the provision of unfettered access by the public to the roof top terrace.”***

Minute Item number 12/12 contained in the resolution on Report Item 2.2 - DA/1457/2010/D - Section 96(1A) Application for the Modification of Condition 27 relating to Public Access to the Existing Roof Terrace Observation Deck, Azzurro Blu Wharf, The Entrance has been amended to read as follows:

***“That Council consider a report, at the 8 August 2012 Ordinary meeting, on reasons for refusal of the Section 96 Application based on ensuring the provision of unfettered access by the public to the roof top terrace. “***

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

AGAINST: NIL

**1.4 Address By Invited Speakers**

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

**70/12 That Council receive the amended report on Invited Speakers.**

**71/12 That Council receive the amended report on Invited Speakers.**

**That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.**

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

AGAINST: NIL

**1.5 Notice of Intention to Deal with Matters in Confidential Session**

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

**72/12 That Council consider the following matter in Confidential Session, pursuant to Sections 10A(2 )(h) of the Local Government Act 1993:**

**9.1 – Destruction of Natural Environment and Indigenous Heritage at Norah Head<sup>1</sup>**

**73/12 That Council note its reason for considering item 9.1 – Destruction of Natural Environment and Indigenous Heritage at Norah Head, in confidential session as the report contains information concerning the nature and location of a place or an item of Aboriginal significance on community land.**

**74/12 That Council request the General Manager to report on this matter in open session of Council.**

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

AGAINST: NIL

**2.1 Mayoral Minute - Coastal Conference 2013**

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

**75/12 That Council endorse the inclusion of those Councillors who are appointed to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee post September 2012 to the committee for the preparation of the bid proposal for the 2013 Coastal Conference to be held in Wyong Shire.**

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

AGAINST: NIL

**3.1 DA 134/2012-Proposed Erection of a Dwelling, Two Detached Garages and a Detached Secondary Dwelling at Woongarra**

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

**76/12 That Council grant consent subject to the conditions detailed in the schedule attached to the report having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.**

**77/12 That Council request the General Manager to advise those who made written submissions of Council's decision.**

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

AGAINST: NIL

**3.2 DA/51/2012 - Additions and Alterations to existing Dwelling at Mardi**

Councillor Vincent left the chamber at 5.21 pm and returned to the chamber at 5.27 pm during consideration of this item.

Ms Emma Blake, speaking on behalf of her parents, addressed the meeting at 5.10 pm, answered questions and retired at 5.43pm.

*It was MOVED by Councillor EATON and SECONDED by Councillor BEST:*

- 1 *That Council defer the matter to the 22 August 2012 meeting.*
- 2 *That Council direct the General Manager to submit a report which includes possible conditions for approval to Council's meeting on 22 August 2012.*

*An AMENDMENT was MOVED by Councillor WYNN and seconded by Councillor SYMINGTON:*

- 1 *That Council note that the application is currently being publicly notified in accordance with the Notification Policy.*
- 2 *Following the conclusion of the notification period, Council refuse the application having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, subject to appropriate reasons for refusal detailed in the schedule attached to the report and any additional reasons raised during the notification period.*

**The AMENDMENT was put to the vote and declared LOST.**

FOR: COUNCILLORS SYMINGTON AND WYNN

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

**RESOLVED on the motion of Councillor EATON and SECONDED by Councillor BEST:**

**78/12 That Council defer the matter to the 22 August 2012 meeting.**

**79/12 That Council direct the General Manager to submit a report which includes possible conditions for approval to Council's meeting on 22 August 2012**

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

AGAINST: COUNCILLOR WYNN

### **PROCEDURAL MOTION**

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

**80/12 That Council consider the following items simultaneously:**

**Item 3.3 DA/607/2006/D-Reconsideration of proposed Section 96(1A) for the modification of conditions relating to public access to the roof terrace observation deck, Azzurro Blu Wharf, The Entrance and**

**Item 3.4 DA/1457/2010/D -Reconsideration of Section 96(1A) Application for the modification of conditions relating to public access to the existing roof terrace observation deck, Azzurro Blu Wharf, The Entrance simultaneously.**

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

AGAINST: NIL

**3.3 DA/607/2006/D-Reconsideration of proposed Section 96(1A) for the modification of conditions relating to public access to the roof terrace observation deck, Azzurro Blu Wharf, The Entrance**

Mr Jim Price, speaking on behalf of The Entrance Precinct Committee and the Watch Committee for Enviro Care, addressed the meeting at 5.43pm, answered questions and retired at 5.49pm.

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

**81/12 That Council advise the applicant that it is of a mind to refuse the s96 application, however, is willing to defer the issue of a formal refusal for a period of 28 days subject to the following:**

**a The applicant withdrawing the current s96 application and**

**b The applicant entering into negotiations with Council with a view to amending or creating a lease satisfactory to all parties and which achieves Council's requirement to ensure public access to the rooftop terrace.**



- 82/12** That Council authorise the General Manager to either:
- a** Issue a formal refusal of the s96 application should the application not be withdrawn within 28 days, subject to the reasons for refusal contained in the report; or
  - b** Subject to the application being withdrawn, enter into negotiations with the applicant with a view to amending or creating a lease satisfactory to all parties and which achieves Council's requirement to ensure public access to the rooftop terrace.

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

AGAINST: NIL

**3.4** **DA/1457/2010/D -Reconsideration of Section 96(1A) Application for the modification of conditions relating to public access to the existing roof terrace observation deck, Azzurro Blu Wharf, The Entrance**

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Mr Jim Price, speaking on behalf of The Entrance Precinct Committee and the Watch Committee for Enviro Care, addressed the meeting at 5.43pm, answered questions and retired at 5.49pm.

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

- 83/12** That Council advise the applicant that it is of a mind to refuse the s96 application, however, is willing to defer the issue of a formal refusal for a period of 28 days subject to the following:
- a** The applicant withdrawing the current s96 application and
  - b** The applicant entering into negotiations with Council with a view to amending or creating a lease satisfactory to all parties and which achieves Council's requirement to ensure public access to the rooftop terrace.

- 84/12** That Council authorise the General Manager to either:
- a** Issue a formal refusal of the s96 application should the application not be withdrawn within 28 days, subject to the reasons for refusal contained in the report; or
  - b** Subject to the application being withdrawn, enter into negotiations with the applicant with a view to amending or creating a lease satisfactory to all parties and which achieves Council's requirement to ensure public access to the rooftop terrace.

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

AGAINST: NIL

### 3.5 North Wyong Industrial Estate

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Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that his family's company is a landowner, left the chamber at 6.17 pm, took no part in discussion, did not vote and returned to the chamber at 6.27 pm.

**RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor BEST:**

**85/12 That Council initiate Planning Proposal to amend Wyong Local Environmental Plan 1991, pursuant to Section 55 Environmental Planning and Assessment Act, 1979 by endorsing the Planning Proposal at Enclosure "1"(as amended).**

**86/12 That Council forward the Planning Proposal to the Department of Planning and Infrastructure requesting a "Gateway" determination, pursuant to Section 56(1) Environmental Planning and Assessment Act.**

**87/12 That subject to the Director General's approval, Council undertake community consultation in respect of the Planning Proposal, subject to the determination of the "Gateway" process and Director General's approval.**

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

AGAINST: NIL

### 3.6 Works on Private Land as part of the Tuggerah Lakes Estuary Management Plan

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

**88/12 That Council approve the works detailed in Table A to be carried out on the following properties under the Tuggerah Lakes Estuary Management Plan. All works are to be at no cost to the property owner, being funded by the Federal Government's "Caring for our Country" grant:**

- **Lots 21& 22 DP 5019, 121 to 123 Alison road Wyong**
- **Lot 23,24 &25 DP 5019, 125-129 Alison road Wyong**
- **Lot 26 DP5019, 131 Alison road Wyong**

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

AGAINST: NIL

**3.7 Policy on Control of Open Burning**

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Councillor Vincent left the chamber at 6.29pm and returned to the chamber at 6.30pm during consideration of this item.

Councillor Best left the chamber at 6.39pm and returned to the chamber at 6.41pm during consideration of this item.

**RESOLVED on the motion of Councillor VINCENT and seconded by Councillor WYNN:**

- 89/12** *That Council place the draft Control of Open Burning Policy on public exhibition for a period of twenty eight days.*
- 90/12** *That Council adopt the Control of Open Burning Policy and give appropriate public notice, subject to there being no objections as a result of public exhibition that cannot be reasonably addressed.*
- 91/12** *That following adoption of the Policy, Council incorporate as part of its consideration of the first quarter review of its Strategic Plan, a relevant fee to be applied to applications for Open Burning.*
- 92/12** *That following the adoption of the Policy, Council request the Office of Environment and Heritage – Air Policy Unit to list Council on Parts 2 and 3 of Schedule 8 of the Protection of the Environment Operations (Clean Air) Regulation 2010.*
- 93/12** *That following the adoption of the Policy, Council staff implement a community education program in the areas to which the Policy applies, being the non-urban areas of the Shire, for the purpose of raising awareness of the specific conditions associated with pile burns.*
- 94/12** *That following adoption of the Policy, staff investigate and report back to Council on the feasibility of a program to enable monitoring of the potential impacts of open burning in relation to air pollution and compliance with the Policy provisions.*

FOR: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON,  
VINCENT, WEBSTER AND WYNN

AGAINST: COUNCILLORS BEST AND EATON

**4.1 CPA/211469 - Collection of Bulk Mixed Waste and Recyclable Materials for Central Coast Holiday Parks**

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

**95/12 That Council accept the tender from the company nominated as Tenderer '5' in the attached Tender Evaluation Report, for a period of up to 3 years for Contract CPA/211469 – Collection of Bulk Mixed Waste and Recyclable Materials for Central Coast Holiday Parks. The estimated expenditure against this contract is \$565,578.61 over 3 years (excl GST), however actual expenditure may vary significantly with fluctuations in demand.**

**96/12 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.**

**97/12 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment 1.**

**98/12 That Council delegate authority to the General Manager to extend the contract for an additional 2 years if this option is to be exercised.**

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

AGAINST: NIL

**4.2 CPA/211385 - Expressions of Interest for Central Coast Pumps and Pipes Panel**

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Mr Scott Robinson, CEO of ADW Johnson, addressed the meeting at 5.58pm, answered questions and retired at 6.04pm.

Mr Hugh Williams, Design Manager, was also available to answer questions.

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

**99/12 That Council select, Sinclair Knight Merz, Parsons Brinckerhoff Australia Pty Ltd, MWH Australia Pty Ltd, GHD, Cardno and ADW Johnson to form the Central Coast Pumps and Pipes Panel and for these companies to be invited to tender for Work Packages within the scope of the Panel for an initial period until 30 June 2015, with the potential of a two year extension subject to performance.**

**100/12 That Council determine the Tender Evaluation Report in Attachment 1 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.**

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

AGAINST: NIL

**5.1 Friendship Committee of Southland District Council**

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

- 101/12 That Council note the request from the Friendship Committee of Southland District Council for a proposal to run an Anzac/cultural exchange link.
- 102/12 That Council forward the proposal to the local Returned and Services League of Australia (RSL) and local primary schools for their interest.
- 103/12 That Council determine any assistance that may be given to interested local RSL's and local primary schools if requested by those organisations.

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

AGAINST: NIL

**5.2 Payment of Industrial Special Risk Insurance Policy**

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

- 104/12 That WSC approve the renewal of WSC's Property insurance policy with Statewide Mutual for the period 30 June 2012 to 30 June 2013.
- 105/12 That WSC approve the premium payment of \$612,512.24 ex GST.

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

AGAINST: NIL

**5.3 Extension of Tenure of Current Governance Committee until October 2012**

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

- 106/12 That Council extend the term of the Wyong Shire Governance Committee until 3 October 2012.
- 107/12 That Council extend the term of appointment for the current Councillor and Independent Members of the Wyong Shire Governance Committee until 3 October 2012.

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

AGAINST: NIL

**6.1 Information Reports**

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

**108/12 That Council receive the report on Information Reports.**

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

AGAINST: NIL

**6.2 Operational Activities and Trends with the Animal Care Facility**

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

**109/12 That Council receive the report on Operational Activities and Trends with the Animal Care Facility**

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

AGAINST: NIL

**6.3 LGSA Water Management Conference 2013**

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

**110/12 That Council receive the report on LGSA Water Management Conference 2013.**

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

AGAINST: NIL

**6.4 Mardi to Mangrove Link Project Status**

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

**111/12 That Council receive the report on Mardi to Mangrove Link Project Status.**

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

AGAINST: NIL

**6.5 Circular to Councils 12/16 - Release of the Destination 2036 Action Plan**

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

**112/12 That Council receive and note the report Circular to Councils 12/16 – Release of the Destination 2036 Action Plan.**

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

AGAINST: NIL

**6.6 Financial Insight Report on Mardi to Mangrove**

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

**113/12 That Council receive the report on Financial Insight Report on Mardi to Mangrove.**

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

AGAINST: NIL

**6.7 Wyong Shire Council Youth Employment Strategy**

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Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is the General Manager of Central Coast Group Training, which employs Apprentices and Trainees, and participated in consideration of this matter.

Councillor Best stated:

*“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because no matter is being determined”*

Councillor Wynn left the chamber at 6.51pm and returned to the chamber at 6.53pm during consideration of this item .

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

**114/12 That Council receive the report on Wyong Shire Council Youth Employment Strategy.**

**115/12 That Council consider a report on the cost and benefits of direct employment of apprentices and trainees prior to adoption of the Wyong Shire Council Youth Employment Strategy.**

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

AGAINST: NIL

**6.8 Outstanding Questions on Notice and Notices of Motion**

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

**116/12 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

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

AGAINST: NIL

**8.1 Notice of Motion - Utility Bill Shock Support**

---

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee in the electricity generation industry and participated in consideration of this matter.

Councillor Vincent stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."*

*It was MOVED by Councillor EATON and seconded by Councillor BEST:*

- 1 That Council note the significant increases in electricity and utility bills which are causing severe financial and emotional stress on the Shire's residents.*
- 2 That Council request the General Manager to liaise with recognised financial and social counselling services with a view to providing counselling advice services within Council's Civic Centres and major libraries to assist residents in coping with these imposts and impacts.*
- 3 That Council request the General Manager to report on the offers and availability of counselling services, as outlined in paragraph 2 above, and the cost, if any, to Council.*

**The MOTION was put to the vote and declared LOST.**

FOR: COUNCILLORS BEST, EATON, MCNAMARA AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN



**8.2 Notice of Motion - Re-evaluation of Strategic Direction in Shire's North**

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 7.23 pm, took no part in discussion, did not vote and returned to the chamber at 7.32 pm.

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

- 117/12 That Council note the significant contribution our Community Precinct Committees make as a conduit between Council and the local community.
- 118/12 That Council, as an advocate on behalf of the local community of our Shire's north, request the General Manager to seek timely responses to the key issues contained in the attached joint Precinct Committee submission.
- 119/12 That Council request the General Manager to call for a meeting of key stake holders, Community, Government, land owners and relevant Departments, to discuss the strategic future of this massive 780 hectare site (Delta Electricity power stations and associated lands) that has the potential to profoundly impact Council's developed northern regions strategic plan / LEP.
- 120/12 That Council request the General Manager to also seek direction from stakeholders on issues around site contamination and environmental assets with a prospect of rehabilitation such as Lake Colongra and various former natural overland flow paths.
- 121/12 That Council request the General Manager to reiterate to the relevant agencies the matters with regard to community elements of the Delta site contained in Item 2.1 Mayoral Minute - Proposed Transfer of Delta Electricity Land to Council for continued operation of the Extreme Sports Park, Koala Park and Camp Breakaway at San Remo adopted by Council on 23 May 2012.

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

AGAINST: NIL

**8.3 Notice of Motion - RV Friendly Town - Trial in the North of the Wyong Shire**

Councillor McNamara left the chamber at 7.33 pm and returned to the chamber at 7.34pm during consideration of this item.

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

- 122/12 That Council support the Northern Lakes Regional Chamber of Commerce in its endeavours to pilot the "RV Friendly Town" concept in the North of the Wyong Shire.
- 123/12 That Council request the General Manager to investigate options for installing two RV dump sites in the North of the Shire in consultation and conjunction with the Northern Lakes Regional Business Chamber and the Northern Lakes Disability Tourism Precinct Committee.

**124/12 That Council request the General Manager to submit a report detailing two feasible RV dump sites in the North of the Shire for piloting and trialling the RV Friendly Town concept, with one dump site being predominantly a “disability friendly” dump site, to Council for consideration.**

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

AGAINST: NIL

#### **8.4 Notice of Motion - Wyong Shire Community Purchasing Scheme**

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee in the electricity generation industry and participated in consideration of this matter.

Councillor Vincent stated:

*“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty.”*

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

**125/12 That Council note with concern the significant socio-economic disadvantage this community faces, that was highlighted in the recent national census.**

**126/12 That Council request the General Manager to seek to assist its community through broadening Council service delivery, with the implementation of a group/collective purchasing of services scheme.**

**127/12 That, subject to resolution 4, Council request the General Manager to trial the scheme in the area of energy purchase in response to the escalating price of power, partially due to the carbon tax and in light of other highly successful energy purchase schemes run by various media outlets.**

**128/12 That Council direct the General Manager to provide an indicative and conceptual report which outlines benefits, structural issues, resources, and possible revenues that may result in the scheme becoming cost neutral.**

**129/12 That Council request the General Manager to consult with its Community Precinct Committees to evaluate the interest of any proposed system.**

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

AGAINST: NIL

**CONFIDENTIAL SESSION**

At this stage of the meeting being 7.54 pm 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**

Council resumed in open session at 8.04pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

**9.1 Destruction of Natural Environment and Indigenous Heritage at Norah Head**

- 130/12** *That Council receive the report on Destruction of the Natural Environment and Indigenous Heritage at Soldiers Point Headland, Norah Head.*
- 131/12** *That Council establish a working group to finalise the placement of diversionary structures and agree on the most appropriate vegetation management strategy at Soldiers Point Headland.*
- 132/12** *That Council require the working group to:*
- a include WSC's asset planner and supplier, WSC Landcare Coordinator, interested Aboriginal stakeholders and an Office of Environment and Heritage (OEH) Aboriginal heritage sites officer (if available).*
  - b be formed prior to the next whale watching season (October to early November 2012).*
  - c consult with OEH prior to the commencement of works.*
  - d consider the condition of other registered sites on land under the care and control of Council between Norah Head and the southern end of Soldiers Beach.*
- 133/12** *That Council request the General Manager to submit a report on Council's Committees to the newly elected councillors to enable a Councillor to be elected to the working party.*

**THE MEETING** closed at 8.05 pm.

## **1.4 Address By Invited Speakers**

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TRIM REFERENCE: F2012/00026 - D03087739

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Monica Redmond; Councillor Services Officer

### **SUMMARY**

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

### **RECOMMENDATION**

- 1** *That Council receive the report on Invited Speakers.*
- 2** *That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.*

## **Amended Item**

22 August 2012  
To the Ordinary Council Meeting

Director's Report  
Environment and Planning Services  
Department

### **2.1 DA 501/2012 - Proposed Detached Secondary Dwelling at Warnervale**

---

TRIM REFERENCE: DA/501/2012 - D03086753

MANAGER: Scott Rathgen; Team Coordinator

AUTHOR: Paul Koen; Principal Health and Building Surveyor

#### **SUMMARY**

An application has been received for a detached secondary dwelling. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979, the State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Martin Collins
<b>Owner</b>	Martin Collins
<b>Application No</b>	DA/501/2012
<b>Description of Land</b>	Lot 46 DP 9215, No 28 Aldenham Road, Warnervale
<b>Proposed Development</b>	Detached secondary dwelling
<b>Site Area</b>	1353m <sup>2</sup>
<b>Zoning</b>	2A Residential
<b>Existing Use</b>	Residential
<b>Estimated Value</b>	\$47,500

#### **RECOMMENDATION**

- 1** *That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.*
- 2** *That Council request the General Manager to advise those who made written submissions of Council's decision.*

#### **PRECIS**

- An application has been received for a detached secondary dwelling.
- The site is zoned 2(a) Residential under the provisions of the Wyong Local Environmental Plan 1991 (WLEP).
- The secondary dwelling complies with clause 20 and 22 of Part 2- Division 2 contained within the SEPP (Affordable Rental Housing) 2009.

## INTRODUCTION

### The Site



The secondary dwelling is permissible under the provisions of SEPP (Affordable Rental Housing) 2009.

The application has been referred to Council for determination solely based upon the Council resolution of 8 February 2012, (in particular Resolution 6) which states:

*“RESOLVED unanimously on the motion of Councillor Best and seconded by Councillor Symington:*

- 1 That Council reaffirm its commitment to the principles of affordable housing and its importance in assisting a broad cross section of our community and recognise that Section 94 contributions may be prohibitive to many affordable housing projects.*
- 2 That Council note the decision of Gosford City Council to assist in facilitating affordable housing through the trial waiver of Section 94 contributions for granny flats.*

## 2.1 DA 501/2012 - Proposed Detached Secondary Dwelling at Warnervale (contd)

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- 3 *That Council support this initiative thereby establishing a regional approach to affordable housing.*
- 4 *That Council also waive Section 94 contributions for granny flats on a trial basis till September 2012, concurrent with Gosford City Council and that the outcome of this be reported to Council.*
- 5 *That Council receive the report in a timeframe for inclusion in the 2012-13 Annual Plan.*
- 6 *That Council implement the trial by way of reporting those relevant development applications to Council for determination.*

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

AGAINST: NIL”

The approval of the secondary dwelling will not create any adverse impact on adjoining properties. As such, it is recommended that the application be approved subject to conditions.

### VARIATIONS TO POLICIES

There are no variations to Council's DCP 2005 or development standards for secondary dwellings contained within the SEPP (Affordable Rental Housing) 2009.

### HISTORY

A single storey dwelling with a detached garage currently exists on the site.

### PERMISSIBILITY

The secondary dwelling is permissible under the provisions of SEPP (Affordable Rental Housing) 2009.

The subject site is zoned 2(a) Residential zone under the WLEP 1991. The proposed secondary dwelling is permissible with consent and complies with the objectives of the zone as follows:

- (a) *to provide land primarily for detached housing generally not exceeding a height of 2 storey's and with private gardens in an environment free from commercial and other incompatible activities and buildings, and*
- (b) *to provide for other uses, but only where they:*
  - (i) *are compatible with the residential environment and afford services to residents at a local level, and*
  - (ii) *are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for detached housing, and*
- (c) *to provide for home-based employment where such will not:*

## 2.1 DA 501/2012 - Proposed Detached Secondary Dwelling at Warnervale (contd)

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- (i) *involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or*
- (ii) *Have a material adverse impact on residents.*

The proposed secondary dwelling is single storey and will integrate with the existing development. It is proposed to undertake only minimal excavation to the property. The overall height is consistent with existing development in the area and the development would incorporate appropriate landscaping. The development is to be used for residential purposes only.

### **RELEVANT STATE/COUNCIL POLICIES AND PLANS**

Council has assessed the proposal against the relevant provisions of the following environmental planning instruments, plans and policies:

- SEPP (Affordable Rental Housing) 2009
- WLEP 1991
- Wyong Council DCP 2005
- Chapters 14 Tree management
- Chapter 99 Building Lines
- Chapter 100 Quality Housing

### **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.

### **ASSESSMENT**

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979 and the SEPP (Affordable Rental Housing) 2009, statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information.

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

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

The property is zoned 2(a) Residential zone.

The secondary dwelling is proposed under the provisions of SEPP (Affordable Rental Housing) 2009 which overrides any provisions contained with the WLEP.



**State Environmental Planning Policy (Affordable Rental Housing) 2009**

SEPP (Affordable Rental Housing) 2009 permits secondary dwellings on residential land up to a maximum floor area of 60m<sup>2</sup>. The proposed secondary dwelling has a floor area of 48.3m<sup>2</sup>. The subject allotment also exceeds the minimum area of 450m<sup>2</sup>.

The provisions of Clause 20 and 22 of the SEPP are complied with. Under these circumstances the proposed secondary dwelling is considered justified.

**Development Control Plan 2005 Chapter 99 – Building Lines**

Clause 3.1 of Chapter 99 – Building Lines requires a side and rear setback of 900mm to an adjoining allotment. The proposed development is compliant with this requirement.

**Chapter 100 Quality Housing**

The proposed development is compliant with the relevant requirements of this chapter.

**THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b) ):**

***The relationship to the regional and local context and setting***

The proposed secondary dwelling is consistent with the scale and character of the local area of Warnervale. The scale, bulk, height, massing and choice of materials and finishes for the proposed secondary dwelling is considered appropriate to the local context and will enhance the streetscape.

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

Access to the site is provided by an existing driveway from Aldenham road Warnervale.

The SEPP (Affordable Rental Housing) 2009 does not require additional parking or access to be provided for the secondary dwelling, however off street parking is provided.

***Any effect on privacy, view loss and overshadowing***

An assessment of potential overlooking, privacy and view sharing has been undertaken and it is concluded that the construction of the secondary dwelling is not detrimental to the adjoining properties.

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

Existing services are adequate for the site to cater for the proposed development.

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

A BASIX certificate has been submitted with the application and the proposal involves the use of water saving fixtures and rainwater tank to contribute to the conservation of water.

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

The proposal does not involve any effect on the conservation of soils and the site does not contain acid sulphate soils.

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

There are several trees within close proximity to the proposed development. Council's Arborist has reviewed the development and has concluded that the works could be undertaken without having an undue impact upon the health of the trees.

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

A waste management plan has been submitted with the development application and provides details of how waste will be managed during construction. The occupants of the secondary dwelling will utilise the waste collection services associated with the primary dwelling.

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

A BASIX certificate has been issued as part of the development application.

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

A minimal amount of noise and vibration will be created during the construction phase. A condition will be placed on the consent restricting the hours that construction work can take place.

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

The property is bushfire prone land. The proposed development has been assessed against the Planning for Bushfire Protection Guidelines and subject to compliance with the construction standards of these guidelines the bushfire risk is adequately addressed.

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

During the construction of the works sediment fencing will be installed and construction noise will be required to be minimised via conditions of consent.

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

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

The proposal meets the objectives of the zone and complies with the criteria contained within the SEPP (Affordable Rental Housing) 2009.

**2.1 DA 501/2012 - Proposed Detached Secondary Dwelling at Warnervale (contd)**

The development is within a residential area that contains mainly single dwelling developments. The secondary dwelling will not have any significant impact on the surrounding area and promotes an orderly and economic use of the land.

It is considered the effect on the environment will be minimal and the proposed dwellings will compliment the existing streetscape and social amenity of the locality.

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

The site is considered appropriate for the proposed development.

**ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):**

***Any submission from the public.***

The application was advertised in accordance with DCP 2005 Chapter 70 - Notification of Development Proposals with 2 submissions being received. The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979. A summary of the submissions is detailed in the table below.

Doc. No	Summary of Issues	Response
D03065333	Potential drainage issues being downhill property	<p>Comment – Due to the representation the applicant was requested to look at opportunities to reduce the onsite stormwater disposal to reduce any potential for nuisance overland flow during periods of high rainfall intensity. The applicant has agreed to the following:</p> <ol style="list-style-type: none"> <li>1. Disconnect the existing residence from the onsite disposal trench located in the rear yard and drain roof waters to the Aldenham Road system under head of pressure. This would result in an 80% reduction for the current system whilst the garage remained on this system due to the adverse fall from the street.</li> <li>2. Install a new onsite disposal trench for the detached secondary dwelling being separate from the existing system. This sizing and design of a new trench is to be a condition of consent and be designed by a civil engineer prior to the issue of a Construction Certificate.</li> </ol>

## 2.1 DA 501/2012 - Proposed Detached Secondary Dwelling at Warnervale (contd)

Doc. No	Summary of Issues	Response
		Under these circumstances it is considered that the secondary dwelling would not result in an increase in storm water runoff onto the objector's property and is not a reason to refuse the application.
D03070172	Requested a condition be imposed on the Secondary Dwelling that stormwater drainage system/s be implemented so as to reduce the current underground and surface runoff of 28 Aldenham stormwater onto our property.	Comment – The storm water issue has been reviewed and conditions imposed to address the concerns raised.

### ***Any submission from public authorities.***

There are no submissions from public authorities.

### **OTHER MATTERS FOR CONSIDERATION**

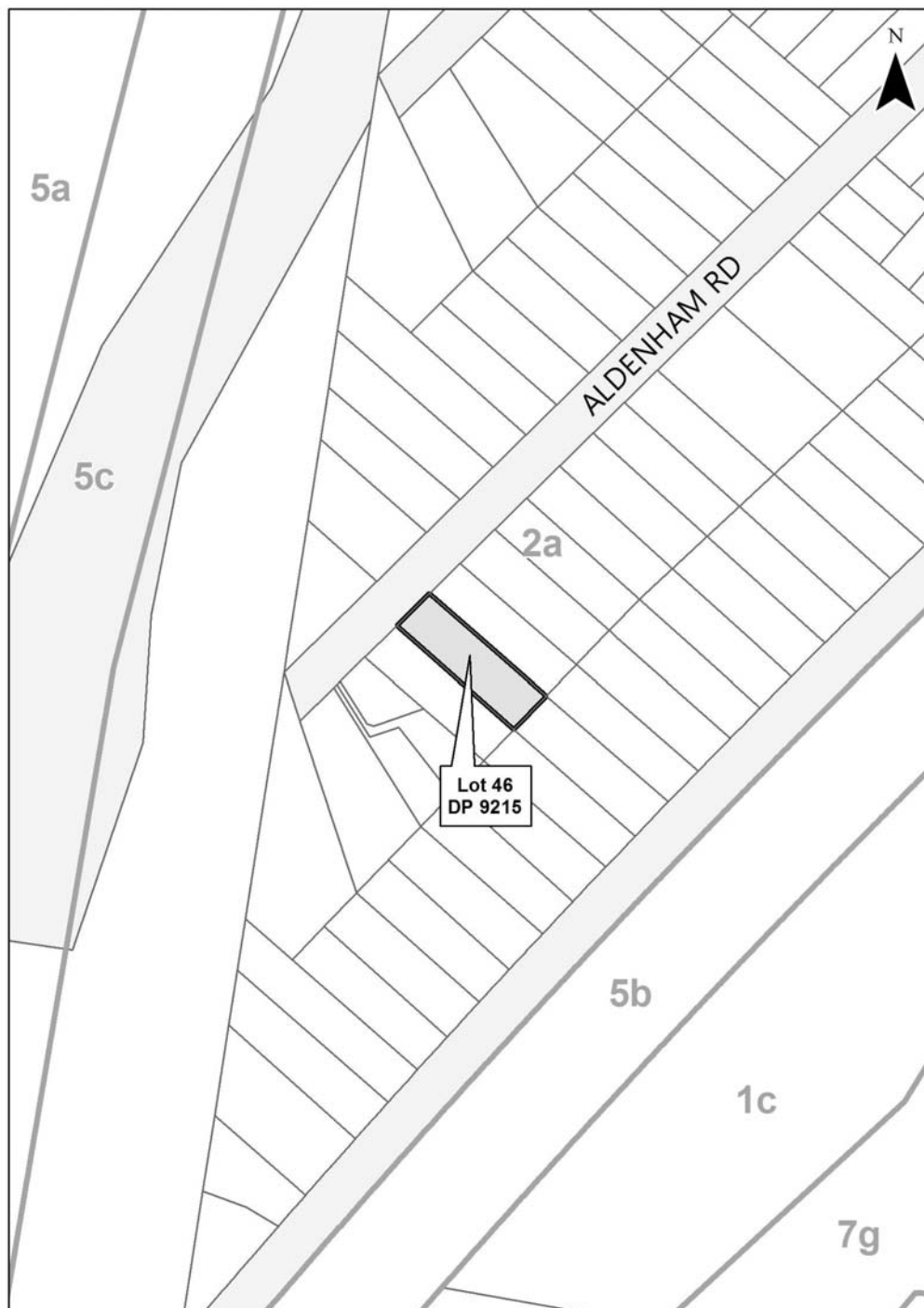
The property is within Warnervale S94 contribution plan created under the provisions of Section 94 of The EP&A Act 1979. Section 94 contributions are applicable to secondary dwellings under this plan as defined under the Affordable Housing SEPP.

Under the contribution plan the secondary dwelling will generate Section 94 contributions totalling \$3,936.05.

### **CONCLUSION**

The development application for the secondary dwelling meets the standards of the relevant chapters of Council's DCP 2005 and the SEPP (Affordable Rental Housing) 2009. The application is recommended for approval subject to the attached conditions.

Locality Plan



**ATTACHMENTS**

- |   |                             |           |
|---|-----------------------------|-----------|
| 1 | Draft Conditions of Consent | D03086695 |
| 2 | Development Plans (A3 B&W)  | D03086739 |

### PROPOSED CONDITIONS

- 1 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.	Revision	Date	Drawn By
Secondary Dwelling	501/12 Sheets 1B to 4B		June 2012	A J R Drafting

#### Certificates – Application and Approval

- 2 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.

#### Contribution Payment Requirements

- 3 Prior to the issue of a Construction Certificate, 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.

#### Stormwater Drainage - Design Requirements

- 4 Prior to the issue of a Construction Certificate the submission to the Accredited Certifier of a detailed stormwater design with the stormwater disposal to sub soil trench/s.

#### Water and Sewer Services - Design Requirements

- 5 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.*

### Ecology/Trees Requirements

- 6 Excavation for footings within the TPZ of trees to be retained shall be carried out by hand, if required the severance of roots must be undertaken using clean sharp tools, if roots greater than 50mm diameter are encountered, further assessment will be required.
- 7 Prior to works associated with the development commencing and for the duration of construction works, the following protocols are to be implemented to ensure tree and vegetation protection upon the development of the site:
  - Trees are to be protected by the erection of 1.8 metre high chain wire interlocking fencing as per AS 4970-2009 – Protection of Trees on Development Sites, or otherwise branches and trunks shall be protected in accordance with Section 4.5.2 of The Standard.
  - All fenced tree protection areas are to be clearly marked as “No Go Area” on the fencing itself.
  - No clearing of vegetation or storage of vehicles or machinery, waste, fill or materials or unauthorised access is to occur within the fenced tree protection areas.

### Erosion and Sediment Control Requirements

- 8 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.
- 9 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.

### Home Building Act Requirements

- 10 Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

In the case of work to be done by the holder of a contractor licence under that Act:

- the name and licence number of the contractor; and
- the name of the insurer by whom the work is insured under Part 6 of that Act.

In the case of work to be done by the holder of an owner-builder permit under that Act:

- the name and permit number of the owner-builder.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

### Roads - Preconstruction Requirements

- 11 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

- 12 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.
- 13 Prior to works associated with the development commencing, a suitable metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) is to be provided upon the development site for the duration of the construction phase of the development in accordance with the requirements of Development Control Plan 2005, Chapter 100 – Quality Housing. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.
- 14 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within



the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.

## **During Construction Works:**

***The following conditions must be satisfied during construction works.***

### **Approved Plans**

- 15 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.

### **Ecology/Trees - Construction Requirements**

- 16 All services, including water and electricity, must be located, designed and installed to minimise or prevent root damage to retained trees. Methods for the installation of services within the tree's canopy perimeter are contained within AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and include under boring and excavation by hand.

### **Erosion and Sediment Control - Construction Requirements**

- 17 Sand and other materials associated with the construction of the development that could potentially be washed off the site during rain periods, are to be stored behind a suitable sediment control barrier.
- 18 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*.

### **Plumbing and Drainage - Construction Requirements**

- 19 Council as the Water Supply Authority, under the provisions of the Water Management Act, or in unsewered areas where an onsite sewage management facility is to be installed, is to be notified to undertake inspections of the internal drainage lines, (prior to the pouring of the concrete slab), and external drainage lines inclusive of sewer junction connection, prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's Customer Contact Centre on (02) 4350 5555 a minimum of twenty-four (24) hours prior to the required time for the inspection. Please note that all drainage inspection fees are to be paid to Council prior to plumbing and drainage works associated with the development commencing.

### **Site Requirements**

- 20 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to 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.

- 21 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 22 During the construction phase of the development, downpipes and the associated stormwater disposal system is to 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 run off. 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.***

### **BASIX Requirements**

- 23 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.

### **Building Code of Australia – Compliance Requirements**

- 24 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.

### **Bush Fire – Compliance Requirements**

- 25 Prior to the issue of an Occupation Certificate, the building shall be completed in accordance with the requirements of AS 3959-1999 - *Construction of Buildings in Bushfire Prone Areas*, for a Bushfire Attack Level of 12.5.

### **Dilapidation Rectification Requirements**

- 26 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.

### **Plumbing and Drainage - Compliance Requirements**

- 27 Prior to the issue of an Occupation Certificate, the hot water installation is to be suitably tempered in order that hot water not exceeding 50 degrees Celsius is provided at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Compliance with this temperature limit is optional for kitchen sinks and laundry tubs under the provisions of AS/NZS 3500, Part 4.2 C1.1.6.2.

**Water and Sewer Services/Infrastructure – Compliance Requirements**

- 28 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.

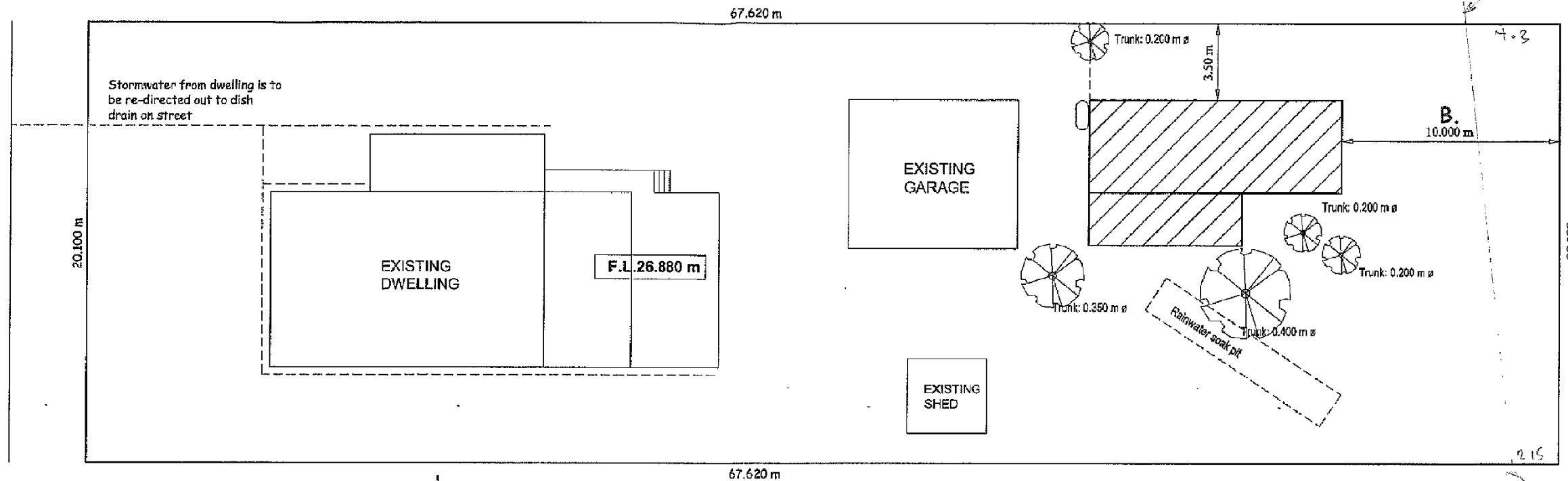
**Ongoing Operation:**

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

**Water and Sewer Services/Infrastructure – Compliance Requirements**

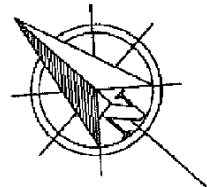
- 29 The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision/Occupation Certificate. All works for the development must be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

ALDENHAM ROAD



**SURVEY ORIGIN.**  
All levels are related to 5568318 located centre of driveway 2 houses to SW.  
R.L.: 27.249 mAHID

**Site Plan.**  
Scale 1:200



THESE PLANS ARE TO BE READ IN CONJUNCTION WITH BASIC CERTIFICATE NUMBER 4335955 SUBMITTED WITH THIS APPLICATION.

**NOTE :**

All dimensions must be checked on site before commencement of work.  
Any and all discrepancies should be reported to the owner and to a representative of AJR Drafting for noting.

The location of all site boundaries and the correct position of the proposed development on the site should be determined by a registered surveyor before work commences.

**BUSHFIRE ATTACK LEVEL: BAL 12.5**

**Level 1 Requirements: To AS3959-2009**

Deck boards are to have a minimum gap of 5 mm between each board.

The deck support structure can not be enclosed.

Posts, columns, stumps, piers and poles are required to be Fire Retardant timber or naturally resistant for the first 400 mm above the ground, or mounted on Galvanised metal stumps with a clearance of not less than 75 mm.

Timber elements are not to be connected directly to the remainder of the house.

**STORMWATER NOTES:**

**B.**

At present the stormwater from the dwelling and existing garage is directed to a soak pit located in the rear garden.  
The area of roof connected to this soak pit is 232 m<sup>2</sup> made up of 190 m<sup>2</sup> for the dwelling and 42 m<sup>2</sup> for the garage.

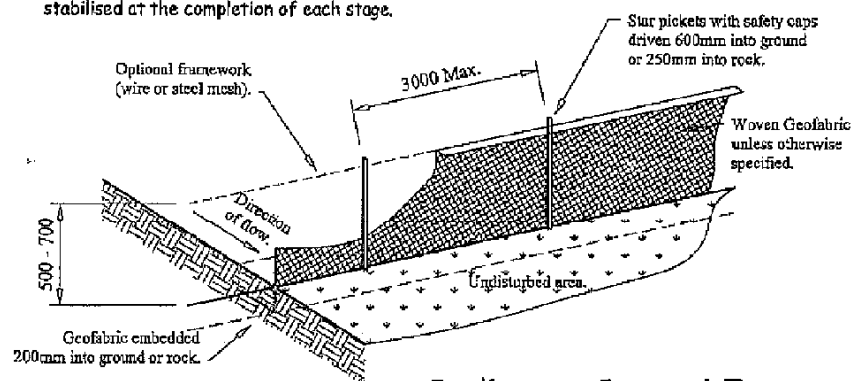
It is proposed to isolate and re-direct the run-off from the dwelling to the dish drain outside the property on Alderham Road.

The roof of the new building (area: 86 m<sup>2</sup>), covered by this application will instead be directed, like the garage, into the soak pit.

This will in effect reduce the load on the pit by 104 m<sup>2</sup>, a reduction of 45 %.

**SOIL EROSION - SEDIMENTATION CONTROL NOTES**

1. All erosion and sediment control measures are to be inspected and maintained every day that there is activity on-site and also after any rainfall event.
2. Construction materials and sediment must not be deposited on adjoining land or roadways.
3. Works are to be controlled to minimise site disturbance.
4. All disturbed areas are to be progressively stabilised at the completion of each stage.



**Sediment Control Fence.**  
Not to Scale.

AMENDMENTS		
Ref.	No.	Description.
17.07.12	B	Stormwater notes added. Site plan - position of new building in garden corrected.
19.06.12	A	Preliminary - For approval.

Title:  
**Relative Accommodation at Lot 46, D.P. 9215 28 Alderham Road, WARNERVALE 2259 for M.J. Collins.**

Drawing:  
**Site Plan, Detail.**

**A.J.R. Drafting**  
A.B.N. 81 653 610 956  
1 Joyce Avenue, WYONG N.S.W. 2259  
Telephone: (02) 4351 2880  
FACSIMILE: (02) 4351 2880  
Mobile: 0409 51 2880  
E-Mail: TRedmond@bigfoot.com

Date: June '12 Drawn: T.Redmond

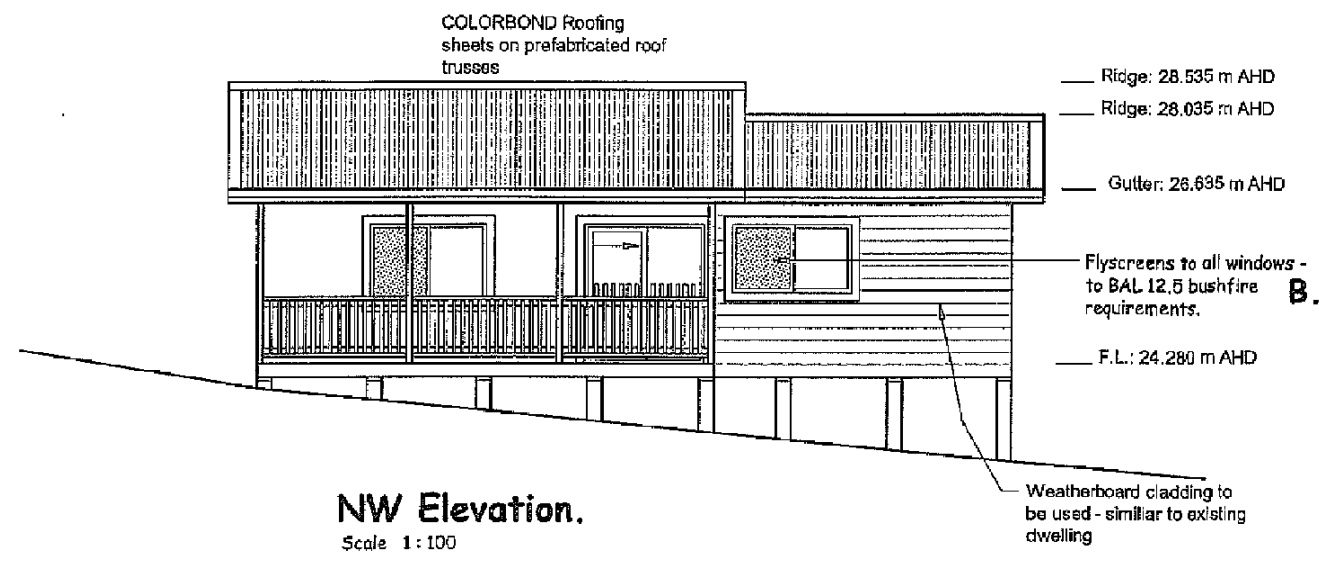
Scale: As Shown Drawing: 1 of 4

Drawing No.:

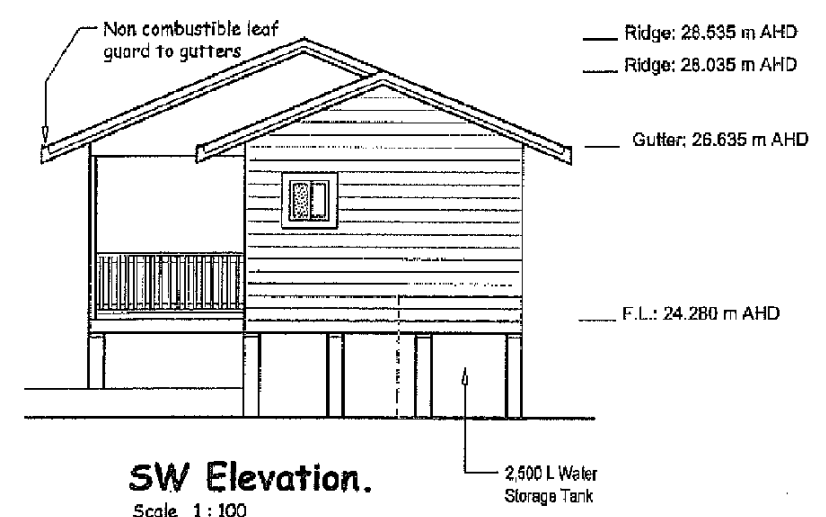
**2545 - 1 B**

THESE PLANS ARE TO BE READ IN CONJUNCTION WITH BASIX CERTIFICATE NUMBER 433595S SUBMITTED WITH THIS APPLICATION.

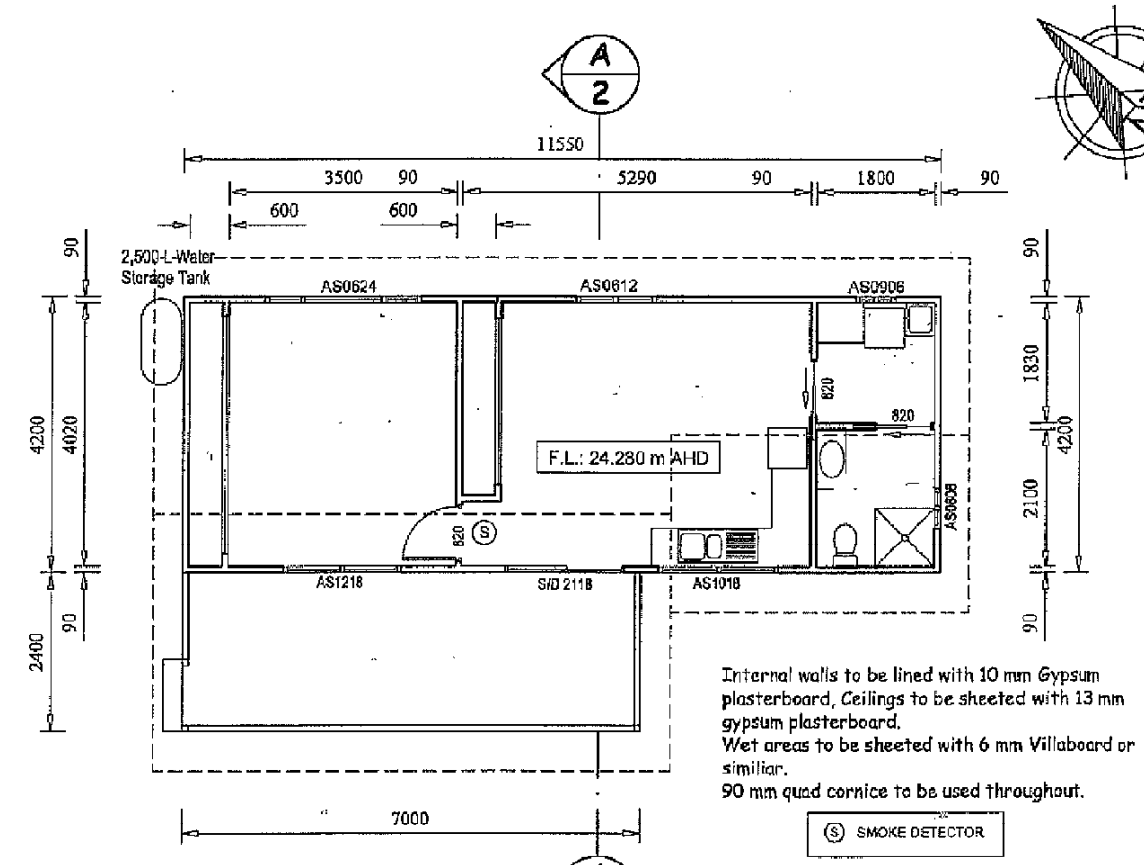
NOTE: BUSHFIRE ATTACK LEVEL (BAL) 12-5 Level 1 Construction to be used.



**NW Elevation.**  
Scale 1:100



**SW Elevation.**  
Scale 1:100



**Floor Plan.**  
Scale 1:100

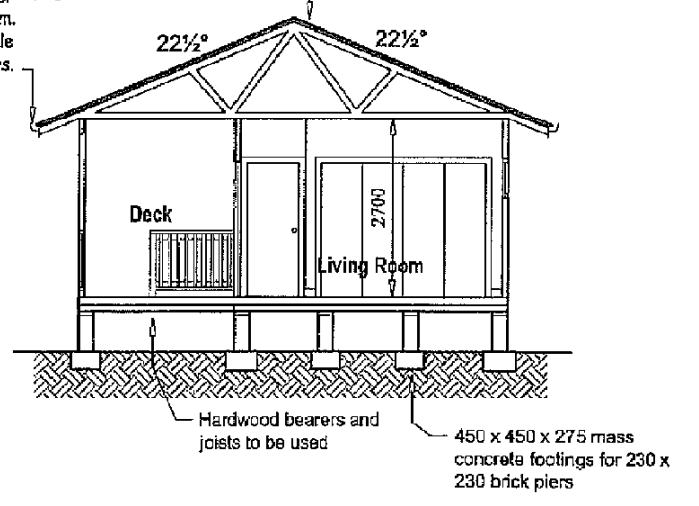
Internal walls to be lined with 10 mm Gypsum plasterboard, Ceilings to be sheeted with 13 mm gypsum plasterboard. Wet areas to be sheeted with 6 mm Villaboard or similar. 90 mm quad cornice to be used throughout.

Ⓢ SMOKE DETECTOR

**MATERIALS LIST FOR DECK TO COMPLY WITH BAL 12.5 REQUIREMENTS.**

- B. Brick piers to support bearers.
- 90 x 100 hardwood bearers
- 45 x 100 hardwood joists @ 450 centres,
- 90 x 20 Hardwood decking.
- 65 x 140 Pine Bearer for rafters

Colorbond gutters and downpipes connected to existing stormwater system. Provide non combustible leaf guard to all gutters. B. Colorbond roofing sheets on 70 x 30 battens on sarking, (to AS 1903 + AS 1904), on prefabricated roof trusses. All erected to manufacturers and suppliers specifications and requirements.



**Section A-A.**  
Scale 1:100

AMENDMENTS		
Ref.	No.	Description.
17.07.12	B	Stormwater notes added. Bushfire notes added.
19.06.12	A	Preliminary - For approval.

Title: **Relative Accommodation at Lot 46, D.P.9215 28 Aidenham Road, WARNERVALE 2259 for M.J. Collins.**

Drawing: **Floor Plan, Section, Elevations.**

**A.J.R. Drafting**  
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E-Mail: T.Redmond@bigfoot.com

Date: June '12 Drawn: T.Redmond  
Scale: As Shown Drawing: 2 of 4

Drawing No.: **2545 - 2 B**

THESE PLANS ARE TO BE READ IN CONJUNCTION WITH BASIX CERTIFICATE NUMBER 4339955 SUBMITTED WITH THIS APPLICATION.

NOTE: BUSHFIRE ATTACK LEVEL (BAL) 12-5 Level 1 Construction to be used.

**STATEMENT OF ENVIRONMENTAL EFFECT.**

**PROPOSAL :** It is proposed to construct a structure which will be used for **RELATIVE ACCOMMODATION** at the rear of the existing dwelling. An attached timber deck will also be constructed as part of the project.

**A. Site suitability :** Zoned 2(a) Residential. Land is deemed to be bushfire prone but not Flood affected - and it is within the Mine Subsidance area for Wyong Shire. Land is flat and has an area of c. 1,359 m<sup>2</sup> with the dwelling towards the front.

**B. Current and previous use :** The site currently contains a single storey Weatherboard clad dwelling and a separate garage behind.

**C. Access and Traffic :** Site is accessed directly off Aldenham Road. No increase in traffic flows are envisaged as a result of this project.

**D. Air and noise :** N.A.

**E. Privacy, views and overshadowing :** Negligible. The proposed development is within the building envelope for the site and the views will be as at present. Setback to fences at closest point is near 3 m and any windows adjacent to boundaries will be high level windows maximising privacy for all parties.

**F. Soil and Water :** Minimal excavation of soil will occur during construction - soil excavated for piers will be retained on site, all trenches will be backfilled.

**B.** Stormwater runoff from the roof will be directed to a new 2,500 L water storage tank which will be installed as part of BASIX requirements.

At present the stormwater from the dwelling and existing garage is directed to a soak pit located in the rear garden. The area of roof connected to this soak pit is 232 m<sup>2</sup> made up of 190 m<sup>2</sup> for the dwelling and 42 m<sup>2</sup> for the garage.

It is proposed to isolate and re-direct the run-off from the dwelling to the dish drain outside the property on Aldenham Road.

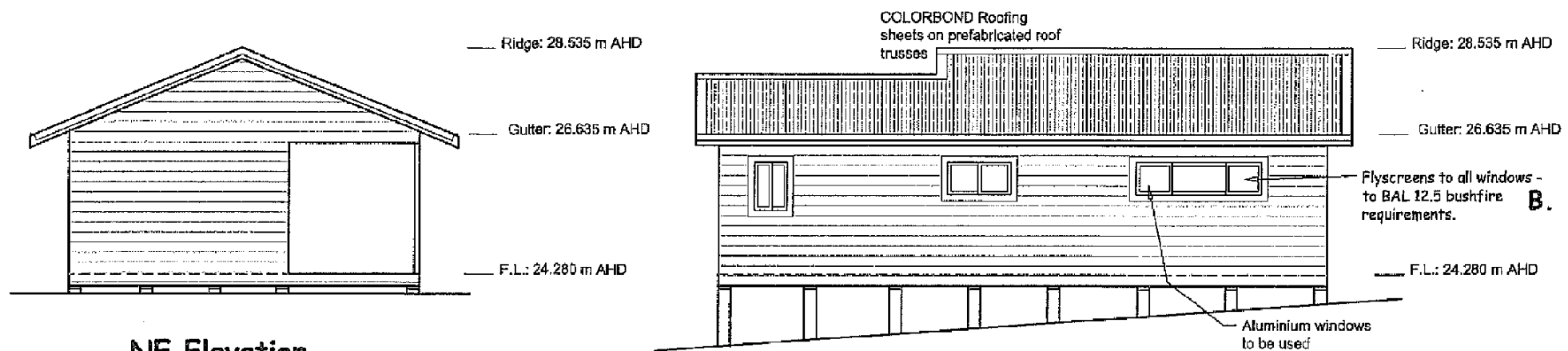
The roof of the new building (area: 86 m<sup>2</sup>), covered by this application will instead be directed, like the garage, into the soak pit.

This will in effect reduce the load on the pit by 104 m<sup>2</sup>, a reduction of 45 %.

**G. Flora and fauna :** No trees to be damaged or removed during the construction phase. No native fauna threatened.

**H. Energy :** The proposed building will be fully insulated to minimise cooling and reduce heat transfer.

**I. Waste :** During the course of the construction period any building waste or offcuts generated will be stored on site in a waste bin. Bin to be collected and emptied whenever necessary.



**NE Elevation.**

Scale 1 : 100

**SE Elevation.**

Scale 1 : 100

**INSULATION :- AS3999-1992**  
**SARKING:- AS4200.1-1994.**

The metal roof in the extension is to have a foil laminated bulk insulation blanket placed underneath it during installation.

The ceiling space in the new works is to be insulated with bulk insulation rated at R2.5 or greater.

All external walls in the new works are to be insulated with bulk insulation rated at R1.5 or greater.

STANDARDS SUMMARY	SPECIFICATION SUMMARY
<p><b>CONCRETE</b> - To AS2870.1-1996 and AS3600-2001.</p> <p><b>TIMBER</b> - To AS1684.2 - 2010.</p> <p><b>WET AREAS</b> - To comply with the provisions of Part 3.8.1 of the BCA &amp; to relevant Australian Standards.</p> <p><b>INSULATION</b> - Bulk Insulation to AS3999-1992, Sarking to AS4200.1-1994.</p> <p><b>ROOFING</b> - Metal to comply with AS1562.1 - 1992, plumbing to AS3500-2003.</p> <p><b>GLASS</b> - All glazing to conform to AS1288-2006.</p>	<p><b>BRICK PIERS:</b> 230 x 230 ISOLATED BRICK PIERS CONSTRUCTED TO COMPLY WITH THE REQUIREMENTS OF NCC 2011 BCA VOL 2, PART 3.3.1.4 AS SHOWN ON THE PLANS.</p> <p><b>EXTERNAL CLADDING:</b> WEATHERBOARD CLADDING - SELECTED BY OWNER. HORIZONTAL WALL CLADDING TO WALL AREAS AS SHOWN ON PLAN.</p> <p><b>SOFFIT LINING:</b> F.C. SHEETING TO ALL EAVES AND COVERED AREAS, AS REQUIRED.</p> <p><b>FLOORING:</b> SELECTED TIMBER BOARDING TO DECK. 19mm SELECTED PINE FLOORING TO DWELLING - OR SIMILAR.</p>

Australian Standards® mandatory for compliance with the 2011 Building Code of Australia that are **relevant to Volume 2 of the BCA covering requirements for Class 1a buildings:**

AS 2870.1-1996 and AS 3600-2001 Concrete

AS 1288-2006 Glass in buildings - Selection and installation

AS 1684.2-2006 Residential timber-framed construction - Non-cyclonic areas

AS 1684.4-2006 Residential timber-framed construction - Simplified - Non-cyclonic areas

AS 2870-1996 Residential slabs and footings - Construction

AS 3500.3-2003 Plumbing and drainage - Stormwater drainage

AS 3500.4-2003 Plumbing and drainage - Heated water services

AS 3500.5-2003 National Plumbing and Drainage - Domestic installations

AS 3660.1-2000 Termite management - New building work

AS 3740-2004 Waterproofing of wet areas within residential buildings

AS 3959-1999 Construction of buildings in bushfire-prone areas

**GENERAL NOTES**

SMOKE DETECTOR(S) TO CEILING TO BE HARD WIRED IN ACCORDANCE WITH PART 61-7 OF THE BUILDING CODE OF AUSTRALIA.

PROVIDE A WET AREA WATER PROOFING SYSTEM TO THE EN-SUITE IN ACCORDANCE WITH PART F1-7 OF THE BUILDING CODE OF AUSTRALIA 2011.

PROVIDE MECHANICAL VENTILATION TO THE EN SUITE IN ACCORDANCE WITH THE BCA AND / OR LOCAL AUTHORITY REQUIREMENTS.

NOTE: HOT WATER UNIT SHALL BE INSTALLED WITH A TEMPERATURE LIMITING VALVE AND IS TO COMPLY WITH AS 3500 - 1994.

PROVIDE LIFT OFF HINGES TO WC DOOR IN ACCORDANCE WITH THE BCA & OR LOCAL AUTHORITY REQUIREMENTS.

PLUMBER TO VERIFY WITH BUILDER THE LOCATION OF ALL DOWNPIPES, RAINWATER TANKS & OTHER SERVICES PRIOR TO & DURING CONSTRUCTION WORKS.

FRAME / TRUSS MANUFACTURER TO CHECK & VERIFY ALL DIMENSIONS PRIOR TO MANUFACTURING & ASSEMBLY.

**AMENDMENTS**

Ref.	No.	Description.
17.07.12	B	Stormwater notes added.
19.06.12	A	Preliminary - For approval.

Title:  
**Relative Accommodation at Lot 46, D.P.9215 28 Aldenham Road, WARNERVALE 2259 for M.J. Collins.**

Drawing:  
**Elevation, Section. S.E.E.**

**A.J.R. Drafting**  
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Mobile: 0403 51 2880  
E-Mail: T.Redmond@bjrfoot.com

Date: June '12 Drawn: T.Redmond  
Scale: As Shown Drawing: 3 of 4

Drawing No.:

**2545 - 3 B**

**BASIX Commitments :**  
**THIS SECTION IS TO BE READ IN CONJUNCTION WITH BASIX CERTIFICATE NUMBER 433595S SUBMITTED WITH THESE DRAWINGS.**

**LANDSCAPE:**  
 The applicant must plant indigenous or low water use species of vegetation throughout 100 m<sup>2</sup> of the site.

**FIXTURES :**  
 The applicant must ensure that new or altered showerheads have a min. 3-Star water rating.  
 The applicant must ensure that new or altered toilets have a min. a 4-Star water rating.  
 The applicant must ensure that new or altered taps in the Kitchen and Bathroom have a min. 4-Star water rating.

**ALTERNATIVE WATER**  
 Install a water tank with min. cap. of 2,500 L.  
 Water to be collected from at least 86 m<sup>2</sup> of the roof area.  
 Water tank to be connected to  
 - All toilets in the development  
 - The cold water tap in each laundry.  
 - At least one outdoor tap.

**ENERGY COMMITMENTS:**  
 - The applicant must install a GAS COOKTOP + GAS OVEN in the kitchen.  
 - The applicant must construct each Refrigerator space so that it is WELL VENTILATED.  
 - The applicant must install a fixed outdoor clothes drying line as part of the development.

**BASIX Commitments :**  
**THIS SECTION IS TO BE READ IN CONJUNCTION WITH BASIX CERTIFICATE NUMBER 383984S SUBMITTED WITH THESE DRAWINGS.**

**HOT WATER:**  
 The applicant must install a GAS INSTANTANEOUS hot water system - with a performance of 3.5 Stars or better.

**COOLING SYSTEM:**  
 The applicant must install the following cooling system in at least 1 Living Area: **CEILING FANS.**

**HEATING SYSTEM:**  
 Living rooms and Bedrooms must NOT incorporate any heating system, or any ducting which is designed to accommodate a heating system.

**VENTILATION:**  
 The applicant must install the following exhaust systems in the development:  
 - At least 1 Bathroom: NO MECHANICAL VENTILATION.  
 - Kitchen: Individual fan, ducted to facade or roof. Manual ON/OFF.  
 - Laundry: Natural Ventilation only, or no Laundry.

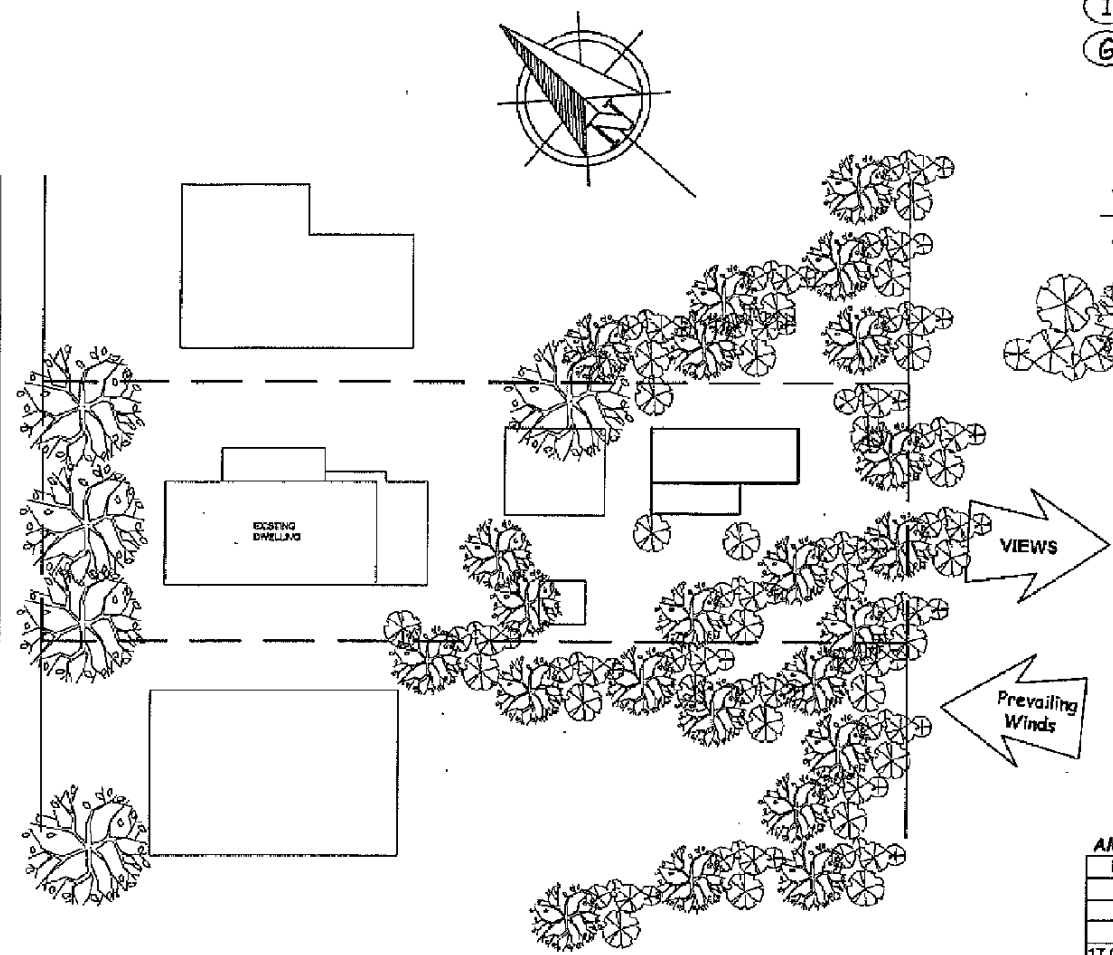
**ARTIFICIAL LIGHTING :**  
 The applicant must ensure that the primary type of artificial lighting is fluorescent or LED lighting in each of the following rooms:-  
 At least 1 Bedroom / study  
 At least 1 of the Living / Dining areas.  
 The kitchen  
 All bathrooms / toilets  
 The Laundry  
 Any Hallway.

**NATURAL LIGHTING**  
 The applicant must install a window or skylight in each of the Kitchen and the Bathroom for natural lighting.

**BASIX Commitments :**  
**THIS SECTION IS TO BE READ IN CONJUNCTION WITH BASIX CERTIFICATE NUMBER 433595S SUBMITTED WITH THESE DRAWINGS.**

**THERMAL COMFORT COMMITMENTS:**  
 The applicant must construct the dwelling in accordance with the following specifications:  
 - The dwelling is a single storey dwelling.  
 - The dwelling has a slab on ground, or, if the floor is suspended, the floor has insulation with an R-Value of at least R1.0  
 - Walls are Weatherboard or Fibre cement.  
 - All windows and glazed doors have eaves that project at least 600 mm (including Gutter width).  
 - Eaves are no more than 500 mm above window or glazed door heads.  
 - Total glazed area is no more than 10.3 m<sup>2</sup>.  
 - Ceiling to have insulation rated at at least R2.5  
 Roof to have sarking or 2 wind driven ventilators with eave or roof vents.

ALDENHAM ROAD



- KEY :**
- Site
  - - - - - Contours
  - ① ② Number of storeys
  - ⑥ ⑤ Garage / Shed
  - SP Swimming Pool
  - △ Overlooking
  - ☀ Street Light
  - Existing Trees

AMENDMENTS		
Ref. No.	No.	Description.
17.07.12	B	Position of new building in garden corrected.
19.06.12	A	Preliminary - For approval.

Title:  
**Relative Accommodation at Lot 46, D.P.9215 28 Aldenham Road, WARNERVALE 2259 for M.J. Collins.**

Drawing:  
**Site Analysis Plan. BASIX Commitments.**

**A.J.R. Drafting**  
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 Mobile: 0403 51 2880  
 E-Mail: T.Redmond@bigfoot.com

Date: June '12 Drawn: T.Redmond  
 Scale: As Shown Drawing 4 of 4

Drawing No. :  
**2545 - 4 B**

**NOTE: BUSHFIRE ATTACK LEVEL (BAL) 12-5 Level 1 Construction to be used.**

## **2.2 DA 531/2012 - Proposed Detached Secondary Dwelling at Bateau Bay**

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TRIM REFERENCE: DA/531/2012 - D03086861

MANAGER: Gina Vereker; Director

AUTHOR: Scott Rathgen; Team Coordinator

### **SUMMARY**

An application has been received for a detached secondary dwelling. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979, the State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Ben Vining
<b>Owner</b>	Ben Vining
<b>Application No</b>	DA/531/2012
<b>Description of Land</b>	Lot 512 DP 794230, No 7 Morley Avenue Bateau Bay
<b>Proposed Development</b>	Detached secondary dwelling
<b>Site Area</b>	663.60m <sup>2</sup>
<b>Zoning</b>	2b Multiple Dwelling Zone
<b>Existing Use</b>	Residential
<b>Estimated Value</b>	\$92,000

### **RECOMMENDATIONS**

***That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.***

### **PRECIS**

- An application has been received for a detached secondary dwelling.
- The site is zoned 2(b) Multiple Dwelling Zone under the provisions of the Wyong Local Environmental Plan 1991 (WLEP).
- The secondary dwelling complies with clause 20 and 22 of Part 2- Division 2 contained within the SEPP (Affordable Rental Housing) 2009.



## INTRODUCTION

### The Site



The secondary dwelling is permissible under the provisions of SEPP (Affordable Rental Housing) 2009.

The application has been referred to Council for determination solely based upon the Council resolution of 8 February 2012, (in particular Resolution 6) which states:

*“RESOLVED unanimously on the motion of Councillor Best and seconded by Councillor Symington:*

- 1 That Council reaffirm its commitment to the principles of affordable housing and its importance in assisting a broad cross section of our community and recognise that Section 94 contributions may be prohibitive to many affordable housing projects.*
- 2 That Council note the decision of Gosford City Council to assist in facilitating affordable housing through the trial waiver of Section 94 contributions for granny flats.*
- 3 That Council support this initiative thereby establishing a regional approach to affordable housing.*
- 4 That Council also waive Section 94 contributions for granny flats on a trial basis till September 2012, concurrent with Gosford City Council and that the outcome of this be reported to Council.*

## 2.2 DA 531/2012 - Proposed Detached Secondary Dwelling at Bateau Bay (contd)

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- 5 *That Council receive the report in a timeframe for inclusion in the 2012-13 Annual Plan.*
- 6 *That Council implement the trial by way of reporting those relevant development applications to Council for determination.*

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

AGAINST: NIL”

The approval of the secondary dwelling would not create any adverse impact on adjoining properties. As such, it is recommended that the application be approved subject to conditions.

### VARIATIONS TO POLICIES

There are no variations to Council's DCP 2005 or development standards for secondary dwellings contained within the SEPP (Affordable Rental Housing) 2009.

### HISTORY

A single storey dwelling with an attached garage currently exists on the site. There is no other history relevant to this application.

### PERMISSIBILITY

The secondary dwelling is permissible under the provisions of SEPP (Affordable Rental Housing) 2009.

The subject site is zoned 2(b) Multiple Dwelling zone under the WLEP 1991. The proposed secondary dwelling is permissible with consent and complies with the objectives of the zone as follows:

#### *2(b) Multiple Dwelling zone*

- (a) *to cater for a wide range of housing types essentially domestic in scale and character and generally not exceeding a height of 2 storeys, and*
- (b) *to provide for other uses which:*
  - (i) *are compatible with the residential environment and afford services to residents at a local level, and*
  - (ii) *are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential uses, and*
- (c) *to provide home-based employment where such will not:*

## 2.2 DA 531/2012 - Proposed Detached Secondary Dwelling at Bateau Bay (contd)

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- (i) *involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or*
- (ii) *have a material adverse impact on residents.”*

The proposed structure is single storey and will integrate with the existing development. It is proposed to undertake only minimal excavation for the construction of the building. The overall height is consistent with existing development in the area and the development would incorporate appropriate landscaping. The development is to be used solely for residential purposes.

### **RELEVANT STATE/COUNCIL POLICIES AND PLANS**

Council has assessed the proposal against the relevant provisions of the following environmental planning instruments, plans and policies:

- SEPP (Affordable Rental Housing) 2009
- WLEP 1991
- Wyong Council DCP 2005
- Chapter 14 Tree management
- Chapter 99 Building Lines.
- Chapter 100 Quality Housing

### **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. As such, it 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.

### **ASSESSMENT**

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979 and the SEPP (Affordable Rental Housing) 2009, statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information.

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

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

The property is zoned 2(b) Multiple Dwelling zone.

The secondary dwelling is proposed under the provisions of SEPP (Affordable Rental Housing) 2009 which overrides any provisions contained with the WLEP.

**State Environmental Planning Policy (Affordable Rental Housing) 2009**

SEPP (Affordable Rental Housing) 2009 permits secondary dwellings on residential land up to a maximum floor area of 60m<sup>2</sup>. The proposed secondary dwelling has a floor area of 60m<sup>2</sup>. The subject allotment also exceeds the minimum area of 450m<sup>2</sup>.

The provisions of Clause 20 and 22 of the SEPP are complied with. Under these circumstances the proposed secondary dwelling is considered justified.

**Development Control Plan 2005**

**Chapter 99 – Building Lines**

Clause 3.1 of Chapter 99 – Building Lines requires a side and rear setback of 900mm to an adjoining allotment and the proposed development is compliant with this requirement.

**Chapter 100 Quality Housing**

The development is fully compliant with this chapter.

**THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b) ):**

***The relationship to the regional and local context and setting***

The proposed secondary dwelling is consistent with the scale and character of the local area of Bateau Bay. The scale, bulk, height, massing and choice of materials and finishes for the proposed secondary dwelling is considered appropriate to the local context and will enhance the streetscape.

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

Access to the site is provided by an existing driveway from Walch Avenue Bateau Bay.

The SEPP (Affordable Rental Housing) 2009 does not require additional parking or access to be provided for the secondary dwelling, however off street parking is provided.

***Any effect on privacy, view loss and overshadowing***

An assessment of potential over viewing, privacy and view sharing has been undertaken and it is concluded that the construction of the secondary dwelling is not detrimental to the adjoining properties.

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

Existing services are adequate for the site to cater for the proposed development.

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

A BASIX certificate has been submitted with the application and the proposal involves the use of water saving fixtures and a rainwater tank to contribute to the conservation of water.

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

The proposal would not have any impact upon the conservation of soils and the site does not contain acid sulphate soils.

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

The proposal development would require the removal of a tree within the rear yard. There are also several trees within close proximity to the proposed development and some minor excavation works are proposed within the root zone of these trees. Council's Arborist has reviewed the development and has concluded that the works could be undertaken without having an undue impact upon the health of the trees.

Conditions would be imposed to address this impact and also to require the planting of a replacement tree.

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

A waste management plan has been submitted with the development application and provides details of how waste will be managed during construction. The occupants of the secondary dwelling will utilise the waste collection services associated with the primary dwelling.

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

A BASIX certificate has been issued as part of the development application.

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

A minimal amount of noise and vibration will be created during the construction phase. A condition will be placed on the consent restricting the hours that construction work can take place.

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

The property is not affected by any natural hazards.

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

During the construction of the works sediment fencing will be installed and construction noise will be minimised via conditions of consent.

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

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

The proposal meets the objectives of the zone and complies with the criteria contained within the SEPP (Affordable Rental Housing) 2009.

The development is within a residential area that contains mainly single dwelling developments. The secondary dwelling will not have any significant impact on the surrounding area and promotes an orderly and economic use of the land.

It is considered the effect on the environment will be minimal and the proposed dwellings will compliment the existing streetscape and social amenity of the locality.

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

The site is considered appropriate for the proposed development.

**ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):**

***Any submission from the public.***

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

***Any submission from public authorities.***

There are no submissions from public authorities.

**OTHER MATTERS FOR CONSIDERATION**

The property is within Southern Lakes S94 contribution plan created under the provisions of Section 94 of The EP&A Act 1979. Section 94 contributions are applicable to secondary dwellings under this plan as defined under the Affordable Housing SEPP.

Under the contribution plan the secondary dwelling will generate Section 94 contributions totalling \$6,309.25

## CONCLUSION

The development application for the secondary dwelling meets the standards of the relevant chapters of Council's DCP 2005 and the SEPP (Affordable Rental Housing) 2009. The application is recommended for approval subject to the attached conditions.

## Locality Plan



## ATTACHMENTS

- |   |                             |           |
|---|-----------------------------|-----------|
| 1 | Draft Conditions of Consent | D03086798 |
| 2 | Development Plans (A3 B&W)  | D03086815 |

**PROPOSED CONDITIONS**

- 1 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.	Revision	Date	Drawn By
	018 Sheet 1 - 3	-	8 June 2012	Granny Flats Central Coast

**Certificates – Application and Approval**

- 2 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 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.*

**Contribution Payment Requirements**

- 3 Prior to the issue of a Construction Certificate, 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.
- 4 Prior to the issue of a Construction Certificate, satisfactory structural plans prepared by a suitably qualified Registered Structural Engineer are to be submitted for the approval of the Accredited Certifier, for the following building elements
- Concrete footings/slab.



- 5 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.***

- 6 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.
- 7 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.
- 8 Prior to works associated with the development commencing, suitable sediment control kerb inlet trap devices are to be provided downstream of the development site adjoining locations such as kerb inlet drainage pits, in order to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris behind the required kerb inlet trap devices is to be removed from the site on a daily basis.
- 9 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.

### **Home Building Act Requirements**

- 10 Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

In the case of work to be done by the holder of a contractor licence under that Act:

- the name and licence number of the contractor; and
- the name of the insurer by whom the work is insured under Part 6 of that Act.

In the case of work to be done by the holder of an owner-builder permit under that Act:

## 2.2 DA 531/2012 - Proposed Detached Secondary Dwelling at Bateau Bay (contd)

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- the name and permit number of the owner-builder.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

- 11 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.
- 12 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
  - be a standard flushing toilet connected to a public sewer system; or
  - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.
- 13 Prior to works associated with the development commencing, a suitable metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) is to be provided upon the development site for the duration of the construction phase of the development in accordance with the requirements of Development Control Plan 2005, Chapter 100 – Quality Housing. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.
- 14 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.
- 15 Prior to works associated with the development commencing, it is the builder's responsibility to confirm the location and depth of the sewer main and connection point in relation to the floor level, to ensure that appropriate connection to the sewer can be achieved.
- 16 Prior to works associated with the development commencing, where any excavation is proposed in proximity to existing gas and/or electricity networks, the developer is advised to notify '*Dial Before You Dig*' of the time and place of work no more than thirty

(30) days before the work commences. The developer must satisfy any requirements as set by the network operators in carrying out excavation works.

## **During Construction Works:**

*The following conditions must be satisfied during construction works.*

- 17 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.
- 18 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.
- 19 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*.
- 20 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to 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.
- 21 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 22 During the construction phase of the development, downpipes and the associated stormwater disposal system is to 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 run off. 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.

### **Earthworks and Haulage - Construction Requirements**

- 23 No fill is permitted within the easement located along the eastern boundary.

## **Prior to Release of Occupation Certificate:**

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

## 2.2 DA 531/2012 - Proposed Detached Secondary Dwelling at Bateau Bay (contd)

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- 24 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.
- 25 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.
- 26 Prior to the release of an Occupation Certificate, a minimum of 1 replacement tree at a minimum size of 20 litre container are to be planted on the development site. Replacement native trees are to be selected from Council's Eco-Info Fact Sheet 8 - Tree Planting in Urban Areas. Replacement trees must adhere to NATSPEC regulations. Replacement trees are to be maintained to maturity (defined as 3 metres or more in height or trunk diameter of 75 mm or more measured at 1.4 metres above ground level) through use of mulch and watering and allowed to achieve their natural height. Where the replacement tree dies or is substantially damaged within 5 years of planting, it must be replaced and maintained to maturity.
- 27 Prior to the issue of an Occupation Certificate, the hot water installation is to be suitably tempered in order that hot water not exceeding 50 degrees Celsius is provided at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Compliance with this temperature limit is optional for kitchen sinks and laundry tubs under the provisions of AS/NZS 3500, Part 4.2 C1.1.6.2.
- 28 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 29 Prior to the issue of an Occupation Certificate, the surcharge gully provided with respect to the development, must be located a minimum of 150mm below floor level and 75mm above the surrounding finished ground level.
- 30 Prior to the occupation of the building occurring, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority. Occupation of the development without an Occupation Certificate is an offence under the provisions of the Environmental Planning and Assessment Regulation, 2000.
- 31 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.

**Ongoing Operation:**

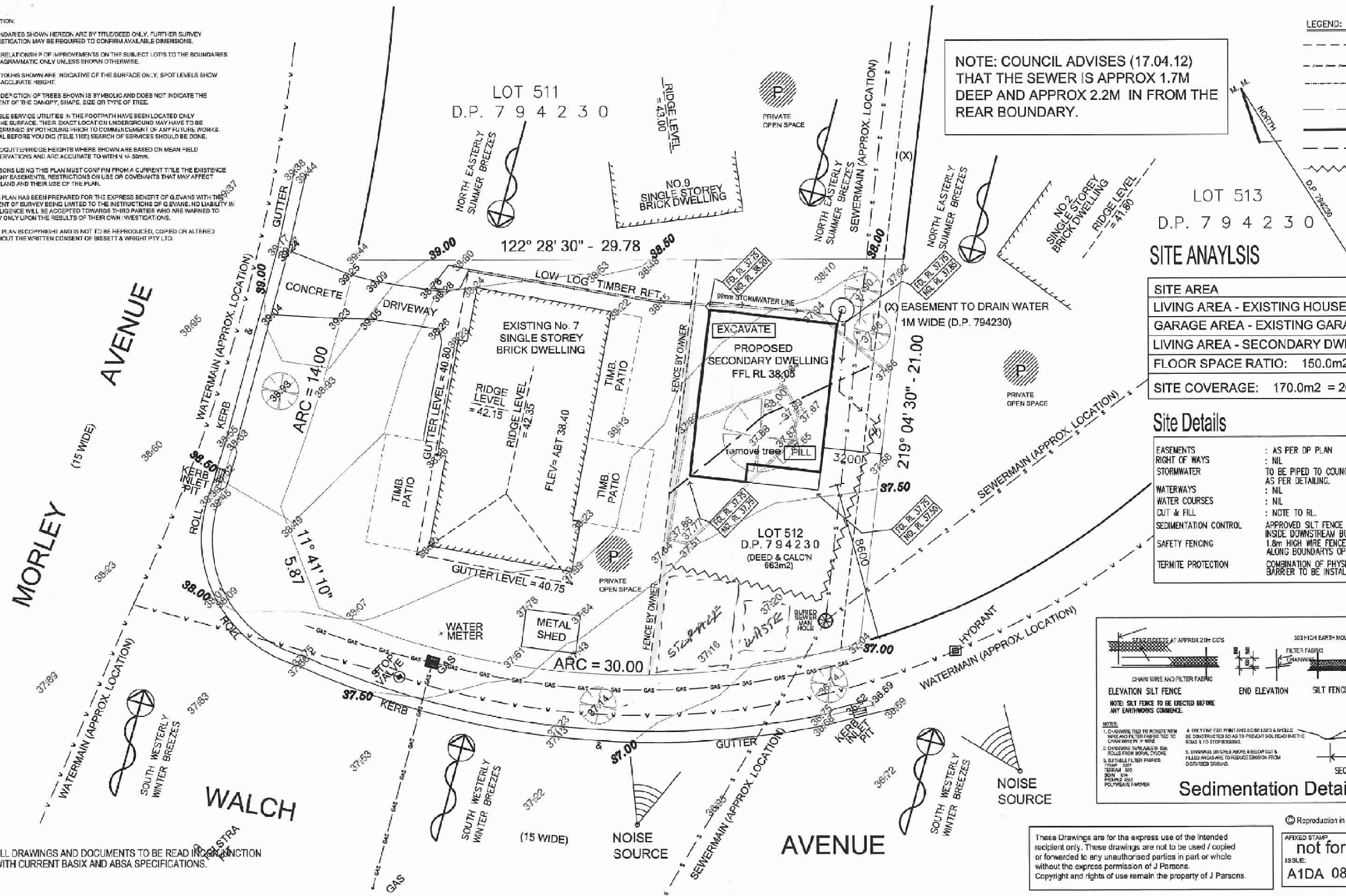
*The following conditions must be satisfied during use / occupation of the development.*

No Conditions

**CAUTION:**  
 BOUNDARIES SHOWN HEREON ARE BY TITLE/DEED ONLY. FURTHER SURVEY INVESTIGATION MAY BE REQUIRED TO CONFIRM AVAILABLE DIMENSIONS.  
 THE RELATIONSHIP OF IMPROVEMENTS ON THE SUBJECT LOTS TO THE BOUNDARIES IS DIAGRAMMATIC ONLY UNLESS SHOWN OTHERWISE.  
 CONTOURS SHOWN ARE INDICATIVE OF THE SURFACE ONLY. SPOT LEVELS SHOW THE ACCURATE HEIGHT.  
 THE DEPICTION OF TREES SHOWN IS SYMBOLIC AND DOES NOT INDICATE THE EXTENT OF THE CANOPY, SHAPE, SIZE OR TYPE OF TREE.  
 VISIBLE SERVICES UTILITIES IN THE FOOTPATH HAVE BEEN LOCATED ONLY AT THE SURFACE. THEIR EXACT LOCATION UNDERGROUND MAY HAVE TO BE DETERMINED BY POT-HOLING PRIOR TO COMMENCEMENT OF ANY FUTURE WORKS. A DIAL BEFORE YOU DIG (TELE 1100) SEARCH OF SERVICES SHOULD BE DONE.  
 ELEVATION HEIGHTS WHERE SHOWN ARE BASED ON MEAN FIELD OBSERVATIONS AND ARE ACCURATE TO WITHIN 10-30mm.  
 PERSONS USING THIS PLAN MUST CONFIRM FROM A CURRENT TITLE THE EXISTENCE OF ANY EASEMENTS, RESTRICTIONS ON USE OR COVENANTS THAT MAY AFFECT THE LAND AND THEIR USE OF THE PLAN.  
 THIS PLAN HAS BEEN PREPARED FOR THE EXPRESS BENEFIT OF CLIENTS WITH THE EXTENT OF SURVEY BEING LIMITED TO THE INSTRUCTIONS OF G. EVANS. NO LIABILITY IN NEGLIGENCE WILL BE ACCEPTED TOWARDS THIRD PARTIES WHO ARE WARNED TO RELY ONLY UPON THE RESULTS OF THEIR OWN INVESTIGATIONS.  
 THIS PLAN IS COPYRIGHTED AND IS NOT TO BE REPRODUCED, COPIED OR ALTERED WITHOUT THE WRITTEN CONSENT OF BISSETT & WRIGHT PTY. LTD.

**NOTE: COUNCIL ADVISES (17.04.12) THAT THE SEWER IS APPROX 1.7M DEEP AND APPROX 2.2M IN FROM THE REAR BOUNDARY.**

- LEGEND:**
- 1600mm HIGH FENCE TO DETAIL
  - - - EXISTING BOUNDARY FENCE
  - - - LOG RETAINING WALLS AS SHOWN
  - - - STORMWATER LINE
  - - - EXCAVATION OF PLATFORM LEVEL
  - - - DEEP EDGE BEAM
  - - - SEDIMENTATION BARRIER

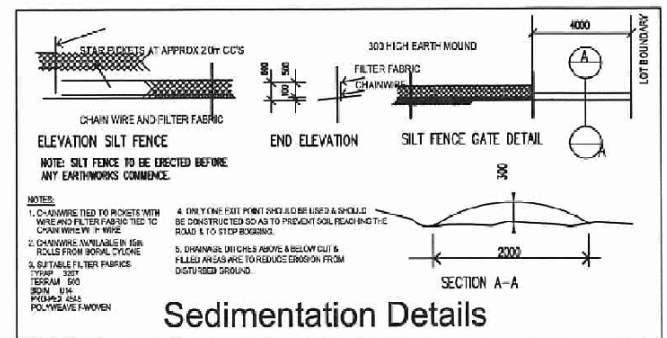


**SITE ANALYSIS**

SITE AREA	663.0m <sup>2</sup>
LIVING AREA - EXISTING HOUSE	20.0m <sup>2</sup>
GARAGE AREA - EXISTING GARAGE	90.0m <sup>2</sup>
LIVING AREA - SECONDARY DWELLING	60.0m <sup>2</sup>
FLOOR SPACE RATIO:	150.0m <sup>2</sup> = 0.23:1
SITE COVERAGE:	170.0m <sup>2</sup> = 26.0% of the site

**Site Details**

EASEMENTS	: AS PER DP PLAN
RIGHT OF WAYS	: NIL
STORMWATER	: TO BE PIPED TO COUNCILS DRAINAGE SYSTEM AS PER DETAILING.
WATERWAYS	: NIL
WATER COURSES	: NIL
CUT & FILL	: NOTE TO RL.
SEDIMENTATION CONTROL	: APPROVED SILT FENCE TO BE ERRECTED INSIDE DOWNSTREAM BOUNDARIES.
SAFETY FENCING	: 1.8m HIGH WIRE FENCE TO BE ERRECTED ALONG BOUNDARIES OPEN TO PUBLIC.
TERMITE PROTECTION	: COMBINATION OF PHYSICAL & CHEMICAL BARRIER TO BE INSTALLED.



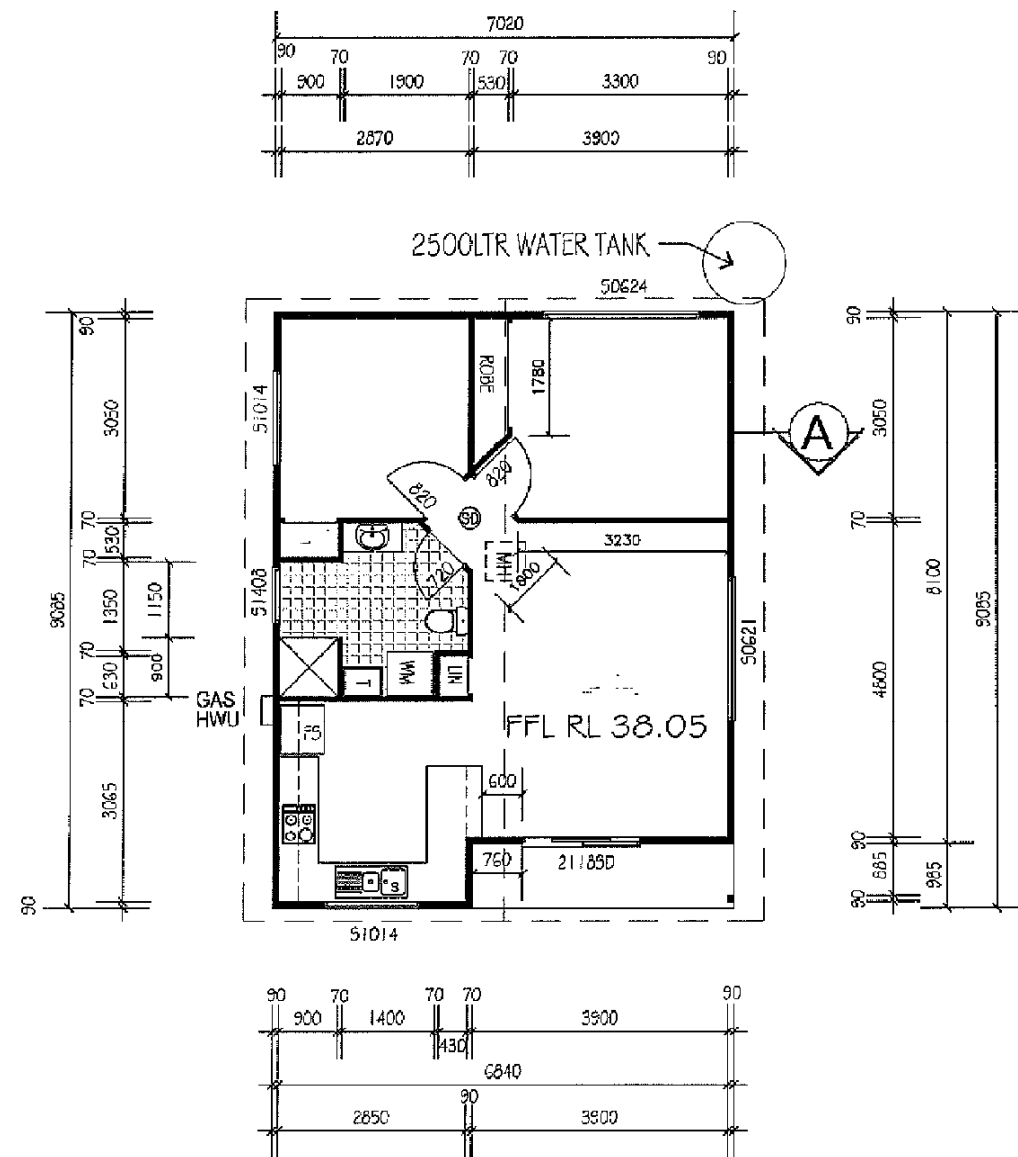
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GR & BJ Evans abn 87656235993 T/as  
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 PO BOX 4103, COPACABANA NSW 2251  
 email: info@grannyflatscentralcoast.com.au  
 www.grannyflatscentralcoast.com.au  
 ph :43812704 mb:0417 274 016

PROPOSED DEVELOPMENT: <b>SECONDARY DWELLING</b>			
Drawn:	Designed:	Checked:	Scale:
JP	JP	GE	1:200
Issue:	Date Drawn:	Job No:	Sheet No:
A1DA	08/06/12	018	1-OF-3
A1da	08.06.12	DA APPLICATION	
amendment:	date issued:	revision:	

Client: **BEN VINING**  
 Address: **LOT 512 D.P. 7 9 4 2 3 0**  
**7 MORLEY AVENUE**  
 Suburb: **BATEAU BAY**  
 Council: **WYONG**



Floor Plan

**General Notes**

ALL DIMENSIONS ARE SHOWN IN MILLIMETRES  
 ALL DIMENSIONS TO BE CHECKED ON SITE BY THE CONTRACTOR PRIOR TO CONSTRUCTION  
 FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING OF DRAWINGS  
 ALL WORKMANSHIP AND MATERIALS TO BE IN ACCORDANCE WITH RELEVANT BUILDING CODES AND COUNCILS REQUIREMENTS  
 ALL TIMBERS ARE TO BE AUST. STANDARD 1684.2-1999  
 TERMITE CONTROL TO BE IN ACCORDANCE WITH AUST STANDARD 3660.1-8 TO BE PHYSICAL / CHEMICAL

THESE DRAWINGS TO BE READ IN CONJUNCTION WITH ALL OTHER PROFESSIONAL SPECIFICATIONS AND COUNCILS CONDITIONS OF APPROVAL  
 ANY DISCREPANCIES BETWEEN KNIGHT-MAPLETON ISSUED DRAWINGS, AND OTHER PROFESSIONAL'S DOCUMENTATION, COUNCILS CONDITIONS OF APPROVAL, SITE CONDITIONS OR ANY OTHER VARIANT MUST BE REPORTED TO KNIGHT-MAPLETON IMMEDIATELY  
 ALL REDUCED LEVELS RELATE TO AHD LEVELS  
 THE BUILDER / CONTRACTOR SHALL ERECT AN EROSION CONTROL FENCE AS PER COUNCIL'S POLICY  
 THE BUILDER / CONTRACTOR SHALL ERECT A SAFETY FENCE ON SITE AS PER COUNCIL'S POLICY

**BASIX COMMITMENTS**

- All showerheads in the development to have a minimum 3 star rating (>7.5 but <=9.0 L/min.).
- All kitchen and bathroom basin taps in the development to have a minimum 3 star rating.
- All toilets in the development to have a minimum 3 star rating.
- Install a rainwater tanks with a minimum capacity of 2,500 litres. Rain runoff is to be collected from at least:
  - 77.9m<sup>2</sup> of roof area.
- Rainwater tanks to be connected to:
  - at least one (1) outdoor tap;
  - all toilets in the development;
  - the cold water tap of the clothes washer.
- Added insulation requirements:
  - R1.5 to external clad walls (or R1.9 total including construction);
  - R0.7 (up) to ceilings;
  - 55mm thick foil backed blanket to roof.
- Roof colour to be LIGHT - SA <0.475
- Hot water system to be GAS INSTANTANEOUS with a minimum rating of 4.5 stars.
- Exhaust systems, not ducted and with manual on/off switches, to be installed in:
  - the kitchen
- Fluorescent or light-emitting-diode is to be the primary type of artificial lighting in the following rooms:
  - None
- Incorporate a well ventilated refrigerator space that allows air circulation around the rear and sides of the refrigerator.
- A fixed outdoor clothes line is to be installed.
- Window glazing and shading requirements as per BASIX certificate no. 434728S glazing schedule.

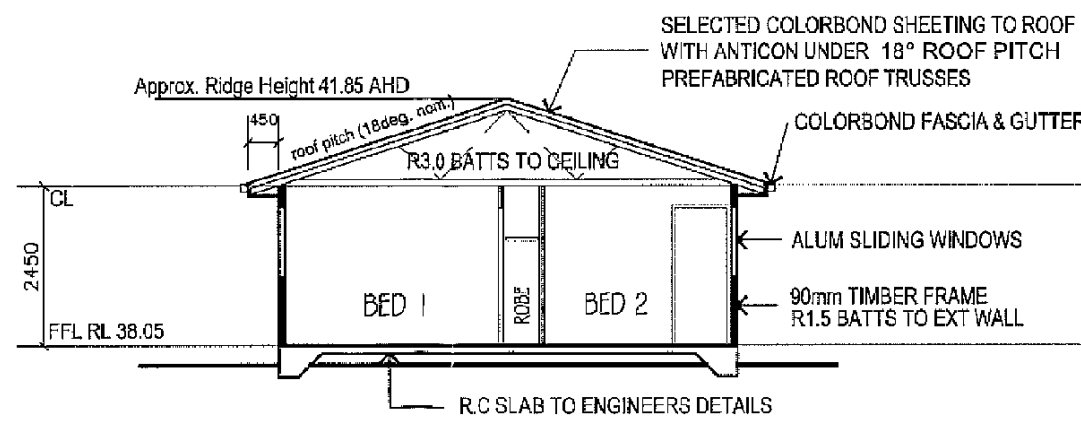
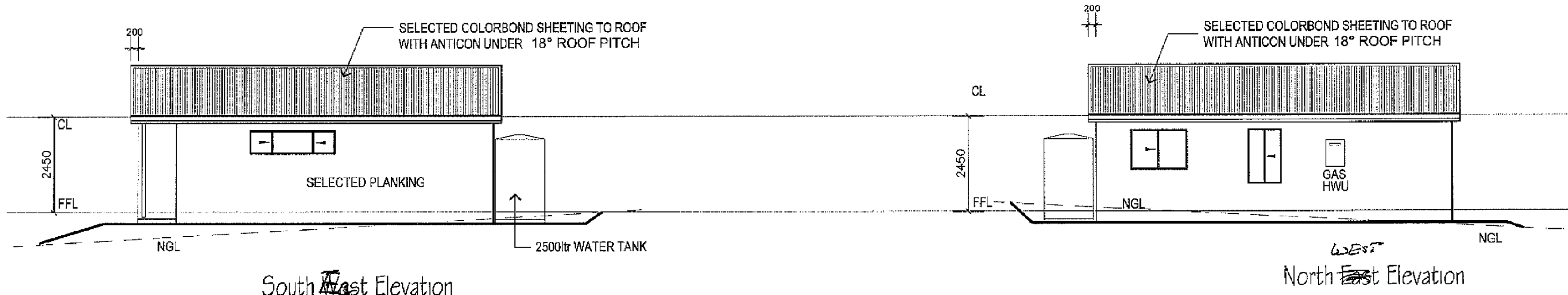
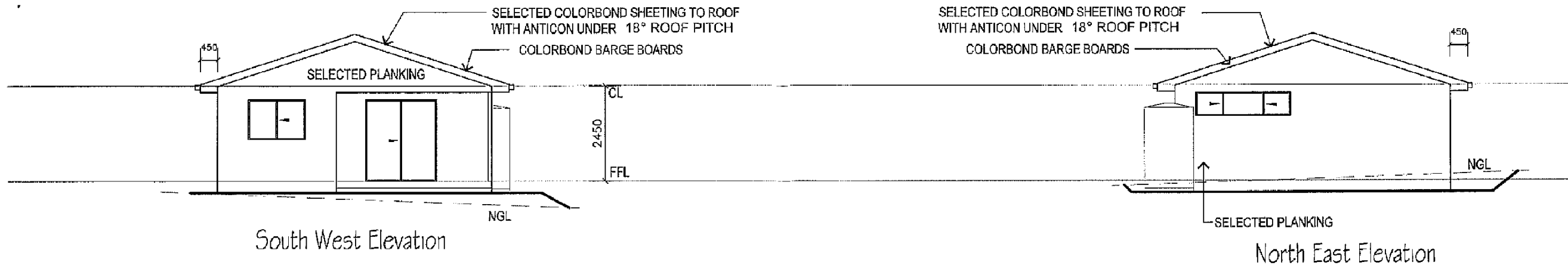
ALL DRAWINGS AND DOCUMENTS TO BE READ INCONJUNCTION WITH CURRENT BASIX AND ABSA SPECIFICATIONS.

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**not for construction**  
 ISSUE:  
 A1DA 08/06/12 018

GR & BJ Evans abn 87656235993 T/as GRANNY FLATS CENTRAL COAST PO BOX 4103, COPACABANA NSW 2251 email: info@grannyflatscentralcoast.com.au www.grannyflatscentralcoast.com.au ph :43812704 mb:0417 274 016			PROPOSED DEVELOPMENT: <b>SECONDARY DWELLING</b>				Client: <b>BEN VINING</b>
			Drawn: JP	Designed: JP	Checked: GE	Scale: 1:100	Address: <b>LOT 512 D.P. 7 9 4 2 3 0                  7 MORLEY AVENUE</b>
		Issue: A1DA	Date Drawn: 08/06/12	Job No: 018	Sheet No: 2-OF-3	Suburb: <b>BATEAU BAY</b>	
		amendment: A1da	date issued: 08.06.12	revision: DA APPLICATION	Council: <b>WYONG</b>		



- Section Notes**
1. Gas hot water unit.
  2. Gas cook top / elect UBO
  3. Medium tones to external walls
  4. Light Tones to roof.

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GR & BJ Evans abn 87656235993 T/as GRANNY FLATS CENTRAL COAST PO BOX 4103, COPACABANA NSW 2251 email: info@grannyflatscentralcoast.com.au www.grannyflatscentralcoast.com.au ph :43812704 mb:0417 274 016	PROPOSED DEVELOPMENT: <b>SECONDARY DWELLING</b>		Client: <b>BEN VINING</b> Address: <b>LOT 512 D.P. 7 9 4 2 3 0</b> <b>7 MORLEY AVENUE</b> Suburb: <b>BATEAU BAY</b> Council: <b>WYONG</b>
	A1da amendment:	08.06.12 date issued:	DA APPLICATION revision:



## 2.3 DA 589/2012 - Proposed Detached Secondary Dwelling and Carport at Mardi

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TRIM REFERENCE: DA/589/2012 - D03086387

MANAGER: Scott Rathgen; Team Coordinator

AUTHOR: Paul Koen; Principal Health and Building Surveyor

### SUMMARY

An application has been received for a carport and a detached secondary dwelling. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979, the State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Simon & Jacqueline McGregor
<b>Owner</b>	Simon & Jacqueline McGregor
<b>Application No</b>	DA/589/2012
<b>Description of Land</b>	Lot 18 DP 1006288, No 37 Riveroak, Drive Mardi
<b>Proposed Development</b>	Carport and a detached secondary dwelling.
<b>Site Area</b>	1022m <sup>2</sup>
<b>Zoning</b>	2(b) Residential
<b>Existing Use</b>	Residential
<b>Estimated Value</b>	\$65,800

### RECOMMENDATIONS

- 1 ***That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.***
- 2 ***That Council advise those who made written submissions of Council's decision.***

### PRECIS

- An application has been received for a proposed carport and a detached secondary dwelling.
- The site is zoned 2(b) Residential under the provisions of the Wyong Local Environmental Plan 1991 (WLEP).
- The proposed carport complies with Development Control Plan (DCP) 2005, Chapter 99 Building Lines and Chapter 100 Quality Housing.

## 2.3 DA 589/2012 - Proposed Detached Secondary Dwelling and Carport at Mardi (contd)

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- The secondary dwelling complies with the schedule of development standards of Part 2- Division 2 and Schedule 1 – Development standards for secondary dwellings contained within the SEPP (Affordable Rental Housing) 2009

### INTRODUCTION

#### The Site



The carport is a permissible land use under the provisions of WLEP 1991 and the secondary dwelling is permissible under the provisions of SEPP (Affordable Rental Housing) 2009.

The application has been referred to Council for determination solely based upon the Council resolution of 8 February 2012, (in particular Resolution 6) which states:

- “1 That Council reaffirm its commitment to the principles of affordable housing and its importance in assisting a broad cross section of our community and recognise that Section 94 contributions may be prohibitive to many affordable housing projects.*
- 2 That Council note the decision of Gosford City Council to assist in facilitating affordable housing through the trial waiver of Section 94 contributions for granny flats.*

## 2.3 DA 589/2012 - Proposed Detached Secondary Dwelling and Carport at Mardi (contd)

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- 3 *That Council support this initiative thereby establishing a regional approach to affordable housing.*
- 4 *That Council also waive Section 94 contributions for granny flats on a trial basis till September 2012, concurrent with Gosford City Council and that the outcome of this be reported to Council.*
- 5 *That Council receive the report in a timeframe for inclusion in the 2012-13 Annual Plan.*
- 6 *That Council implement the trial by way of reporting those relevant development applications to Council for determination.*

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

AGAINST: NIL"

The approval of the carport and secondary dwelling will not create any adverse impact on adjoining properties. As such, it is recommended that the application be approved subject to conditions.

### VARIATIONS TO POLICIES

Nil.

### HISTORY

A modern two storey brick and tile dwelling was approved and constructed in 1999 which currently exists on the site. An attached awning to the rear elevation was also approved and constructed in 2000.

### PERMISSIBILITY

The subject site is zoned 2(b) Multiple Dwelling Residential zone under the WLEP 1991. The proposed carport is permissible with consent and complies with the objectives of the zone as follows:

- (a) *to cater for a wide range of housing types essentially domestic in scale and character and generally not exceeding a height of 2, and*
- (b) *to provide for other uses, which:*
  - (i) *are compatible with the residential environment and afford services to residents at a local level, and*
  - (ii) *are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for detached housing, and*
- (c) *to provide for home-based employment where such will not:*

## **2.3 DA 589/2012 - Proposed Detached Secondary Dwelling and Carport at Mardi (contd)**

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- (i) *involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or*
- (ii) *have a material adverse impact on residents.*

The proposal is for a carport that integrates with the existing and proposed development. It is proposed to undertake only minimal excavation to the lot. The overall height is consistent with existing development in the area and the development would incorporate appropriate landscaping. The development is to be used for residential purposes only.

The secondary dwelling is permissible under the provisions of SEPP (Affordable Rental Housing) 2009.

### **RELEVANT STATE/COUNCIL POLICIES AND PLANS**

Council has assessed the proposal against the relevant provisions of the following environmental planning instruments, plans and policies:

- SEPP (Affordable Rental Housing) 2009
- WLEP 1991
- Wyong Council DCP Chapters 99 & 100

### **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. As such, it 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.

### **ASSESSMENT**

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979 and the SEPP (Affordable Rental Housing) 2009, statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information.

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

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

The property is zoned 2(b) Residential zone.

The addition of a carport is permissible under the provisions of WLEP and meet the objectives of the zone. The secondary dwelling is proposed under the provisions of SEPP (Affordable Rental Housing) 2009 which overrides any provisions contained with the WLEP.

**State Environmental Planning Policy (Affordable Rental Housing) 2009**

SEPP (Affordable Rental Housing) 2009 permits secondary dwellings up to a maximum floor area of 60m<sup>2</sup>. The proposed secondary dwelling has a floor area of 54m<sup>2</sup>. The subject allotment also exceeds the minimum area of 450m<sup>2</sup>.

The provisions of division 2 Clause 20 and 22 of the SEPP are fully complied with. Whilst compliance with the complying development standards set out in Schedule 1 of the SEPP for secondary dwellings is not a requirement with this application as it has been made via a development application, it is however fully compliant with all complying development standards.

Under these circumstances the proposed secondary dwelling is considered justified.

**Development Control Plan 2005 Chapter 99 – Building Lines**

Clause 3.1 of Chapter 99 – Building Lines requires a side and rear setback of 900mm to a boundary and the proposal is fully compliant. The proposed carport and secondary dwelling are also fully behind the front building line.

**THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b) ):**

***The relationship to the regional and local context and setting***

The proposed carport and the secondary dwelling are consistent with the scale and character of the local area of Mardi. The scale, bulk, height, massing and choice of materials and finishes for the proposed carport and secondary dwelling are considered appropriate to the local context and will enhance the streetscape.

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

Access to the site is provided by an existing driveway from Riveroak Drive, Mardi.

The SEPP (Affordable Rental Housing) 2009 does not require additional parking or access to be provided for the secondary dwelling.

***Any effect on privacy, view loss and overshadowing***

Assessment of potential privacy, over viewing, and shadowing revealed matters that needed addressing in order for the development to not result in a detrimental impact to the adjoining properties. The applicant has agreed to lower the roof line from 45% to 35%, install a privacy screen to the existing 1.2m high dividing fence and has selected a dark colour for the colorbond roof to minimise any glare. The objector has confirmed these measures are to their satisfaction and agree the amended details which are to form conditions of consent will fully address their concerns.

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

Existing services for the site are adequate for the proposed development.

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

A BASIX certificate has been submitted with the application and the proposal involves the use of water saving fixtures and a water tank of a minimum 2400 litre capacity. Connection of the tank to the toilet and external tap will contribute to the conservation of water.

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

The proposal does not involve any effect on the conservation of soils or acid sulphate soils.

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

The proposal does not effect flora and fauna.

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

A waste management plan has been submitted with the development application and provides details of how waste will be managed during construction. The occupants of the secondary dwelling will utilise the waste collection services associated with the primary dwelling.

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

A BASIX certificate has been issued as part of the development application.

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

A minimal amount of noise and vibration will be created during the construction phase. A condition will be placed on the consent restricting the hours that construction work can take place.

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

There are no risks from natural hazards applicable to this proposal.

**2.3 DA 589/2012 - Proposed Detached Secondary Dwelling and Carport at Mardi (contd)**

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

During the construction of the works, sediment fencing will be installed and construction noise will be minimised via conditions of consent.

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

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

The proposal meets the objectives of the zone and complies with the criteria contained within the SEPP (Affordable Rental Housing) 2009.

The development is within a residential area that contains a number of single and multiple dwelling developments. The secondary dwelling will not have any significant impact on the surrounding area and promotes an orderly and economic use of the land.

It is considered the effect on the environment will be minimal and the proposed dwellings will compliment the existing streetscape and social amenity of the locality.

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

The site is considered appropriate for the proposed development.

**ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):**

***Any submission from the public.***

The application was advertised in accordance with DCP 2005 Chapter 70 - Notification of Development Proposals with one submission being received. The issues raised in the submission have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979. A summary of the submission is detailed in the table below.

<b>Doc. No</b>	<b>Summary of Issues</b>	<b>Response</b>
D03080955	<p>The Pitch of the roof is approx 45 degrees and is the overall height of a two storey dwelling.</p> <p>I am concerned over the significant amount of shade it will cast onto my property for at least 6 months of the year I would appreciate if the roof pitch could be lowered to allow more light onto my yard.</p>	<p>The applicant was requested by Council to address this issue. The applicant has agreed to the following:</p> <ul style="list-style-type: none"><li>• A condition of consent requiring a reduction in roof pitch from 45 degrees to 35 degrees.</li><li>• A reduction in roof pitch and the positioning of the secondary dwelling with a 1.5m setback in relation to the open space of the adjoining property.</li></ul>

**2.3 DA 589/2012 - Proposed Detached Secondary Dwelling and Carport at Mardi (contd)**

Doc. No	Summary of Issues	Response
	<p>The roof of the proposed secondary dwelling at the proposed pitch may cause considerable glare into my house when the sunshine hits it.</p> <p>Could the roof be a dark colour in order to minimise any glare?</p>	<p>The applicant was requested by Council to address this issue. The applicant has agreed to the following:</p> <ul style="list-style-type: none"> <li>The colorbond roofing colour of "Monument" has been selected which is a similar hue to the existing roof tiles of the primary dwelling being similar to dark grey/black.</li> </ul>
	<p>Privacy reduced for both properties due to the low height fence line and with an extra house being erected on the property and the main thoroughfare access to the new granny flat being located down the mentioned fence line.</p> <p>Request privacy screening on the centre fence line from where the proposed new carport is to be built to where the new secondary dwelling is to be located.</p>	<p>The applicant was requested by Council to address this issue. The applicant has agreed to the following:</p> <ul style="list-style-type: none"> <li>Install extensions to the existing 1.2 metre high fence to raise it to 1.8 metres in height. There are currently fast growing climbers/vines on the fence which grow through the proposed fence extension.</li> </ul>

Under these circumstances it is considered that the objector's issues have been adequately addressed and should not prevent the approval of the application.

***Any submission from public authorities.***

There are no submissions from public authorities.

**OTHER MATTERS FOR CONSIDERATION**

The property is within Wyong/Rural West S94 contribution plan created under the provisions of Section 94 of The EP&A Act 1979. Section 94 contributions are applicable to secondary dwellings under this plan as defined under the Affordable Housing SEPP.

Under the contribution plan the secondary dwelling will generate Section 94 contributions totalling \$3265.10.

**CONCLUSION**

The development application for a proposed carport and secondary dwelling meets the standards of the relevant chapters of Council's DCP 2005 and the SEPP (Affordable Rental Housing) 2009. The application is recommended for approval subject to the attached conditions.



Locality Plan



**ATTACHMENTS**

- |   |                             |           |
|---|-----------------------------|-----------|
| 1 | Draft Conditions of Consent | D03086439 |
| 2 | Development Plans (A3 B&W)  | D03093082 |

## PROPOSED CONDITIONS

- 1 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.	Revision	Date	Drawn By
Carport and Secondary Dwelling	1-3	-	28 May 2012	Simon McGregor

### Certificates – Application and Approval

- 2 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 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.***

### Contribution Payment Requirements

- 3 Prior to the issue of a Construction Certificate, 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.

### Structural Design Requirements

- 4 Prior to the issue of a Construction Certificate, satisfactory structural plans prepared by a suitably qualified Registered Structural Engineer are to be submitted for the approval of the Accredited Certifier, for the following building elements
- slab.

## Plans

Prior to issue of a Construction Certificate, the architectural plans are to be amended to include:

- Roof pitch not exceeding 35°;
- External colours indicated for wall and roof cladding matching the existing residence;
- Dividing fence extension of privacy screen from the proposed carport to the secondary dwelling to a minimal height of 1.8m.

## 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.***

### Ecology/Trees Requirements

- 5 Prior to works associated with the development commencing, all trees nominated for retention are to be suitably protected by fencing or other accepted protection method in accordance with AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*. All required tree protection measures are to be maintained for the duration of construction works.

### Home Building Act Requirements

- 6 Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

In the case of work to be done by the holder of a contractor licence under that Act:

- the name and licence number of the contractor; and
- the name of the insurer by whom the work is insured under Part 6 of that Act.

In the case of work to be done by the holder of an owner-builder permit under that Act:

- the name and permit number of the owner-builder.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

## Roads - Preconstruction Requirements

- 7 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

- 8 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.
- 9 Prior to works associated with the development commencing, a suitable metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) is to be provided upon the development site for the duration of the construction phase of the development in accordance with the requirements of Development Control Plan 2005, Chapter 100 – Quality Housing. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.
- 10 Prior to works associated with the development commencing, the existing inter-allotment drainage pit located upon the site, is to be located and suitably protected in order to prevent damage during the construction phase of the development.
- 11 Prior to works associated with the development commencing, it is the builder's responsibility to confirm the location and depth of the sewer main and connection point in relation to the floor level, to ensure that appropriate connection to the sewer can be achieved.

## During Construction Works:

*The following conditions must be satisfied during construction works.*

### Approved Plans

- 12 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.

### Erosion and Sediment Control - Construction Requirements

- 13 Sand and other materials associated with the construction of the development that could potentially be washed off the site during rain periods, are to be stored behind a suitable sediment control barrier.
- 14 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*.

### Plumbing and Drainage - Construction Requirements

- 15 Council as the Water Supply Authority, under the provisions of the Water Management Act, or in unsewered areas where an onsite sewage management facility is to be installed, is to be notified to undertake inspections of the internal drainage lines, (prior to the pouring of the concrete slab), and external drainage lines inclusive of sewer junction connection, prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's Customer Contact Centre on (02) 4350 5555 a minimum of twenty-four (24) hours prior to the required time for the inspection. Please note that all drainage inspection fees are to be paid to Council prior to plumbing and drainage works associated with the development commencing.

### Site Requirements

- 16 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to 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.
- 17 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 18 During the construction phase of the development, downpipes and the associated stormwater disposal system is to 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 run off. 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.*

### **BASIX Requirements**

- 19 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.

### **Building Code of Australia – Compliance Requirements**

- 20 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**

- 21 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.

### **Plumbing and Drainage - Compliance Requirements**

- 22 Prior to the issue of an Occupation Certificate, the hot water installation is to be suitably tempered in order that hot water not exceeding 50 degrees Celsius is provided at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Compliance with this temperature limit is optional for kitchen sinks and laundry tubs under the provisions of AS/NZS 3500, Part 4.2 C1.1.6.2.
- 23 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 24 Prior to the issue of an Occupation Certificate, the surcharge gully provided with respect to the development, must be located a minimum of 150mm below floor level and 75mm above the surrounding finished ground level.

**Stormwater – Compliance Requirements**

- 25 Prior to the issue of an Occupation Certificate, stormwater generated from roof areas of the building and any overflows from rain water tanks installed in conjunction with the development, is to be disposed of to the inter-allotment drainage easement servicing the allotment.

**Water and Sewer Services/Infrastructure – Compliance Requirements**

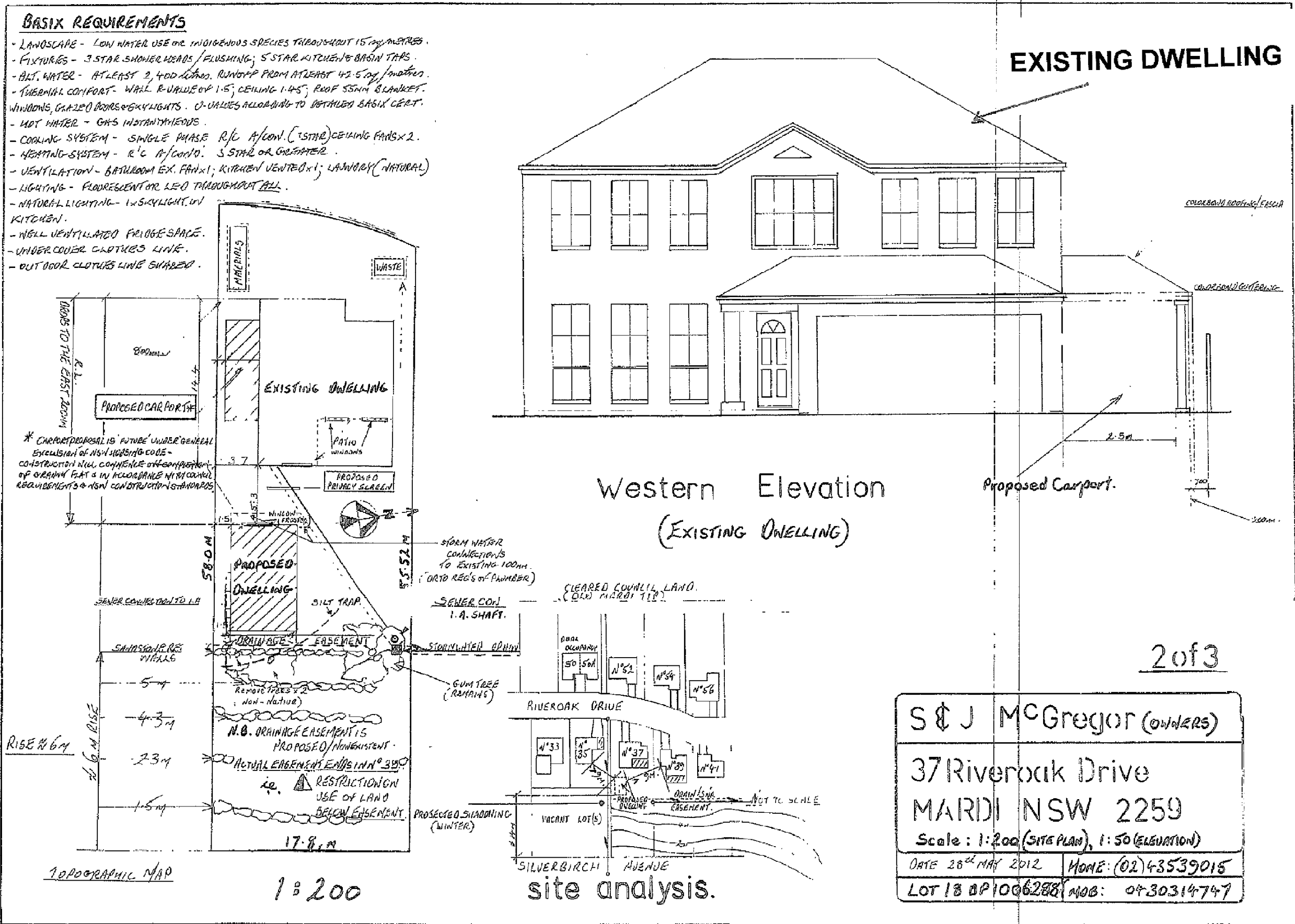
- 26 The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision/Occupation Certificate. All works for the development must be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

**Ongoing Operation:**

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







**BASIX REQUIREMENTS**

- LANDSCAPE - LOW WATER USE OR INDIGENOUS SPECIES THROUGHOUT 15m DISTANCE.
- FIXTURES - 3 STAR SHOWER HEADS / FLUSHING; 5 STAR KITCHEN & BASIN TAPS.
- HOT WATER - AT LEAST 2,400 LITRES. RUNOFF FROM AT LEAST 42.5% OF FLOOR AREA.
- THERMAL COMFORT - WALL R-VALUE OF 1.5; CEILING 1.45; ROOF 55MM BLANKET. WINDOWS, GLAZED DOORS & SKYLIGHTS. U-VALUES ACCORDING TO DETAILED BASIX CERT.
- HOT WATER - GAS INSTANTANEOUS.
- COOLING SYSTEM - SINGLE PHASE R/C A/CON. (5 STAR) CEILING FANS x 2.
- HEATING SYSTEM - R/C A/CON. 3 STAR OR GREATER.
- VENTILATION - BATHROOM EX. FAN x 1; KITCHEN VENTED x 1; LAUNDRY (NATURAL)
- LIGHTING - FLUORESCENT OR LED THROUGHOUT ALL.
- NATURAL LIGHTING - 1 x SKYLIGHT IN KITCHEN.
- WELL VENTILATED FRIDGE SPACE.
- UNDER COVER CLOTHES LINE.
- OUT DOOR CLOTHES LINE SHARED.

**EXISTING DWELLING**

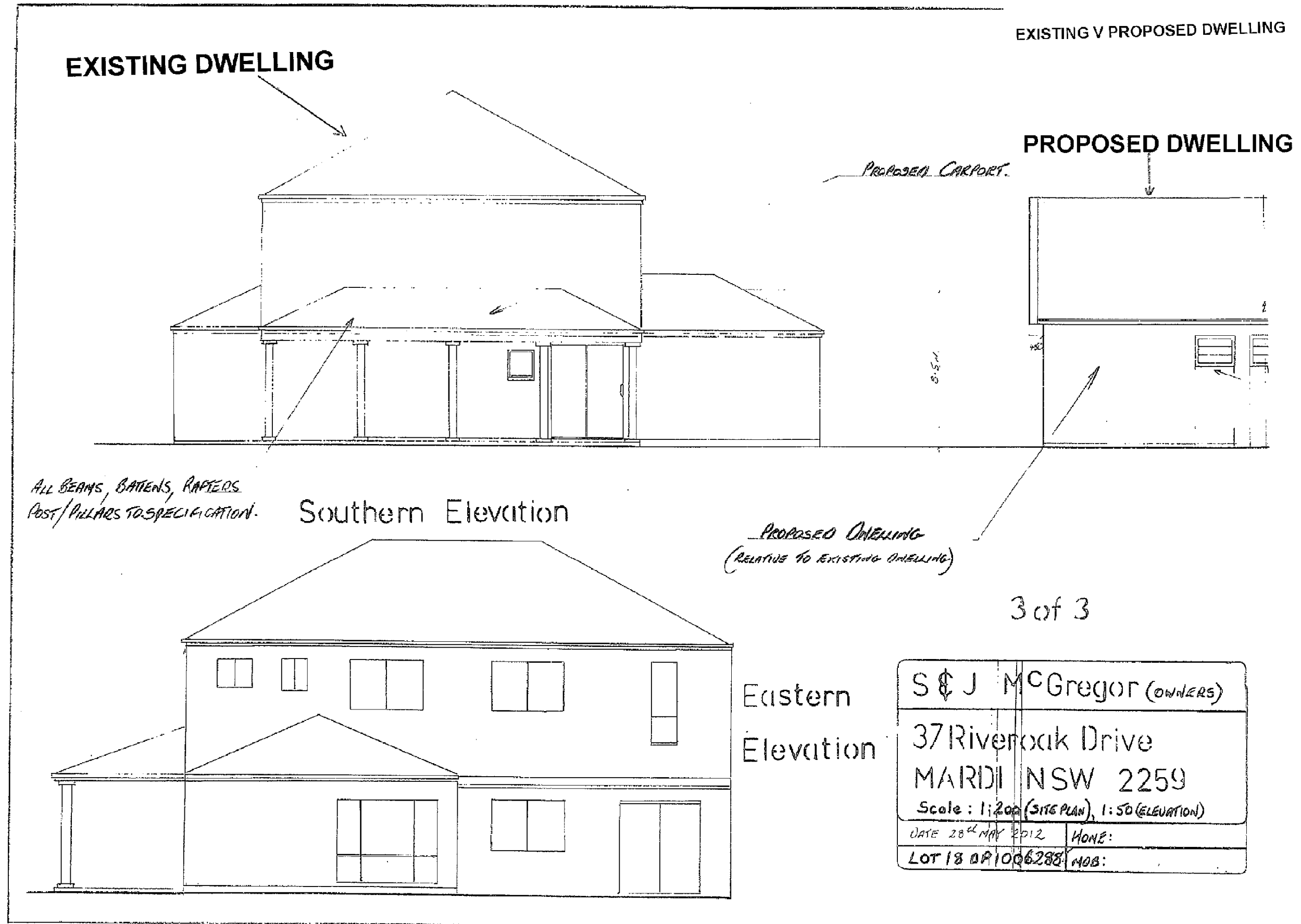
Western Elevation  
(EXISTING DWELLING)

Proposed Carport.

2 of 3

S & J McGregor (OWNERS)	
37 Riveroak Drive	
MARDI NSW 2259	
Scale: 1:200 (SITE PLAN), 1:50 (ELEVATION)	
DATE 28 <sup>th</sup> MAY 2012	PHONE: (02) 43539015
LOT 18 DP 1006288	MOB: 0430314747

site analysis.



ALL BEAMS, BATTENS, RAFTERS  
POST/PILLARS TO SPECIFICATION.

Southern Elevation

PROPOSED DWELLING  
(RELATIVE TO EXISTING DWELLING)

3 of 3

Eastern  
Elevation

S & J McGregor (OWNERS)	
37 Riveroak Drive	
MARDI NSW 2259	
Scale: 1:200 (SITE PLAN), 1:50 (ELEVATION)	
DATE 28 <sup>th</sup> MAY 2012	PHONE:
LOT 18 DP1006288	MOB:

### **3.1 Proposed Sale of Lot 1 DP 31313 at 2 Cambridge Circle, Ourimbah**

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TRIM REFERENCE: F2011/00557 - D03081214

MANAGER: Brett Phillips; Manager

AUTHOR: Julie Tattersall; Property Administration Officer

#### **SUMMARY**

Approval is sought for the sale of Council land being Lot 1 DP 31313, No 2 Cambridge Circle, Ourimbah.

#### **RECOMMENDATION**

- 1 That Council authorise the sale of Lot 1 DP 31313, No. 2 Cambridge Circle, Ourimbah to Mr David Bews for \$42,000 ex gst.**
- 2 That Council note the offer is consistent with the estimated market value of the property as already determined by a qualified registered valuer at Council's request.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents for the sale and transfer of the land.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents.**

#### **BACKGROUND**

In March 2011 The Ourimbah Rural Fire Brigade relocated from its premises at Lot 1 DP 31313 No. 2 Cambridge Circle, Ourimbah to new premises in Ourimbah Creek Road. The former rural fire station became vacant and the Rural Fire Service has confirmed it has no further requirement for the site in Cambridge Circle and handed vacant possession to Council.

Lot 1 DP 31313 is owned by Council, is classified as Operational land and is zoned 5 (a) Special Uses – Fire Station. The land has an area of 284.5 square metres and the building has a floor area of 145 square metres.

The premises are currently leased to Mr David Bews for storage. The lease commenced on 10 November 2011 and expires on 9 November 2014 and Mr Bews pays a monthly rent of \$390 and is responsible for maintenance of the building and insurance.

Mr Bews has advised that the building leaks when it rains and that it will be necessary for him to spend a substantial amount to waterproof the building.

### **CURRENT STATUS**

The lessee of the premises Mr Bews has indicated a long term interest in the site and wishes to secure ownership in this regard, Mr Bews has offered \$42,000 to Council for the purchase of the property.

Council has no operational requirement for the retention of the property and accordingly it is now surplus to requirements. Due to the small size of the property, and the nature of the building, there are very limited prospects for its disposal otherwise. The property is in close proximity to a large electricity transmission line and the location of electricity poles on the road reserve at the front of the property prevent a road closure that might have added additional land area making the property more saleable.

Council has obtained advice from a qualified valuation firm, MJD Valuers and Property Consultants, and it considers that the offer of \$42,000 is within the range of market value attributed to the property. The valuers assessment takes into account the significant constraints arising from the size of the property, the current zoning restrictions, site characteristics and the limited market available for the property.

Council has had no other expressions of commercial interest from third parties for use of the premises.

### **THE PROPOSAL**

It is proposed to accept the offer of purchase from the current tenant, Mr Bews, for the sum of \$42,000 (ex gst) to purchase of Lot 1 DP 31313 and has acknowledged that if Council sells the property to him that:

- The land is zoned 5 (a) Special Uses – Fire Station and Council makes no warranty that the land will be rezoned.
- The property is sold in its present condition and state of repair – i.e. “as is”
- Council gives no warranty as to the fitness of the property for use or occupation for any particular purpose.

Council should note that in accordance with the current zoning, any use proposed on the subject land that is not ancillary or associated with the existing fire station would require the owner to obtain Development Consent.

### **OPTIONS**

Council has the option to

- 1 Sell the fire station to Mr Bews for \$42,000 being the amount agreed by an independent registered valuer, subject to the conditions set out in the proposal.
- 2 Refuse the sale, in which event Mr Bews may continue to lease the premises until expiration of the lease on 9 November 2014, in that event Council will forgo capital income of \$42,000 and remain responsible for the costs associated with ownership and maintenance of the asset.

### **BUDGET IMPACT**

The proceeds of the sale will be held in Council's Property Investment Reserve for future property investments and will improve Council's operating result for 2012-13.

### **CONSULTATION**

Rural Fire Service has confirmed that it has no future use for the fire station and has handed it back to Council.

### **GOVERNANCE AND POLICY IMPLICATIONS**

The land is classified as Operational Land for the purposes of the Local Government Act 1993. There is no impediment to sale.

### **MATERIAL RISKS AND ISSUES**

Nil impact

### **CONCLUSION**

The property is not required for operational purposes in the foreseeable future.

The property has no characteristics (location or size) that can be converted by Council into a material re-development opportunity.

Independent valuation places the offer from Mr Bews within an acceptable range of fair market value.

Disposing of this property will enable Council to recoup a capital return on asset that would be otherwise difficult without a dedicated buyer.



**ATTACHMENTS**

*Nil.*

#### **4.1 NSW Local Infrastructure Renewal Scheme - Successful Application for a 4% Loan Interest Subsidy**

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TRIM REFERENCE: F2004/06305 - D03075752

AUTHOR: Robert Fulcher; Manager Asset Management

##### **SUMMARY**

Council has been successful in the two applications it submitted for funding under the NSW Local Infrastructure Renewal Scheme, which is aimed at assisting councils to carry out infrastructure renewal and upgrade works by way of a 4% loan interest subsidy. This report recommends a process for acceptance of the offer and executing the associated contracts.

##### **RECOMMENDATION**

*That Council delegate authority to the Mayor and General Manager to accept the loan offer and execute the associated contracts under the NSW Local Infrastructure Renewal Scheme for;*

- a the interest rate subsidy for the Warnervale Road Culverts Project, with a total project value of \$3,200,000*
- b the interest rate subsidy for the Local Roads Pavement Renewal Program, with a total project value of \$5,180,000.*

##### **BACKGROUND**

Council submitted an application to the NSW Government for a 4% loan interest subsidy for two projects, as described below. The Government's local infrastructure renewal scheme is a key part of its Infrastructure Backlog Policy.

The Warnervale Road Culvert Project is associated with the reconstruction of approximately 500 metres of Warnervale Road, between Monarch Drive and Ebony Drive. The estimated cost of the project is \$3,200,000. The project is due to commence in April 2013 and be completed by November 2013. The project will provide a safe, fit for purpose road, complete with a shared pathway and provision for cyclists. It will provide flood free access in the one in one hundred year event.

The Local Roads Pavement Renewal Program aims to overcome the past deterioration in council's sealed road network condition. The locations of specific road renewal projects have been identified using council's modelling software and currently selected projects are listed in the 2012/2013 Strategic Plan. The work is scheduled to be carried out between November 2012 and April 2013.

The scheme provides a 4% loan interest subsidy to reduce the effective rate of interest from a commercial rate of 7.5%, with resulting cost savings.

**CURRENT STATUS**

The Minister for Local Government has advised council of the success of its two applications. The Division of Local Government will send the associated contract documents to the General Manager shortly. Council's finance staff are in consultation with State Government's Treasury Corporation (TCorp) concerning its confirmation of a satisfactory financial assessment of council.

The applications have been prepared by a multi disciplinary team of council staff including Finance, Integrated Planning, Roads and Stormwater and Asset Management.

**THE PROPOSAL**

The works involved in this offer have been included in the 2012/13 capital works program. This successful application will allow council to complete these works at a lower cost than originally planned, because of the 4% interest rate subsidy. The annual saving on a loan of \$8,380,888 with a 4% interest subsidy is \$335,200.

Finance staff will prepare a separate report to Council on associated amendments to the current budget and the long-term financial plan, as part of the first quarterly review.

**OPTIONS**

Council has three options.

The first option is to not accept the offer and continue to complete the works as per the current strategic plan. This decision would not gain access to the interest rate subsidy.

The second option is to accept the loan interest subsidy, complete the planned works and achieve savings to councils operating result for 2012/13.

The third option would be to use the resulting cost savings and allocate the saved funds to additional projects.

Staff recommend that option 1 is not appropriate and as such Council should accept the funding agreement, with a second report highlighting the benefits of options 2 and 3 to be provided at a subsequent meeting.



**STRATEGIC LINKS**

**Wyong Shire Council Strategic/ Annual Plan**

<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>
8	Roads	Managing and delivering the 2012-13 capital works program and providing quality roads infrastructure to support a growing population.	Grants, revenue and loans.	Deliver at least 80% of the capital works budget.
12	Administration – Asset Management	Ensure sustainability and fiscal responsibility. Achieve proposals within the Asset Management Strategy associated with the asset sustainability ratio, giving high priority to asset renewals and improving the pavement condition index from the 2010 average of 4.5 to a new target of 7.		Pavement condition index and asset sustainability ratio.

**Contribution of Proposal to the Principal Activity  
Long term Financial Strategy**

The proposal is directly aligned with the Long-term Financial Strategy of achieving an average asset sustainability ratio of 100%.

**Asset Management Strategy**

The proposal directly aligns with council’s asset management strategy of giving priority to asset renewal and upgrades and achieving a sustainable asset portfolio.

**Link to Community Strategic Plan (2030)**

The project is linked to strategic plan priority objective number 2 involving “on-going upgrading of roads”.

**Budget Impact**

Accepting the interest rate subsidy will have a positive effect on council's 2012/13 budget. The annual saving as a result of the subsidy will be \$335,200 for the year. The full extent of the savings for the current year and over the whole loan period will be reported to Council in the first quarterly review.

**CONSULTATION**

Councillors encouraged the submission of an application under this scheme. Councillors were advised of the details of the submission of the subsidy application by staff. The application was prepared by staff from four service units of the council and endorsed by the Directors and the General Manager.

**GOVERNANCE AND POLICY IMPLICATIONS**

The Mayor and General Manager will need to be satisfied with the detailed terms and conditions as set out in the government's contract documents, prior to executing the documents and formally accepting the subsidy.

**CONCLUSION**

The 4% loan interest subsidy offered to council will allow it to complete currently planned and budgeted works at lower costs than those currently provided for in the 2012/13 Strategic Plan. The Government's offer should be accepted, subject to the Mayor and General Manager being satisfied with the detailed terms and conditions of the offer. The recommendation of this report will achieve that result.

**ATTACHMENTS**

*Nil.*

## **4.2 2013-17 WSC Strategic Planning - Councillor Engagement Process**

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TRIM REFERENCE: F2011/01744 - D03073144

AUTHOR/MANAGER: Kathleen Morris; Manager Integrated Planning

### **SUMMARY**

The Department of Local Government has a legislated requirement for a newly elected Council to prepare and adopt a 4 year delivery program, annual operational plan and associated resourcing strategies prior to June 2013. A Councillor engagement plan is presented for Council's endorsement.

### **RECOMMENDATION**

***That Council endorse the 2013-17 Strategic Plan Councillor engagement Calender for the consideration of the Incoming Council.***

### **BACKGROUND**

Council is required to produce a comprehensive business plan to manage its activities and to provide a document of accountability to the community. Content of the plan is legislated to include a:

- four year delivery program,
- annual operational plan,
- resourcing strategies,
- revenue policy
- budgets.

The assembly of these documents is a complete business plan called the Wyong Shire Council (WSC) Strategic Plan (the Plan).

Each year the process for preparing the plan is reviewed to ensure it is prepared with a focus for continually improving the business of WSC through the Plan's content, stakeholder engagement in the process, and its presentation.

Creation of the Plan is a complex and iterative process that engages to entire organisation over the period of September through June every financial year.

**CURRENT STATUS**

A project plan has been prepared for engagement with all internal stakeholders, and forms the pre-planning stage of the process. Once the initial preparation work has been undertaken, Council will be engaged to inform strategic direction and ensure that the plan links with the requirements of the community and provides appropriately directed levels of service.

**THE PROPOSAL**

It is proposed to implement a planning process designed to provide Councillors with timely opportunities to familiarise themselves with staff proposals and associated costs, for the forthcoming planning period.

Considerable provision is made in the proposed planning process for Council to engage with the General Manager and staff on the planning outcome and to provide direction in respect of Council’s objectives.

The proposed process has been prepared on the basis of the following key objectives:

- a robust corporate business direction, and service intentions/projections;
- improved communication between Service Units, Integrated Planning and Councillors;
- achieving clarity of product output – i.e. “deliverables”;
- alignment of business with the outcomes identified during the Service Standards Review;
- clarity of stakeholder roles and the timelines for establishing the Plan.

The proposed timetable for Councillors is:-

Date	Event	Outcome Objective
10/10/12	<b>Councillor Briefing –</b> <ul style="list-style-type: none"> <li>• Integrated Planning and Induction introduction session.</li> </ul>	<ul style="list-style-type: none"> <li>• Councillors gaining familiarity with the planning process and timetable</li> </ul>
7/11/12	<b>Councillor Briefing –</b> <ul style="list-style-type: none"> <li>• Operational Services - Review</li> </ul>	<ul style="list-style-type: none"> <li>• Understanding the range and coverage of WSC services and products</li> </ul>

Date	Event	Outcome Objective
5/12/12	<b>Councillor Briefing –</b> <ul style="list-style-type: none"> <li>● Capital Expenditure Proposals – 1st stage consideration</li> <li>● Business Strategies going forward</li> </ul>	<ul style="list-style-type: none"> <li>● A first-cut list of capital expenditure items required by Council</li> <li>● Key business objectives articulated and agreed</li> </ul>
13/02/13	<b>Councillor Briefing – Draft Plan #1</b> <ul style="list-style-type: none"> <li>● Operational Service Levels</li> <li>● Capital Expenditure</li> </ul>	<ul style="list-style-type: none"> <li>● Cr Briefed on draft plan issued for workshop</li> </ul>
15/02/13	<b>Cr Workshop Day 1 –</b> <ul style="list-style-type: none"> <li>● Operational Service Levels</li> <li>● Capital Expenditure review</li> </ul>	<ul style="list-style-type: none"> <li>● Finalisation of service levels and capital expenditure - subject to Councillors inputs yet to come</li> </ul>
16/02/13	<b>Cr Workshop Day 2 –</b> <ul style="list-style-type: none"> <li>● Council's Business Principles and Directions</li> <li>● Financial Forecast draft finalisation</li> </ul>	<ul style="list-style-type: none"> <li>● Identification of adjustment to Draft Plan as required</li> <li>● Identification of matters still to be explored</li> <li>● Agreement on financial projections – subject to adjustment work required</li> </ul>
17/02/13	<b>Cr Workshop Day 3</b> <ul style="list-style-type: none"> <li>● Councillor individual proposals</li> </ul>	<ul style="list-style-type: none"> <li>● Consideration and acceptance / rejection of individual Councillor submissions</li> </ul>
13/03/13	<b>Council Briefing</b> <ul style="list-style-type: none"> <li>● Draft Plan #2 Review</li> </ul>	<ul style="list-style-type: none"> <li>● Identification of final adjustments required to Plan</li> </ul>
10/04/13	<b>Council Meeting</b>	<ul style="list-style-type: none"> <li>● Adoption of Draft Plan for Exhibition</li> </ul>
14/05/13	<b>Exhibition Closing Day</b>	<ul style="list-style-type: none"> <li>● Councillors receive detailed copy of submissions</li> </ul>
22/05/13	<b>Council Meeting</b>	<ul style="list-style-type: none"> <li>● Consideration and adoption of Submissions</li> <li>● Consideration and adoption of Strategic Plan</li> </ul>

## **STRATEGIC LINKS**

The Strategic Plan (2013-17) provides direction for the next 4 years and details what service levels will be delivered through Council's 12 Principal Activities.

### **Wyong Shire Council Strategic/ Annual Plan**

Integrated systems for strategic Councillor and community input into the annual strategic planning process.

Improvement of Business Plans with:

- Refinement of Products
- Improved costing of Products
- Changing Services based on benchmarking
- Corporate business strategies

WSC Strategic Plan, Service Unit Business Plans, and Annual Report produced on time and meet statutory requirements.

### **Long term Financial Strategy**

The proposal includes a review of the Long Term Financial Strategy to ensure alignment to Council's strategic goals.

### **Asset Management Strategy**

The proposal includes a review of the Asset Management Strategy to ensure alignment to Council's strategic goals.

### **Workforce Management Strategy**

The proposal includes a review of the Workforce Management Strategy to ensure alignment to Council's strategic goals.

### **Link to Community Strategic Plan (2030)**

The proposal links to the Open Government Principle of the Community Strategic Plan.

### **Budget Impact**

Funding is provided in the 2012/13 budget of the Integrated Planning Service Unit.

## **CONSULTATION**

Consultation will be undertaken with Councillors throughout the development of the 2013-17 Strategic Plan as detailed above.

An engagement strategy will be developed for consultation with the community, including an information session and consultation hub.

## **GOVERNANCE AND POLICY IMPLICATIONS**

The preparation of the WSC Strategic Plan 2013-17 will be undertaken as per the requirements of the Local Government Act 1993.

## **MATERIAL RISKS AND ISSUES**

Risks include ensuring the appropriate level of consultation is undertaken to provide a robust corporate business direction that is aligned with the community's vision for the Shire. Risks will be addressed through effective planning and actioning of associated tasks.

## **CONCLUSION**

This report seeks Council's endorsement of the 2013-17 Strategic Planning Councillor engagement plan.

## **ATTACHMENTS**

*Nil.*

### **4.3 2011-15 Strategic Plan - June Quarter Review**

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TRIM REFERENCE: F2010/01472 - D03081495

AUTHOR: Mellissa McKee; Corporate Planning Executive

MANAGER: Stephen Naven; Chief Financial Officer

#### **SUMMARY**

This paper reports on Wyong Shire Council's performance progress as measured against the organisation's Strategic Plan for 2011-2015. The report covers the period for the twelve months ended 30 June 2012 (Q4).

#### **RECOMMENDATION**

- 1 That Council *receive* the fourth Quarterly Review Report on progress against the WSC 2011-15 Strategic Plan.**
- 2 That Council *note* that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**

#### **BACKGROUND**

Council is required to review its progress each quarter in accordance with the Wyong Shire Annual Plan and s.203 of Local Government (General) Regulations 2005.

Council now prepares a Strategic Plan incorporating the 4-Year Delivery Program and the Annual Plan. Reporting on progress is in accordance with the Plan in terms of actual business performance against budget, the relevant Performance Indicators, Actions and Major Projects detailed therein.

Council is classified in "Category 3" for conversion to the Integrated Planning and Reporting Framework, but has established and is working to, a 2011-2012 Strategic Plan to the new standard required by the Framework.

The Local Government Act requires Council to report quarterly on its performance and at least every six (6) months on progress with respect to each Principal Activity set out in the Strategic Plan.

The quarterly report is presented in the necessary format and is considered to satisfy both requirements.