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Wyong Shire Council

Business Paper

ORDINARY COUNCIL MEETING

08 July 2015

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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 8 July 2015 at 5.00pm,
for the transaction of the business listed below:**

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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5 QUESTIONS ON NOTICE ASKED

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

Scott Cox
ACTING GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2015/00040 - D11984310

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jacquie Elvidge; Councillor Services Officer

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2015/00040 - D11984319

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

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

Date	Briefing	Directorate
08/07/2015	RZ/2/2015 - Parraweena Road, Gwandalan	Development and Building
08/07/2015	RZ/9/2014 Norberta Street The Entrance North	Development and Building
08/07/2015	Woolworths Wadalba	Development and Building
08/07/2015	Proposed Bunnings at Charmhaven	Development and Building

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

1 Proposed Inspections & Briefings - 8 July 2015 D11996132



Proposed Briefings List to Date



Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
RZ/2/2015 - Parraweena Road, Gwandalan	Development and Building		08/07/2015
RZ/9/2014 Norberta Street The Entrance North	Development and Building		08/07/2015
Woolworths Wadalba	Development and Building		08/07/2015
Proposed Bunnings at Charmhaven	Development and Building		08/07/2015
RMS - Update on upgrade of Pacific Hwy through Wyong	Property and Economic Development		22/07/2015
Marketing Approach 15/16	Community and Recreation Services		22/07/2015
Colongra Sports	Community and Recreation Services		22/07/2015
2015-16 Sponsorship Program	Community and Recreation Services		14/08/2015
Development Infrastructure - Porters Creek Stormwater Diversion Project	Development and Building		26/08/2015
RZ/6/2013 - Central Coast Wetlands Pioneer Dairy	Development and Building		26/08/2015
Wyong Regional Skate Park	Community and Recreation Services		23/09/2015
Tourism Update	Community and Recreation Services		25/11/2015
Lakeside Plaza, The Entrance	Development and Building	August	
Rustrum Site, Toukley	Development and Building	September	

1.3 Address By Invited Speakers

TRIM REFERENCE: F2015/00040 - D11984323

MANAGER: Jacquie Elvidge, Councillor Services Officer

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

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

RECOMMENDATION

That Council receive the report on Invited Speakers.

ATTACHMENTS

Nil.

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2015/00040 - D11984328

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 24 June 2015.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 24 June 2015.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Minutes - Ordinary Meeting 24 June 2015 | D11986014 |
| 2 | Confidential Minutes - Ordinary Meeting 24 June 2015 - | D11989405 |

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 24 JUNE 2015
COMMENCING AT 5.00PM**

PRESENT

Councillors D J Eaton OAM (Chairperson), G P Best, R L Graham, K G Greenwald, L A Matthews, L S Taylor, A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

Acting General Manager, Acting Director Development and Building, Acting Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, Chief Financial Officer, Manager Human Resources, Project Director Special Projects, IT and Operations Manager, IT Infrastructure Administrator, Section Manager Marketing Tourism Communications, Communications Coordinator and two administration staff.

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.02pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor Nayna due to work commitments.

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

634/15 That Council accept the apology and grant leave of absence from the meeting.

At the commencement of the ordinary meeting report nos 1.1, 1.6, 2.2, 2.3, 4.1, 6.2 and 4.3 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

Item 2.1 – Commence Preparation of Planning Proposal - Waterfront Tourist Park Iconic Development Site

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that the applicant is an acquaintance of mine.

Councillor Taylor 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.”

Item 2.3 – RZ/4/2009 - Planning Proposal - 5 Anderson Road, Berkeley Vale - Outcome of Public Exhibition

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he has recently become aware that he has used the professional financial services of an associated person to the applicant over ten years ago.

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.”

Item 4.5 – Extension of YMCA contract for Pools and Lakehaven Recreation Centre

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that his employer conducts some activities with the YMCA.

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 they will not affect my view on the matter.”

Item 4.7 - Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that the Berkeley Vale Scouts and Tuggerah Scouts will be receiving CCIG grant requests even though I am not a member of the Berkeley Vale Scouts and Tuggerah Scouts. Councillor Vincent choose to leave the chamber at 7.43pm, took no part in discussion, did not vote and returned to the chamber at 7.44pm.

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his wife is on the board of the Central Coast Women's Health grant recipient. Councillor Eaton left the chamber at 7.43pm, took no part in discussion, did not vote and returned to the chamber at 7.44pm.

Item 7.1 - The Entrance Town Centre Funding Agreement Reporting

Councillor Webster declared a pecuniary interest in the matter for the reason that her daughter works at The Entrance Visitors Centre. Councillor Webster left the chamber at 7.56pm, took no part in discussion, did not vote and returned to the chamber at 7.57pm.

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

635/15 That Councillors now disclose any conflicts of interest in matters under consideration by Council at this meeting.

1.2 Proposed Inspections and Briefings

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

636/15 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

637/15 That Council receive the amended report on Invited Speakers.

638/15 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.

1.4 Confirmation of Minutes of Previous Meeting

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

639/15 That Council confirm the minutes of the Extraordinary Meeting of Council held on Thursday 4 June 2015 and the Ordinary Meeting of Council held on Wednesday 10 June 2015 and the.

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

640/15 That Council consider the following matter in Confidential Session, pursuant to Section 10 A (2)(c)(iii) of the Local Government Act 1993:

7.1 - The Entrance Town Centre Funding Agreement Reporting

641/15 That Council note its reason for considering Report No 7.1 - The Entrance Town Centre Funding Agreement Reporting, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

642/15 That Council request the General Manager to report on this matter in open session of Council.

1.6 Mayoral Minute - Good Governance

RESOLVED unanimously on the motion of Councillor EATON:

643/15 That Council note that this Council, for at least the last 2 years, has only ever approved rezonings and development applications that have been recommended by professional council planning officers.

644/15 That Council reiterate its full support for all of its staff and commends them for the outstanding service they provide to our community and the respect engendered in the community as evidenced by the 74% approval rating.

PROCEDURAL MOTION

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

645/15 That Council allow meeting practice to be varied.

646/15 That Council consider items 4.1 and 6.2 in seriatim.

647/15 That Council use the exception method to deal with the balance of the Agenda.

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

648/15 That with the exception of report numbers 2.2, 2.3, 4.1, 4.3, 4.4, 4.6, 4.7, 6.1, 6.2 and 7.1 Council adopt the recommendations contained in the remaining reports.

2.1 Commence Preparation of Planning Proposal - Waterfront Tourist Park Iconic Development Site

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that the applicant is an acquaintance of mine.

Councillor Taylor 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 GREENWALD and seconded by Councillor TROY:

- 649/15** That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979.
- 650/15** That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning & Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP&A Act, 1979.
- 651/15** That Council require, subject to the "Gateway Determination," the proponent/landowner enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.
- 652/15** That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.
- 653/15** That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".
- 654/15** That Council forward the planning proposal to DP&E for gazettal, subject to no significant objections being received.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

2.2 DA/1058/2014 - Proposed Alterations and Additions to an existing poultry farm at Kulnura

Mr Peter Fryar, Key Urban Planning, addressed the meeting at 5.31pm, answered questions and retired at 5.42pm.

Mr Michael Schambri, Applicant, addressed the meeting at 5.42pm, answered questions and retired at 6.01pm.

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

655/15 That Council defer this matter pending an inspection by Council and for a subsequent briefing before reporting back to Council.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

2.3 RZ/4/2009 - Planning Proposal - 5 Anderson Road, Berkeley Vale - Outcome of Public Exhibition

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he has recently become aware that he has used the professional financial services of an associated person to the applicant over ten years ago.

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 Best left the meeting at 6.20pm and returned to the meeting at 6.22pm during consideration of this item.

Mr Andrew Neil, Planning Consultant, addressed the meeting at 6.13pm, answered questions and retired at 6.18pm.

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

656/15 That Council request the General Manager to exercise the Written Authorisation to Exercise Delegation for RZ/4/2009 and proceed with the steps for drafting and making of the amendment to Wyong Local Environmental Plan 2013.

657/15 That Council request the General Manager to sign the Voluntary Planning Agreement which requires the Proponent to undertake the necessary actions to construct and transfer ownership to Council of a sewer pump station and associated infrastructure and provide the agreed payment for the ongoing maintenance.

658/15 That Council adopt draft Wyong DCP 2013 Chapter 6.23 – Anderson Road Berkeley Vale and give appropriate public notice within 28 days that the draft DCP will come into effect on the date that the LEP amendment comes into effect.

659/15 That Council advise all those who made a submission of the decision.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

3.1 CPA/249691 - Assorted Concreting Construction Works including Kerb & Guttering, Concrete Footpaths, Shared Paths and Associated Works

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

660/15 That Council accept the tenders from all the companies as a ranked panel of contractors in the following order for each section of the contract:

Tenderer Ranking	Kerb & Gutter and Laybacks		Footpaths & Shared Paths	Vehicle Access Crossings & Pedestrian Refuges
	<\$4,000	>\$4,000		
Tenderer Number				
Bolla Contracting	2	1	9	5
DWA Concrete Constructions	6	6	5	9
Foster Civil Contracting Constructions Pty Ltd	8	8	7	7
Hard Yards Outdoor Constructions Pty Ltd			4	2
JB Civil Engineering			2	8
Kelbon Project Services Pty Ltd			6	6
Laing Constructions Pty Ltd			8	3
Ozgroup Constructions Pty Ltd			3	

The above rankings are based on the attached Tender Evaluation Report, for a contract period of up to 3 years for Contract CPA/249691 – Assorted Concreting Construction Works including Kerb & Guttering, Concrete Footpaths, Shared Paths and Associated Works. The estimated annual expenditure against this contract is \$2,700,000.00 (excl GST), however actual expenditure may vary significantly depending on future capital works budget.

661/15 That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderers, which may be disclosed after Council has resolved to accept those tenders.

4.1 Wyong Shire Council Fit for the Future Proposal

Councillor Troy left the meeting at 6.26pm and returned to the meeting at 6.27pm during consideration of this item.

It was MOVED on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

That Council;

- (a) *note WSC is Fit for the Future based upon all the criteria and benchmarks established by the NSW Government*
- (b) *note that the Community Survey results showed the Wyong Community did not support an amalgamation with Gosford City Council*
- (c) *note that the Staff Survey results showed WSC staff did not support an amalgamation with Gosford City Council*

- (d) note that the independent consultants Third Horizon (NSW Government endorsed provider)Cost Benefit Analysis outcome did not support an amalgamation with Gosford City Council
- (e) note WSC had no alternative but to complete the Council Improvement template for the Fit for the Future assessment.
- (f) endorse the Fit for the Future proposal noting that it contains the detailed documentation underpinning the results outlined in recommendations A to F inclusive. (Proposal is under separate cover)
- (g) advise the Minister for Local Government that if the NSW Government and Minister for Local Government decide to proceed with Council amalgamations then they should include the following elements:
 - 1 That the Central Coast regional Council boundaries follow the recommendations of the Independent Local Government review panel recommended boundaries.
 - 2 The maximum number of councillors permitted under the Local Government act being 15 councillors, made up of a popularly elected Mayor and 2 wards of 7 councillors each. This being a Gosford ward and a Wyong Ward.
 - 3 That there be an extension of the term of the current council to ensure a proper planned transition to the new regional council. Noting that the Local Government Act has a staff retention period of 3 years for all Council staff in any merged councils.
 - 4 That the CCWC be dissolved. Noting that the need for a separate CCWC would disappear under a regional council and it should be subsumed into the regional council.
 - 5 The regional council to have expanded planning powers that include gateway panel and JRRP and local spot rezoning decisions.
 - 6 The councillors be remunerated as full time councillors.

An AMENDMENT was MOVED by Councillor GRAHAM and seconded by Councillor VINCENT:

That Council;

- (a) note WSC is Fit for the Future based upon all the criteria and benchmarks established by the NSW Government
- (b) note that the Community Survey results showed the Wyong Community did not support an amalgamation with Gosford City Council
- (c) note that the Staff Survey results showed WSC staff did not support an amalgamation with Gosford City Council
- (d) note that the independent consultants Third Horizon (NSW Government endorsed provider)Cost Benefit Analysis outcome did not support an amalgamation with Gosford City Council
- (e) note WSC had no alternative but to complete the Council Improvement template for the Fit for the Future assessment.
- (f) endorse the Fit for the Future proposal noting that it contains the detailed documentation underpinning the results outlined in recommendations A to F inclusive. (Proposal is under separate cover)

Councillor Best gave notice of a Foreshadowed Amendment.

The AMENDMENT was put to the VOTE and declared CARRIED.

FOR: COUNCILLORS BEST, GRAHAM, GREENWALD, MATTHEWS, TROY, VINCENT AND WEBSTER
AGAINST: COUNCILLORS EATON AND TAYLOR

The AMENDMENT became the MOTION.

A FORESHADOWED AMENDMENT was MOVED by Councillor BEST and seconded by Councillor TROY:

That Council;

- (a) note WSC is Fit for the Future based upon all the criteria and benchmarks established by the NSW Government
- (b) note that the Community Survey results showed the Wyong Community did not support an amalgamation with Gosford City Council
- (c) note that the Staff Survey results showed WSC staff did not support an amalgamation with Gosford City Council
- (d) note that the independent consultants Third Horizon (NSW Government endorsed provider) Cost Benefit Analysis outcome did not support an amalgamation with Gosford City Council
- (e) note WSC had no alternative but to complete the Council Improvement template for the Fit for the Future assessment.
- (f) endorse the Fit for the Future proposal noting that it contains the detailed documentation underpinning the results outlined in recommendations A to F inclusive. (Proposal is under separate cover)
- (g) That post the submissions of both Wyong and Gosford councils Fit for the Future proposals, Council seeks dialogue with Gosford City Council around possible physical structures, operational matters, employee matters in the event the Minister moves to amalgamate.

The FORESHADOWED AMENDMENT was put to the vote and declared CARRIED:

FOR: COUNCILLORS BEST, EATON, TAYLOR, TROY AND WEBSTER
AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

The FORESHADOWED AMENDMENT became the MOTION:

RESOLVED on the motion of Councillor BEST and seconded by Councillor TROY:

662/15 That Council;

- (a) note WSC is Fit for the Future based upon all the criteria and benchmarks established by the NSW Government
- (b) note that the Community Survey results showed the Wyong Community did not support an amalgamation with Gosford City Council
- (c) note that the Staff Survey results showed WSC staff did not support an amalgamation with Gosford City Council
- (d) note that the independent consultants Third Horizon (NSW Government endorsed provider) Cost Benefit Analysis outcome did not support an amalgamation with Gosford City Council
- (e) note WSC had no alternative but to complete the Council Improvement template for the Fit for the Future assessment.

- (f) **endorse the Fit for the Future proposal noting that it contains the detailed documentation underpinning the results outlined in recommendations A to F inclusive. (Proposal is under separate cover)**
- (g) **That post the submissions of both Wyong and Gosford councils Fit for the Future proposals, Council seeks dialogue with Gosford City Council around possible physical structures, operational matters, employee matters in the event the Minister moves to amalgamate.**

FOR: COUNCILLORS BEST, EATON, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

4.2 Community Subsidy Program and Sport and Cultural Sponsorship Program

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

663/15 That Council allocate \$2,441.00 from the 2014-15 Community Subsidy Program as follows:

Applicant	Project Name Summary	Staff Funding Recommended
Long Jetty/The Entrance Country Women's Association	Rates subsidy	\$734.00
Lions Club of Wyong Inc	Venue hire – Saltwater Creek Reserve	\$612.00
Sunnyfield	Venue hire with digital printing – The Entrance Gallery	\$345.00
Wyong Toastmasters Club	Black and white photocopying and digital colour printing	\$750.00
Total		\$2,441.00

664/15 That Council allocate \$198.00 from the 2014-15 Community Subsidy Program as follows, for a second application from this applicant in the current financial year, due to the public benefit that arises:

Applicant	Project Name Summary	Staff Funding Recommended
Unitingcare NSW ACT	Venue hire – Colongra Bay Hall	\$198.00

665/15 That Council decline applications for the reasons indicated in the table below, the applicants be advised and where relevant, directed to alternate funding programs:

Applicant	Project Name Summary	Staff Recommendation
Parkrun Australia	Costs for event setup and equipment	Applicant is not a legally constituted not-for-profit organisation. Project not suitable for Community Subsidy Program. Staff are liaising with this group on other options.

666/15 That Council allocate \$4,000.00 from the 2014-15 Sport and Cultural Sponsorship Program as follows:

Applicant	Project Name Summary	Staff Funding Recommended
Michael Leard	2015 Australian Expos Baseball Tour in USA, representing Australia	\$1000.00
Elijah Adams-Kiriona	Oztag NSW vs Queensland State of Origin in Queensland, representing NSW	\$500.00
Clare Billson	The World Championships of Performing Arts in USA, representing Australia	\$1000.00
Mark Sweeney	Australian Karate Federation National Championships in Adelaide, representing NSW	\$500.00
Logan Humphries	Oztag NSW vs Queensland State of Origin in Queensland, representing NSW	\$500.00
Annabelle Lee	2015 Acrobatics State Team, representing NSW	\$500.00
Total		\$4,000.00

4.3 Results of Customer Satisfaction Survey 2015

Councillor Greenwald left the meeting at 7.36pm and returned to the meeting at 7.37pm during consideration of this item.

Councillor Vincent left the meeting at 7.36pm and returned to the meeting at 7.37pm during consideration of this item.

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

667/15 That Council receive and note the results of the Customer Satisfaction Survey 2015.

668/15 That Council note a further report to Council will be provided outlining actions for service units identified as a result of the Customer Satisfaction Survey Results.

4.4 Beach Safety Services

Councillor Troy left the meeting at 7.40pm and returned to the meeting at 7.41pm during consideration of this item.

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

669/15 That Council receive the report on Beach Safety Services.

670/15 That Council approve a three year extension to the Council lifeguards for the provision of the Beach Safety Services.

4.5 Extension of YMCA contract for Pools and Lakehaven Recreation Centre

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that his employer conducts some activities with the YMCA.

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 they will not affect my view on the matter."

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

- 671/15** That Council endorse the contract extension for YMCA to manage the Public Pools and Lakehaven Recreation Centre for one year.
- 672/15** The Council delegate to the General Manager the approval to execute the agreement.

4.6 Non Profit Tenants and Subsidisation of Council Rates

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

- 673/15** That Council defer this matter pending a briefing.

4.7 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that the Berkeley Vale Scouts and Tuggerah Scouts will be receiving CCIG grant requests even though I am not a member of the Berkeley Vale Scouts and Tuggerah Scouts. Councillor Vincent choose to leave the chamber at 7.43pm, took no part in discussion, did not vote and returned to the chamber at 7.44pm.

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his wife is on the board of the Central Coast Women's Health grant recipient. Councillor Eaton left the chamber at 7.43pm, took no part in discussion, did not vote and returned to the chamber at 7.44pm.

Councillor Eaton vacated the chair and Councillor Webster assumed the Chair for consideration of this item.

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

674/15 That Council allocate an amount of \$8,350 from the 2014-15 Councillors' Community Improvement Grants as follows:

1st Berkeley Vale Scout Group (\$1380) (\$680 already allocated)	To assist with the costs of the Construction Certificate and Inspection Fees for the renovations to the Scout Hall Project.	500
1st Tuggerah Lakes Scout Group (\$3000) (\$2100 already allocated)	To assist with safety improvements and repairs to the building/meeting hall.	500
Camp Breakaway Inc. (\$3909) (\$3100 already allocated)	To purchase a Promethean Mobile Interactive Whiteboard System.	140
Central Coast Community Women's Health Centre (\$2500) (\$1200 already allocated)	Running costs for 'The Day of Action Event'.	400
Central Coast Domestic Violence Committee Inc. (\$1500)	To raise awareness of domestic and family violence, provide support and resources during 16 Days of Activism.	200
Chain Valley Bay Progress Association (\$3500) (\$900 already allocated)	To erect a shade roof structure over the wheelchair modified picnic table.	800
Community Environment Network (\$4000) (\$800 already allocated)	Workshop on Habitat for Wildlife to residents in the Wyong Shire.	400
Greek (Hellenic) Community of Central Coast NSW Inc. (\$2880) (\$1050 already allocated)	Printing and Posting of the monthly Bulletin.	300
Homeless No More Charity (\$4000) (\$750 already allocated)	Recruitment Workshops.	700
Mannering Park Amateur Sailing Club (\$1000) (\$450 already allocated)	To pay for a Yachting Australia instructor to conduct the Start Sailing component of our Discover Sailing Program.	250
Mannering Park Precinct Committee Inc. (\$1300) (\$430 already allocated)	Administration Costs.	870
Marine Rescue - Norah Head Unit (\$1040) (\$600 already allocated)	4 Direction Street Signs to be erected.	440
Mountain Districts Association (\$2262) Emergency Approved by GM (\$1000 already allocated)	Community Declaration Event - to prevent the introduction of the Coal Seam Gas (CSG)	200
National Seniors Australia, Central Coast Wyong Inc. (\$1211.50) (\$700 already allocated)	Design, creation and installation of a website.	300
Ourimbah Region Residents Association Inc. (\$1350)	Administration costs.	500
Rotary Club of Wyong Tuggerah (\$4000) (\$1000 already allocated)	Central Coast International Women's Day Expo on 7th March 2015 - assist with printing, promotional and marketing costs.	400

Tantrum Theatre Co-Operative (trading as Tantrum Youth Arts) (\$2500) (\$1750 already allocated)	Two terms of free youth theatre skills development workshops at the Wyong Grove to young people from low socio-economic backgrounds.	300
Toukley Torchbearers for Legacy (\$1100) (\$700 already allocated)	Running costs to promote the annual event of the Harry Moore Legacy Golf Day at Toukley Golf Club.	400
Tuggerah United Football Club (\$4000) (\$2800 already allocated)	Improve shade and shelter at the fields.	200
Yarramalong School Community Centre Inc.(\$3701.47) (\$900 already allocated)	Sculptures at the Old School' event - provides sculptors a space to exhibit work and promote local art and home-grown produce.	250
YMCA Toukley Aquatic Centre (\$2000) (\$700 already allocated)	Teach disabled kids the life saving skills of being able to swim.	300

675/15 That Council approve the allocation of funding to the Central Coast Community Women's Health Centre noting that it is the second application received from the group in the 14/15 financial year, as Council considers that public benefit arises from the outcomes of the allocation of its grant funding for this purpose.

Councillor Eaton resumed the chair.

4.8 Councillor Attendance - Local Government Week 2015 Awards Evening

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

676/15 That Council authorise the attendance of interested Councillors at the Local Government Week 2015 Awards Evening in accordance with the Council's Facilities and Expenses Policy for Councillors.

677/15 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

5.1 Investment Report for May 2015

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

678/15 That Council receive the Report on Investment Report for May 2015.

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

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

679/15 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

5.3 Works in Progress - Water Supply and Sewerage

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

680/15 That Council receive the report on Works in Progress - Water Supply and Sewerage.

5.4 Activities of the Development and Rezoning and Building Certification Compliance and Health Units

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

681/15 That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of May 2015 and related to job creation.

5.5 Outstanding Questions on Notice and Notices of Motion

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

682/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

6.1 Notice of Motion - Wyong Grove Public School "The Grove" Continued Community Use

RESOLVED on the motion of Councillor GREENWALD and seconded by Councillor MATTHEWS:

683/15 That Council request the General Manager to write and make representation to the Minister for Education, Adrian Piccoli MP to:

- **Acknowledge the current lease arrangement with the State Government at the closed Wyong Grove Public School which is allowing an integrated community campus to flourish, being used for community and arts programs.**
- **Request the Minister to ensure the continuity of this very important community campus.**

- *Request the Minister, as Wyong Grove Public School has been declared surplus, to vest the site by gift or community trust in the care of the Wyong Shire Council for continued community use, programs and community partnerships.*

6.2 Notice of Motion - Wyong Gosford Super Council

Mr Peter Snelling, Resident, addressed the meeting at 7.12pm, answered questions and retired at 7.14pm.

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

- 684/15** *That Council note the findings of the recently required 'Fit For The Future' (FFTF) Shire Wide Survey that revealed a clear majority of residents, businesses and Council Staff, do not support the State Government's proposed push to amalgamate Wyong and Gosford Councils into a Super Council.*
- 685/15** *That Council note that:*
- (a) the survey indicates that the majority of residents and rate payers do not support the merger; and*
 - (b) further the FFTF reveals a large number of significant structural and hidden costs associated with any such Super Council amalgamation; and*
 - (c) it is important to develop a clear and cogent case 'for and against' this proposition.*
 - (d) the importance of listening to and considering the democratic voice of our local community, as this decision will unquestionably have far reaching and intergenerational impacts across the Wyong and Gosford local government areas.*
- 686/15** *That Council request the Minister for Local Government refer the question of whether Wyong and Gosford Councils are to merge to a referendum in the Wyong and Gosford local government areas prior to the Minister deciding whether the two councils are to be amalgamated.*
- 687/15** *That Council request the referendum be conducted by the NSW Electoral Commission to ensure transparency and integrity in the process.*
- 688/15** *That Council request the NSW Government provide the funding for the referendum.*

CONFIDENTIAL SESSION

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

- 689/15** *That Council move into Confidential Session.*

At this stage of the meeting being 7.56pm 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 as the items listed come within the following provisions:-

OPEN SESSION

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

691/15 That Council move back into Open Session.

Council resumed in open session at 7.57pm and the Acting General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

7.1 The Entrance Town Centre Funding Agreement Reporting

Councillor Webster declared a pecuniary interest in the matter for the reason that her daughter works at The Entrance Visitors Centre. Councillor Webster left the chamber at 7.56pm, took no part in discussion, did not vote and returned to the chamber at 7.57pm.

RECOMMENDATION

690/15 That Council receive the report on The Entrance Town Centre Funding Agreement Reporting.

QUESTIONS ON NOTICE

**Q23/15 Shared Pathway
Councillor Greg Best**

"Mr Mayor,

I make representation on behalf of the Local Community of Lake Munmorah and their precinct committee around the progress of delivering the Mannering Park Shared Pathway Project. This initiative has been in discussion for many years now and I seek staffs advice as to the current status and how we can assist in progressing this initiative. I understand through the precinct committee they indicate that "Councils simple recognition of their route in the shared pathway would alleviate a major stumbling block" could this aspect please be address in the staff reply?"

**Q24/15 State Government 2015 Budget Funding in Wyong Shire
Councillor Greg Best**

"Mr Mayor,

Could you please provide Council with a report on how our Shire faired with direct funding in this year's recently released State Government Budget?"

**Q25/15 Storm Event Recovery
Councillor Ken Greenwald**

“Can I ask the General Manager what lessons have we learnt from the storm event job response and recovery?”

THE MEETING closed at 7.58pm.

2.1 DA/857/2014 Residential Flat Building at Howarth St, Wyong

TRIM REFERENCE: DA/857/2014 - D11966266
MANAGER: Emily Goodworth, Team Coordinator
AUTHOR: Julie Garratley; Development Planner

SUMMARY

A development application has been received for the demolition of existing structures and the erection of a residential flat building (RFB) at No.51-53 Howarth Street Wyong. The RFB proposes 24 residential units and two SOHO (small office/home office) units, basement parking and landscaping. The application has been assessed having regard to the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act (EP&A) 1979* and other statutory requirements.

This report identifies an inconsistency between the Wyong Local Environmental Plan 2013 and the current Baker Park Masterplan adopted by Council 28 July 2009. The proposal was designed in accordance with the adopted Masterplan and consideration to this and the current review of the Masterplan has been given throughout this assessment. This report recommends that Council endorse the proposed development with the variations that are consistent with the master-planned height for the site.

Applicant	David Collett
Owner	Aliza International Pty Ltd
Application No	DA/857/2014
Description of Land	Lot A DP 335819 & 30 DP 3763, 51-53 Howarth Street Wyong
Proposed Development	Demolition of Existing Structures and the erection of a 26 unit Residential Flat Building
Site Area	1815m ²
Zoning	B4 Mixed Use
Existing Use	Commercial buildings
Employment Generation	-
Value of Works	\$6,000,000

RECOMMENDATION

That Council approve DA/857/2014 at 51-53 Howarth Street, Wyong as a deferred commencement consent subject to the conditions provided as Attachment 1.

PRECIS

- The development application seeks approval for the construction of a RFB.
- The development comprises 20x2 bedroom units, 4x3 bedroom units, 2xSOHO units which contain 1 bedroom and office, basement parking for 36 car spaces including two disabled and visitor spaces and communal open space.

- A RFB is a permissible land use under Wyong Local Environmental Plan 2013 within the B4 Mixed Use zone.
- The WLEP 2013 building height limit is 13m; the proposed building height measured at street frontage is 16.325m and increases to 17.65m due to the slope of the site. A variation of up to 4.65m or up to 26% is against the building height provision. The WLEP height limit is inconsistent with the Baker Park Masterplan adopted by Council 28 July 2009. The Baker Park Masterplan identifies the site as having a height limit of up to 6 storeys. The current review of the Masterplan proposes no change to the height limit.
- DCP 2.4 requires a minimum side setback distance of 6.0m for each storey up to 4 storeys and 9.0 metres for the fifth storey. The southern elevation has stepped portions of the building wall located at a distance of 2.75m, 3.9m and 5.4m from the southern side boundary. These variations are discussed later in the report.
- DCP 2.4 requires a minimum side setback distance of 9.0m for the fifth storey; the northern elevation has stepped portions of building wall located at a distance of 6.0m and 7.0m from the northern side boundary. These variations are discussed later in the report.
- The WLEP 2013 floor space ratio (FSR) map requires a 1.1:1 FSR. WLEP Clause 4.4 Floor Space Ratio allows certain areas to exceed the maximum FSR when the site area exceeds 1500m² by a percentage of the maximum FSR. The proposal falls within an area where an additional 7.5% of the maximum FSR may be applied. The total FSR permitted is therefore 2147m²; the total proposed is 2177m². The difference of 30m² is greater than the maximum permitted and results in a minor variation of 1.37%.
- A variation of two car spaces is proposed to the visitor car parking spaces. DCP 2.4 requires five visitor car spaces, three are provided.
- The application was notified in accordance with Wyong DCP 2013 Chapter 1.2 Notification of Development Proposals, with no submissions received.

INTRODUCTION

The Site

The subject site is located at 51-53 Howarth Street Wyong between Rose Street and Warner Avenue and opposite Wyong Railway Station. The subject site currently contains commercial buildings which are proposed to be demolished. The site runs in a west/east orientation with minimal vegetation and a gentle slope of approximately 1.5 metres to the rear. Howarth Street is a sealed road with kerb and gutter. The site is a short walk to the Wyong Town Centre of approximately 130 metres and public transport is accessible at the Wyong Railway Station and bus interchange. Surrounding development comprises commercial buildings to the north and south and open space to the east.

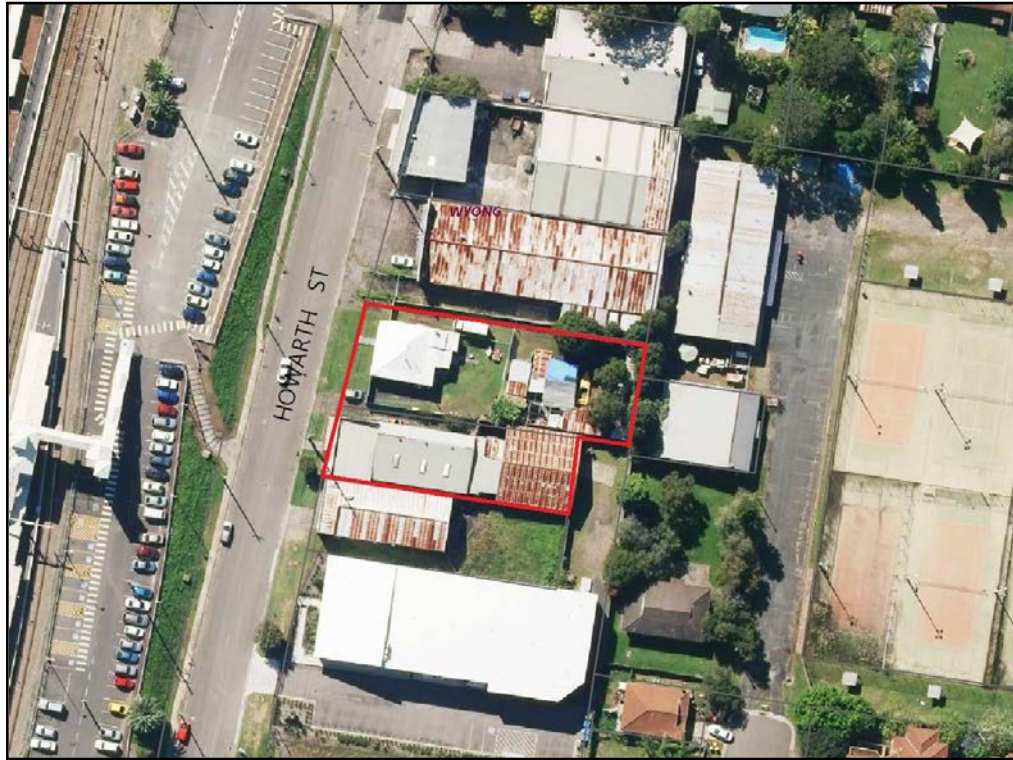


Figure 1: Aerial photo showing subject site and surrounding properties.

The Proposed Development

The proposed development is for a five storey RFB including two commercial SOHO units (small office/home office) at ground level, 24 apartments of 4x3 bedrooms and 20x2 bedrooms, and basement parking.

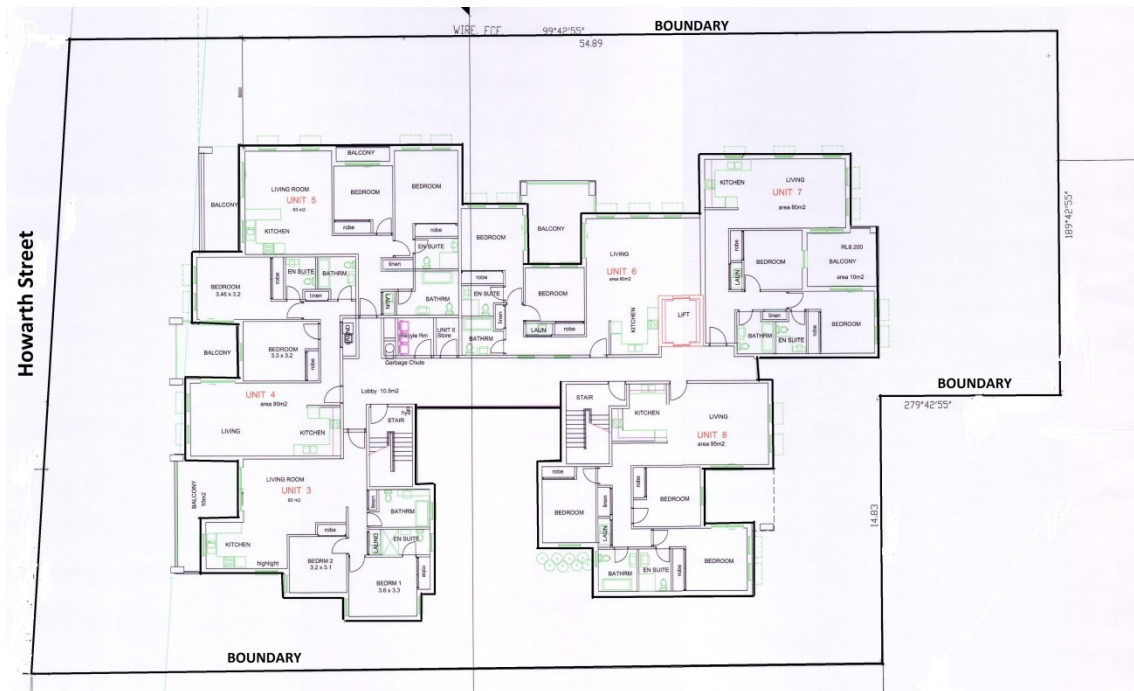


Figure 2: Site boundaries with building location.

The building is to be constructed with a mix of materials which includes face brick and steel wall cladding, painted rendered masonry walls, powder coated metal windows, doors & sunhoods. The proposed colours are subtle shades of windspray, shale grey (grey), surfmist, regency white (off white), ironstone (dark grey) and portland stone (tan).

The ground floor has a floor level of RL 8.3 and provides access to the street and recreational areas associated with the site. The main entry to the building is via a portico at the street boundary which directs pedestrian access. The ground floor contains two SOHO units at the street frontage and a two bedroom and a three bedroom unit which are both adaptable. The units are west facing and have private terraces on the ground floor.

The second floor has a floor level of RL 12.1, third floor a floor level of RL 15.0, and the fourth floor an of RL 17.9. Each level contains six units consisting of five two bedroom units and one three bedroom units. Two of the units on each level face west with balconies looking across to the recreational areas of Baker Park; one unit faces north with a balcony looking towards the commercial properties and the overpass bridge of the railway; three units face Howarth Street with balconies looking towards the railway and beyond to the Wyong Town Centre.

The fifth floor has a floor level of RL 20.8. The fifth level does not cover the entire floor area of the building and is located towards the street frontage. The fifth level contains four units consisting of four two bedroom units. One of the units on the fifth level faces north with a balcony looking towards the commercial areas and railway bridge overpass; the other three units face west with balconies looking west to the Wyong Town Centre.

Three common recreational areas exist on the ground level with a common barbeque area included and additional landscaped areas surrounding the building.

A basement level carpark with single access from Howarth Street is provided. The carpark contains 36 car spaces which includes unit parking and three visitor car spaces. The floor levels are accessible by an elevator and stairs.



Figure 3: Photo-montage representation of proposed residential flat building.

The proposal includes a request to vary the height and the FSR under Clause 4.6 of the WLEP 2013. The building ranges from a height of 16.325 metres at the street frontage to a maximum height of 17.65 metres at the rear which is a maximum of 4.65 metres greater than the 13 metre height limit mapped in the WLEP 2013. The proposed height is consistent with the adopted Baker Park Masterplan. The Masterplan identifies the subject site as having a building height of up to six floors. There are also connectivity links identified in the vicinity of the subject site with the property immediately to the north being identified as a future low traffic laneway. The height of the building is justified by the Masterplan provision as the desired future character of the area.

The permissible mapped FSR is 1.1:1 which equates to a maximum permissible floor area of 1997m². The proposal falls within 'Area 1' which allows a bonus provision of FSR depending on the size of the subject site. For sites with an area greater than 1500m² and less than 2000m² an additional 7.5% of floor area may be included.

A bonus FSR of 7.5% in addition to the mapped 1.1:1 can be applied which results in an additional floor area of 150m² being permitted and a maximum floor area of 2147m². The proposed residential flat building comprises of 2177m² of floor space which is greater than allowable floor area in this location by 30m² and results in a FSR of 1.199:1. The proposal is utilising the flexible provisions of Clause 4.6 of the WLEP 2013 to allow an increase in the height and FSR. The request for these variations will be discussed later in the report.

The two SOHO units provide a commercial component to the building consistent with the mixed use zone. Two adaptable units are provided on the ground floor and four three bedroom apartments are included to provide a good mix of units in the proposed development.

The proposal is consistent with the desired vision of the Wyong area as discussed in the adopted Baker Park Masterplan. The development is of a higher density located near the Town Centre and the key public area of Baker Park. The site is highly accessible within easy walking distance of commercial and retail opportunities within Wyong town centre, and is also within walkable distance to public transport which is approximately 100 metres to the railway station and bus interchange.

VARIATIONS TO POLICIES - SUMMARY

Clause	WLEP 2013, Clause 4.3
Standard	Maximum height according to WLEP height maps = 13m
Departure basis	<p>The height proposed for the building is 16.325m at the street frontage and 17.65m at the rear. Variations of 20% to 26% are required resulting in an average percentage of 23%.</p> <p>The height variation is recommended for support due to its consistency with the adopted Baker Park Masterplan which identifies the subject site as having a height limit of up to 6 storeys. The building height will integrate with the surroundings without</p>

Clause	WLEP 2013, Clause 4.3
	<p>impacting views from the Town Centre. The immediate area surrounding the subject site is commercial in nature and contains vertical elements such as the elevator towers at the train station, pedestrian over rail bridge, light poles and several three storeys RFBs.</p> <p>The Masterplan is currently under review and early indications show the heights shown within the current Masterplan are recommended to remain in place.</p>
Clause	WLEP 2013, Clause 4.4
Standard	FSR 1.1:1, plus bonus 7.5%
Departure basis	<p>The total FSR permitted is 2147m²; the total proposed is 2177m². The difference of 30m² is greater than the maximum permitted and results in a variation of 1.37%.</p> <p>The FSR variation is recommended for support as it is minor and maintains a density that is suitable for the site. The density is responding to desired future character of the area.</p>
Clause	WDCP Chapter 2.4, Clause 4.3.3
Standard	Side & rear setbacks up to 4 storeys: 6.0m Fifth storey: 9m
Departure Basis	<p>Southern side:</p> <p>The wall is setback 2.75m, 3.9m & 5.4m from the southern boundary. The wall is stepped substantially, with the building encroaching (by varying degrees) within the side setback (see Fig. 8). Of the 36m long building length, 20.2m of the wall is non-compliant or 55%.</p> <p>Level 5 – The wall is setback 2.75m, 3.9m & 5.4m from the southern side boundary. Of the 36m long building length, 11.7m of the wall is non-compliant or 33%.</p> <p>Northern side:</p> <p>The northern wall is also stepped to increase building modulation. Of the 36m long building length 12m of the wall encroaches within the setback (see Fig.10) which is equivalent to 33.3%</p>

Clause	WLEP 2013, Clause 4.3
	The variations are recommended for support due to the articulation of the building and the minimal impact to the adjoining properties regarding privacy and solar access and the substantially compliant FSR of the development.
Clause	DCP Chapter 2.4
Standard	1 visitor space per five units
Departure Basis	Five visitor spaces required, three provided therefore two spaces short.

The proposed variations are supported and discussed in further detail below.

INTERNAL CONSULTATION

The proposed development was referred to various Council officers for comment as follows:

Council's Senior Development Engineer – no objection subject to appropriate conditions of consent.

The site falls towards the rear of the property. The proposal seeks to direct stormwater to a Council stormwater drainage pit located on an adjoining property. The applicant has submitted an endorsed letter by the adjoining property owner for the provision of an interallotment drainage easement through their property. A deferred commencement condition is recommended requiring the registration of this easement with the Land and Property Information.

Council's Traffic & Transportation Engineer – no objection subject to appropriate conditions of consent.

Council's Senior Building Surveyor – no objection subject to appropriate conditions of consent.

Council's Urban Designer – several issues were identified with the initial submission which included location of communal open space and amenities and an improved roof design. The design was revised to incorporate three generous communal areas with a barbeque area. The communal areas are centrally located and easily accessible. Landscaped areas to the east and northeast of the site are located to provide good deep soil areas and contribute towards positive amenity. The roof design was amended to remove the skillion roof and decrease the height of the building. The proposed design is considered to be an appropriate built form and compatible with the desired character of the area.

Council's Senior Environmental Health Officer – To ensure that the potential occupants of the proposal are not unreasonably impacted upon by the existing railway an Acoustic and Vibration Assessment prepared by a qualified consultant to consider the proposal was discussed. The Statement of Environmental Effects details areas that require acoustic specification with an assessment of the probable noise levels presenting to the development. The applicant requested that an Acoustic and Vibration Assessment be included as a Construction Certificate requirement as the structural system of the proposal would be final and greater detail can be provided. This request was considered reasonable and will be included as a condition of consent.

SUBMISSIONS

Any submission from the public.

The application was notified in accordance with DCP 2013 – Chapter 1.2 Notification of Development Proposals from 8 October 2014 to 22 October 2014 with no submissions being received.

Any submission from public authorities.

The application was not referred to any public authorities; however 'NSW Transport - Sydney Trains' were notified as an adjoining land owner. NSW Transport noted that the original design fell under the provisions of Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 which requires concurrence from Sydney Trains before approval can be granted by Council. The original design involved excavation greater than 2m within 25m of the railway corridor – i.e., land owned by State for rail purposes. The applicant subsequently modified the design to be outside the area owned by the 'NSW Transport - Sydney Trains' and an integrated referral was therefore not necessary.

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 an infill development, the proposal is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

This assessment has included consideration of such matters as potential for more intense and/or frequent extreme weather conditions including storm events as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, the following matters are considered to warrant further discussion, as provided below:

Sustainable building design: The proposal includes a BASIX certificate which details energy and water efficiency.

Reduced Car Dependence: The subject site is located opposite the Wyong Railway Station and Bus Interchange which provides transport links to the wider Wyong Shire as well as further north and south by rail. The site is located in walking distance to the Wyong Town Centre.

ASSESSMENT

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

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

a) Wyong Local Environmental Plan 2013

Permissibility

The subject site is zoned B4 Mixed Use under the Wyong Local Environmental Plan 2013.



Figure 4: Zone map with subject site outlined in black.

The proposed development is defined as a residential flat building. The proposed development is permissible with consent in the B4 zone and complies with the objectives of the zone which are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To permit residential accommodation while maintaining active retail, business and other non-residential uses at street level.*
- *To encourage development that supports or complements the primary office and retail functions of the zone.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

The proposal provides office and residential units in an accessible location that can maximise the use of public transport. The residential accommodation will integrate positively with the business uses at street level.

Acid Sulphate Soils

The subject site is identified as being affected by Class 5 acid sulphate soils. WLEP 2013 requires additional consideration of such land where works are likely to lower the water table. The proposed development is unlikely to impact the water table in the adjacent Class 4 soils. Given the nature of the proposal it is considered that further detail is not required.

Height of Buildings

The site is subject to Clause 4.3 'Height of Buildings' in area "N" with a permissible height of 13m. The proposal has a building height of 16.325m at Howarth Street and a maximum building height of 17.65m at the rear of the building. Therefore the height does not comply with the WLEP and seeks a variation under Clause 4.6 Exceptions to Development Standards.



Figure 5: Height of buildings map with subject site outlined in black.

Floor Space Ratio

The site is subject to Clause 4.4 'Floor Space Ratio' in area "O" with a permissible FSR of 1.1:1 which equates to a maximum permissible floor area of 1997m². The site also falls within "Area 1" which allows the FSR for sites larger than 1500m² to exceed the mapped ratio on a proportional scale as follows:

Site area	% of max FSR
1,500m ² or more, but less than 2,000m ²	7.5%
2,000m ² or more, but less than 2,500m ²	10%
2,500m ² or more, but less than 3,000m ²	12.5%
3,000m ² or more, but less than 4,000m ²	15%
4,000m ² or more	20%

Regarding the additional percentage, a bonus FSR of 7.5% in addition to the mapped 1.1:1 can be applied which results in an additional floor area of 150m² being permitted and maximum permitted floor area of 2146m². The proposed RFB results in a FSR of 1.19:1 which is 2176m² and greater than the allowable floor area in this location by 30m². The applicant has taken a proportional approach to the FSR and is seeking a bonus which equates to 9% in addition to the permitted FSR of 1.1:1. While this is considered a reasonable approach, strictly speaking it is greater than the FSR allowed and requires a variation under Clause 4.6 Exceptions to Development Standards.

Exceptions to Development Standards

In accordance with Clause 4.6 the applicant has requested a variation to the maximum height of 13 metres and a variation to the maximum FSR permitted for the subject site.

Notification of assumed concurrence of the Director-General of the Department of Planning and Environment under Clause 4.6(4) of the Standard Instrument is provided under Clause 64 of the Environmental Planning and Assessment Regulation 2000. Concurrence can therefore be assumed for the use of Wyong Local Environmental Plan (WLEP) 2013 Clause 4.6 Exception to Development Standards to vary the development standard of WLEP Clause 4.3 Height of Buildings and 4.4 Floor Space Ratio to permit the development.

The objective of the clause is to provide a greater degree of flexibility in applying certain standards to particular development. Development consent may be granted subject to this clause, even though the development would contravene a development standard imposed by the WLEP 2013. Development consent must not be granted for a variation unless the consent authority has considered a written request from the applicant justifying the variation by demonstrating:

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

Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the matters identified above have been adequately addressed and that the proposed development will be in the public interest as it is consistent with the objectives of the zone.

The applicant has submitted that strict compliance with the development standards is unreasonable and unnecessary in this particular case as follows:

- While the site is mapped as having a maximum height of 13m, the Masterplan adopted for the Baker Park area and the Masterplan currently under review refers to the subject site as having a height limit of six storeys which would allow for a possible height of up to 20m.
- The proposed height is consistent with the Baker Park Masterplan and the Wyong/Tuggerah Planning Strategy in creating residential opportunities through the provision of more floor space with higher density residential development near the Wyong Town Centre.
- The building height will not be substantially different to other structures existing in the immediate area. The site is situated across from the railway station where the pedestrian walkway and lift towers are greater than 20m in height.
- The height of the building will provide a transition from the higher ground level of the railway station and beyond to the Town Centre.
- The proposed height of the building will maintain the amenity of the neighbouring properties in terms of bulk, privacy and views and maintain reasonable solar access.
- The proposed height is identified as the desired character in Council's adopted Masterplan as referenced in DCP Chapter 5.2 Wyong Town Centre.
- The proposed FSR is relative to the proposed height and is marginally greater than that which is permissible.

- The subject site has sufficient size and dimension to satisfy the DCP requirements relating to site cover, setbacks, parking, open space and landscaping.
- The additional 30m² of floor area does not result in adverse shadow, privacy or acoustic impacts.
- The FSR variation represents a percentage value of 1.37%.
- The height variation represents a maximum variation of 26%.

If strict adherence was applied to the 7.5% FSR bonus this would mean a slightly smaller floor area and building footprint. Allowing a minor variation will promote the objective of an orderly and economic use of the land. The GFA exceeds the permitted 7.5% bonus by just 30m². When spread across the units this represents an additional 1.13m² per unit which negligible in a development of this size. If strict adherence was applied to the height limit, the economic use of the land would not be served.

Clause 4.6(4) states that development consent cannot be granted for a variation to a development standard unless the consent authority is satisfied that the applicant adequately addressed the request and that the proposed development will be in the public interest by remaining consistent with the objectives of the standard and the zone. The applicant has submitted justification to demonstrate that strict compliance is unreasonable and unnecessary in this instance and that sufficient grounds exist to justify contravening the standard.

The proposed development will be in the public interest because it is consistent with the objectives of the FSR and height standard and the objectives of development within the zone. The underlying object or purpose of the height control is to establish a building height to achieve appropriate development density. Buildings are to be compatible with the height, bulk and scale of the existing and desired future character of the area. The Howarth Street area has a future desired height of up to six storeys. This is established within the approved Masterplan and early indications of the revised Masterplan currently being developed maintain a six storey height limit for the site.

Although there are no current buildings built to the desired height, there are structural elements in the vicinity which are of considerable height such as the pedestrian over-rail walkway and the elevator towers at the train station. There are also older style RFBs located to the south on Howarth Street which are three storeys in height. The proposed building will be compatible with the desired character of the area and will provide additional housing choice in a highly accessible location near the railway station and Town Centre.



Figure 6: Looking at pedestrian towers at railway station from the front of the subject site.



Figure 7: RFB located approx. 160m to the south on Howarth Street.

Given the context of the site in close proximity to major road and rail infrastructure, commercial properties, the large site area and the reasonable separation distances to the adjoining commercial properties, the height and FSR variation is considered reasonable.

An important contributor to the character of a local area is the relationship of built form on the surrounding space. This relationship is created by building height, setbacks and landscaping. It was stated in *Project Venture v Pittwater Council* that “buildings do not have to be the same height to be compatible” (*Project Venture Developments v Pittwater Council* [2005][27]). The existing height in the streetscape should also be taken into account when there is a height difference. The building design has attempted to fit with the mixed character of Howarth Street. The railway station opposite sits higher than Howarth Street and contains tall lift towers and a pedestrian over-bridge. To the south on Howarth Street are several three storey residential flat buildings. Therefore the immediate area does contain a variety of structures with varying heights and the height of the proposed RFB would integrate with this mix.

The character of the local area is a mix of commercial, recreational and residential properties adjacent to the backdrop of the Wyong Railway Station, Pacific Highway and the Wyong Town Centre. The visual landscape from the Pacific Highway toward the site is dominated by the railway station. Although the proposed RFB will be the tallest building in the area, there are other buildings and structures of varying heights within the immediate locality. Considering the existing context, the proposed development is consistent with the mixed character with the area.

Heritage Conservation

Clause 5.10(5) requires a heritage assessment when a development is proposed in the vicinity of a heritage item located nearby. The Wyong Train Station and Stationmasters' cottage is listed on Council's heritage inventory. A heritage assessment was submitted which assessed the proposed development in relation to the location of the item which is centrally located within the perimeter of the railway site. Changes to the railway station in regard to the requirements of passengers have already compromised the architectural significance of the heritage setting. The addition of elevators and overhead walkways has also modified the character of the area to that of a more modern setting. The station masters cottage is on the opposite of the railway station approximately 100m and there is no direct line of sight between the heritage buildings and the subject site. Given the varied ground levels and structures within this distance, it is considered that the proposed development will have minimal impact on the heritage significance of the railway station and station masters cottage.

The proximity of the heritage items have been considered in the planning studies for the area. The desired future character proposed for the Howarth Street area is one of higher density which will integrate with the railway station due to separation distance and the local topography.

Essential Services

Clause 7.9 states that development consent must not be granted to a development application unless the consent authority is satisfied that the services that are essential for the development are available or that adequate arrangements have been made to make them available. The site has access to all required services.

b) Relevant State Environmental Planning Policies (SEPPs)SEPP 65 Design Quality of Residential Flat Buildings

SEPP 65 applies to development of three or more storeys and four or more units and is aimed at improving the design quality of residential flat development in New South Wales. SEPP 65 requires an assessment of the application under the provisions of the policy. In accordance with SEPP 65, a Design Verification Statement was prepared by David Collett Architect. This statement accompanied an assessment against the design principles of the SEPP 65 with the following provided:

Design Principle	Architect Comments	Council Comment
Context	<p><i>Natural Environment.</i> The streetscape provides some quality mature trees and shrubs adjacent to the subject site.</p> <p><i>Existing Built Environment.</i> The street remains a single level commercial warehouse type buildings with residences some 500 metres further to the south of the site.</p> <p><i>Existing character or desired future character. i.e Planning Instruments:</i> This site is identified as within the Baker Park Precinct in the Wyong Active River Foreshore and Baker Park Master Plans. The master plan identifies the site for fringe business / mixed use with a building height for a maximum of six levels.</p> <p>The site is in a state of transition. This design sets out to develop a building that satisfies this prevailing planning instrument.</p>	<p>The design is considered to respond to the context of the area. The proposed development is consistent with the mixed use theme of the current character and the desired future character as identified in the relevant master plans.</p> <p>The RFB has potential to provide positive impacts on local aesthetics while providing accommodation in a highly accessible local environment.</p>
Scale	<p><i>Existing buildings – height and bulk:</i> The proposed development whilst satisfying planning controls will be the tallest building in the Wyong CBD.</p> <p><i>Comparison between new & existing:</i> Because this development is the first to seek redevelopment in the area the scale of it is at odds with the adjacent development. This should not cause any undue concern as the objectives of the LEP and DCP controls are being satisfied.</p>	<p>Regarding comparison between new and existing development, the subject site is the first to seek redevelopment in this area therefore the scale and height of the building is larger than those found nearby. However, the objectives of the WLEP and WDCP controls are considered to be satisfied and the proposal is reflective of the desired future character for the area as shown in the adopted Baker Park Masterplan in the Wyong/Tuggerah Planning Strategy.</p>

Design Principle	Architect Comments	Council Comment
Built Form	<p><i>Building alignment:</i> The proposed building will fit well within the building envelope and will satisfy the design intent of the WLEP and WDCP controls relating to height and setbacks.</p> <p><i>Proportion and Articulation of building elements:</i> The proposed building produces an acceptable proportion with variation in bulk, height and articulation of building form.</p> <p><i>Impact of public domain:</i> The proposed building will be visible due to its height and bulk. It is thought that the redevelopment of the site will encourage further redevelopment of the Baker Park precinct in accordance with the master plan. As the area develops the building will prove an acceptable building form with contrasting colour and architectural detail.</p> <p><i>Provision of vistas & views:</i> The views from this site are generally in an easterly direction from the rear of the site. Terraces are provided for common areas with open space areas to allow for the creation of landscaped and entertaining areas within the development.</p> <p><i>Height of building:</i> Although the height of the building is greater than the WLEP height map requirement, the height is considered consistent with the objectives of the height control and therefore satisfying the requirements of the zone.</p> <p><i>Bulk and scale:</i> The bulk and scale is consistent with the objectives set out in the WLEP. The building complies with FSR requirements and the objectives of the height control.</p> <p><i>Setbacks and building separation:</i> Setbacks comply with the WLEP and SEPP 65. There are some small</p>	<p>The building achieves an appropriate built form in accordance with the objectives of the WLEP and the desired future character of the Howarth Street area.</p> <p>The built form defines the public domain and will contribute towards an improved streetscape. The design provides attractive internal amenity with recreation areas and suitable landscaping.</p> <p>The surrounding views are predominantly close to the subject site with the exception of the easterly view which has the potential to extend further due to the fall of the land which reduces to the east. The views from the building to the east will be attractive looking towards the recreation areas of Baker Park and the horse racing track. To the west, the building will view the Wyong Railway Station and beyond towards the Wyong town centre. The views to the north will be obstructed due to the topography of the land which rises approximately 6m from the subject site to the bridge road overpass which is approximately 140m to the north. The southern view is currently commercial and residential allotments.</p> <p>The built form is considered to be appropriate and generally within Council's building alignments providing suitable separation to adjoining properties.</p>

Design Principle	Architect Comments	Council Comment
	<p>variations regarding side setbacks on the southern elevation however the reduced distance is for a small portion of building and will not have a detrimental impact on the adjoining commercial property.</p> <p><i>Privacy:</i> All units provide adequate separation generally in accordance with SEPP 65. Where necessary privacy screens have been placed to prevent direct view into neighbouring property.</p> <p><i>Private open space / balconies:</i> All units have areas for recreation as per requirements.</p>	
Density	<p><i>Available infrastructure:</i> Public transport and community facilities are available.</p> <p><i>Environment quality:</i> This development will not have a damaging impact on the environment.</p>	<p>The density of the proposal is appropriate for the site. The density is consistent with the desired future density and character of the area. The density has responded to the availability of infrastructure, public transport, community facilities and environmental quality and will provide for additional housing choice.</p>
Resource, energy and water efficiency	<p><i>Waste Materials:</i> Waste Management Plan submitted. Separate garbage collection and recycling rooms.</p> <p><i>Stormwater:</i> Re-use of rainwater – a 3000 litre rainwater tank is proposed for landscaping purposes.</p> <p><i>Sewer:</i> adequate on-site sewer reticulation is available.</p> <p><i>Energy:</i> No special requirements are required in regard to electricity, gas and communications.</p> <p><i>Passive solar design:</i> More than 70% of units achieve 3 hours solar access to the minimum guidelines of SEPP 65 and the RFDC.</p> <p><i>Ventilation:</i> More than 60% of units satisfy the requirements of cross ventilation. Adequate ventilation is available to each unit without reliance on mechanical services.</p>	<p>The building layout allows for passive solar access and ventilation to reduce mechanical heating and has been designed to include deep soil zones for landscaping. A BASIX certificate has been submitted which identifies the energy efficiency of the building and shows scores greater than the targets. A 3000 litre rainwater tank will be provided for landscaping purposes.</p> <p>A waste management plan has been submitted which details the efficiency of the demolition process. Construction process and on-going waste control can be managed appropriately.</p>

Design Principle	Architect Comments	Council Comment
Landscape	The site will provide suitable landscaping incorporating appropriate vegetation, soft soil, solar access to courtyards, private open space and access.	The landscape design provides aesthetics and amenity for the occupants of the site and the adjoining public domain. The landscape design will enhance the development and optimize usability, privacy and social opportunity.
Amenity	<p>The following has been incorporated in the design:</p> <ul style="list-style-type: none"> • New signs/shapes • Solar access • Natural ventilation • Acoustic privacy • Visual privacy • Storage • Indoor & outdoor space • Efficiency & service of areas • Outlook & ease of access & mobility. 	Amenity is provided through efficient design with suitable room sizes and dimensions, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient service areas, outlook and ease of access for all age groups and degrees of mobility and communal open space.
Safety and Security	<p>The following has been incorporated into the design to regard to overlooking public & common spaces:</p> <ul style="list-style-type: none"> • Natural privacy • Dark/non-visible areas area voided • Maximize activity on the street • Clear & safe access points • Public spaces tp cater for desired recreational uses • Appropriate lights • Definition between public & private spaces. 	The proposed design incorporates good safety and security internal to the development and the public domain. The application also included an assessment against the Crime Prevention through Environmental Design principles.
Social dimensions and housing affordability	The proposed development provides a mix of units to cater for different levels of affordability and need. The development provides 2x1 bed SOHO units, 4x3 bedrooms and 20x2 bedrooms.	The proposed development responds to the social context and needs of the local community. The development will contribute to the provision of housing to suit the social mix and needs of the community.
Aesthetics	Consideration of aesthetics is found in the composition of building elements such as structure, materials, colour; the internal design, structural resolution and the consideration given to the impact of the development on the environment, streetscape, context and use of the area.	The building is considered to provide quality aesthetics through appropriate articulation and use of materials and colours. The site is in a transitional area and is responding to the desired future character of the area.

The proposed development is considered to be consistent with the design principles of SEPP 65. The building is architecturally designed and consistent with the desired future character of the area as found in the Baker Park Master Plan. The design of the residential flat building responds to the site and has attempted to achieve the required amount of solar access to the maximum number of units through appropriate orientation. The design has alleviated the impact of the southerly aspect by facing living areas and balconies to the east and west of those units on the southern elevation. All units achieve natural ventilation and enjoy visual privacy.

Residential Flat Design Code (RFDC)

The RFDC is a guide used to improve the design of residential flat development. The RFDC provides additional detail and guidance for applying the design quality principles outlined in SEPP 65. It deals with the location, size and scale, appearance and amenity of the buildings. The design of new residential flat buildings is important to provide good quality buildings and amenity to growing populations with changing needs. These guidelines have been incorporated into the design of the proposed RFB. The applicant has submitted a RFDC compliance table demonstrating consistency with the code requirements.

The proposed RFB has been designed to enable redevelopment potential of the adjoining lots. The adjoining properties will achieve adequate daylight access and visual privacy in the event that redevelopment occurs. The proposed RFB enables adequate visual privacy by providing appropriate separation distance to the buildings on the adjoining properties. Although reduced setbacks are proposed to the southern side, the southern elevation proposes windows where the building is compliant with the required setback.

The RFDC requires 12m separation distance between habitable rooms for up to four storeys and 18m for rooms five to eight storeys; 9m for habitable to non-habitable and 13m for the fifth storey; and 6m between non-habitable rooms and 9m for the fifth storey. In the event the site to the south is redeveloped, visual privacy can be achieved through offsetting windows and the use of opaque glass if required. The building presents some walls within the setbacks, but as they have no openings there is no impact to the visual privacy of the subject site or the adjoining property to the south.

Potential development to the adjoining southern lot should also achieve adequate daylight access. While solar access from the north may be challenged, the required access of three hours sunlight to 70% of the building in accordance with the RFDC should be achieved from the east and west.

SEPP 71 Coastal Protection

The provisions of SEPP 71- Coastal Protection requires Council consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the Department of Planning and Environment. The subject property falls within the Coastal Zone, but is located outside the "sensitive 100 metre zone". The Aims and Objectives and the matters listed under Clause 8 and Part 4 of SEPP 71 have been considered and the proposal is considered to comply with the provisions of the SEPP. A summary table is found in Annexure 2.

c) Relevant DCPs

Wyong Development Control Plan 2013 (DCP)

DCP Chapter 2.4 – Multiple Dwelling Residential Development

The proposed RFB is generally consistent with the requirements of DCP Chapter 2.4 with the exception of building setbacks to the side boundaries and the number of visitor car spaces provided.

Side Setbacks

The following table provides the required setbacks and proposed setbacks of the proposed development.

Aspect	Minimum Setback Required	Minimum Setback Proposed
Front setbacks	7.5m applies to all aspects with the exception of a portico.	7.5m, portico at street boundary (western boundary).
Side & rear setbacks	First storey: 6.0m Second storey: 6.0m Third storey: 6.0m Fourth storey: 6.0m Fifth storey: 9.0m	2.75m – southern boundary 6.0m – northern boundary 6.0m – eastern boundary (rear)

The DCP requires side setbacks of 6.0m for up to four storeys and 9.0m for the fifth storey.

The southern elevation has two sections of the building encroaching into the 6m setback distance as shown in Figure 8. The building has wall lengths of 8.5m, 4.2m, 3.1m and 4.4m with setbacks of 2.75m (54%), 3.9m (35%) & 5.4m (10%). The total wall length encroaching in the 6.0m setback is approximately 20m.

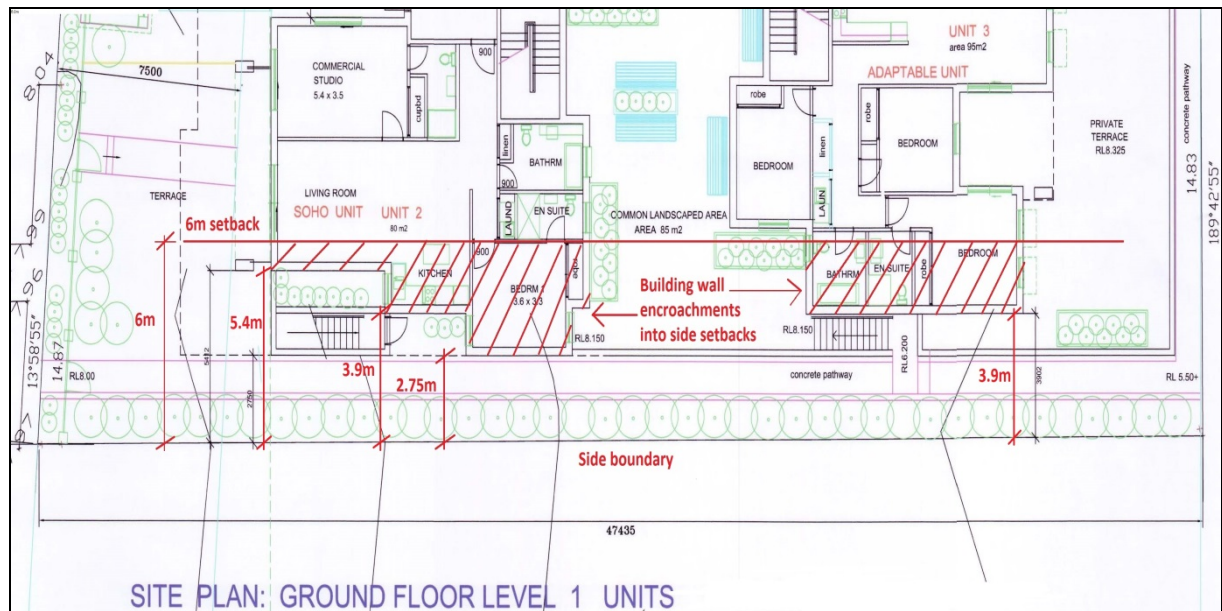


Figure 8: Level 1 to 4 building encroachments into 6m side setback on the southern boundary.

The fifth storey maintains the building vertical alignment as shown in Figure 9. The building has three stepped sections of wall comprising of wall lengths of 4.2m, 3.1m and 4.4m at setbacks of 2.75m (69%), 3.9m (57%) and 5.4m (40%). The total wall length encroaching in the 9.0m setback is approximately 11.7m.

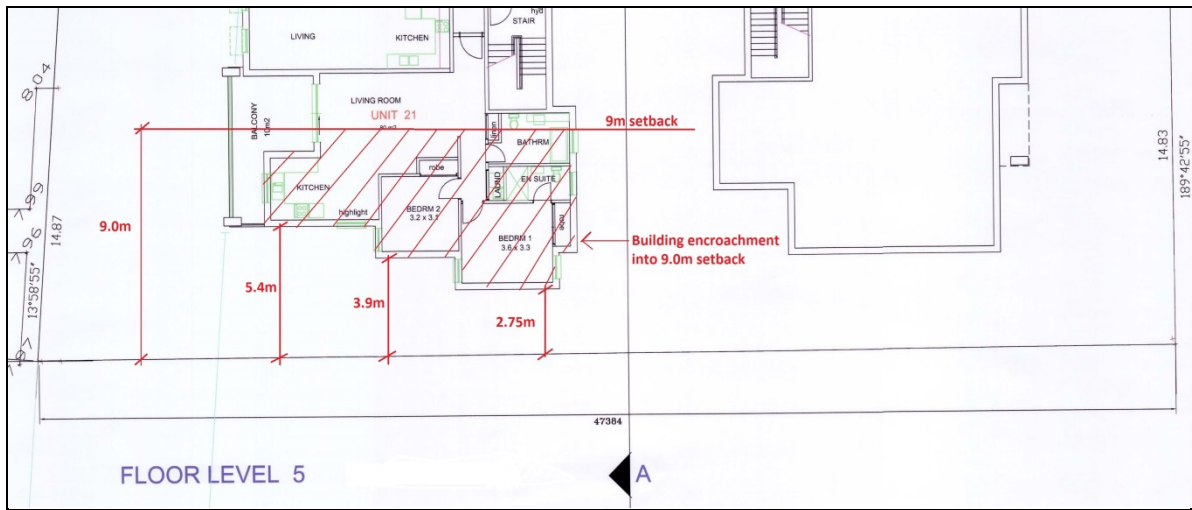


Figure 9: Level 5 building encroachment into 9m side setback on the southern boundary.

The northern elevation also has some encroachment of the fifth storey within the required 9.0m setback as shown in Figure 10. The northern elevation has two stepped sections of wall comprising wall lengths of 5.0m and 7.0m at setbacks of 7.0m (33%) and 6.0m (22%). The total wall length encroaching in the 9.0m setback is approximately 12m.

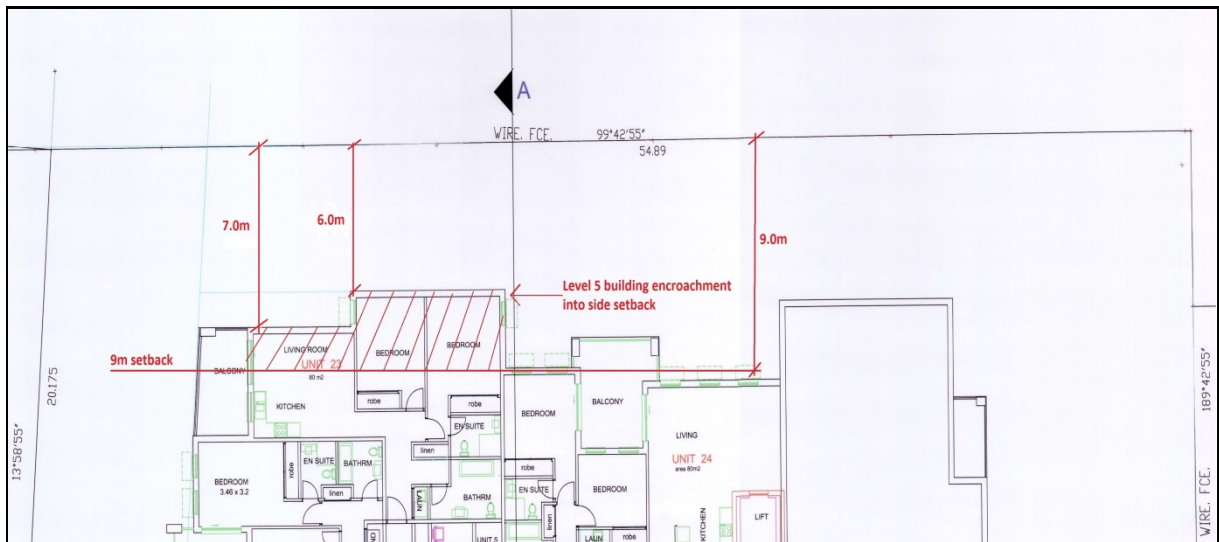


Figure 10: Level 5 building encroachment into 9m side setback on the northern boundary.

The adjoining property to the south is a single level commercial building which is built to the front and northern boundary. The proposed reduced setbacks on the southern side are not considered to be detrimental to the adjoining property for the following reasons:

- The stepped design of the southern elevation of the proposed RFB assists with alleviating bulk and scale and the overall impact of the building on the adjoining property.
- The fifth level is concentrated towards the front of the building therefore not impacting the whole length of the southern boundary.
- Building separation is suitable to provide adequate visual and acoustic privacy. The parts of the wall that are at the 2.75m setback contain no openings other than ensuite windows therefore privacy is maintained to the adjoining property and further to the south.
- The balconies of the proposed RFB face the street (west), the north and across the recreational areas to the east.
- The adjoining site to the south (No. 49) will retain adequate solar access in accordance with DCP Chapter 2.4.
- The bulk and scale of the RFB is suitable for the site and consistent with the desired future character for the area as shown in the Baker Park Master Plan.
- The proposed setbacks are consistent with the DCP objectives for building lines as they will provide suitable privacy and solar access to the adjacent property.
- Redevelopment of the adjoining southern site could be designed to achieve consistency with SEPP 65 and the RFDC as discussed previously.

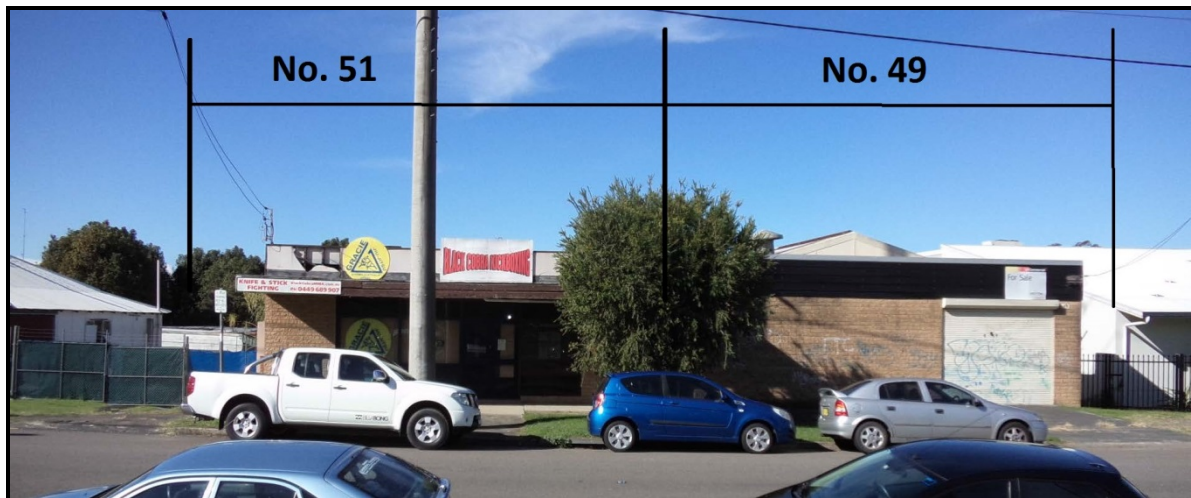


Figure 11: No. 51 and No. 49 Howarth Street.

The adjoining property to the north contains a single level commercial building which is vacant. The reduced setback of the fifth level on the northern elevation is not considered to be a detrimental impact to the property on the northern side for the following reasons:

- The stepped design of the northern elevation of the proposed RFB assists with alleviating bulk and scale and the overall impact of the building on the adjoining property to the north.

- The building has suitable separation distance for levels one to four by achieving the required setback distance ranging from 6.0m to 9.0m which will assist with maintaining privacy to the properties to the north.
- The fifth level is concentrated towards the front of the building therefore not impacting the whole adjoining site.
- The proposed RFB will not cause any overshadowing of adjoining property to the north.
- The proposed setbacks are consistent with the DCP objectives for building lines as they will provide suitable privacy and solar access to the adjacent property.
- The site to the north is shown as in the Baker Park Masterplan. Should this be pursued there will be increased separation distance between the proposed RFB and the future development of those sites to the north reducing the impact of the proposed RFB on sites to the north.

Section 79C 3A of the EP&A Act 1979 allows for the flexibility of a development control plan requirement when considered onerous or irrelevant to an individual application. This flexibility is exercised within the assessment of this application to allow for the reduced setbacks. While the proposal is within a mixed use zone, Council does not have a 'Mixed Use' DCP. The proposed mixed use RFB adopts the controls of the Multiple Dwelling Residential DCP which are primarily targeted at residential zones. Strict adherence with these setbacks would be onerous given the objectives of the zone and the potential for development to be commercial and built to the boundaries.

The proposed development has the potential to create a flow on effect and influence further redevelopment of this precinct. The Baker Park Masterplan supports higher density living near the Town Centre and transport links. Centres need to be well designed and well integrated with surrounding areas, in particular residential areas, and provide for a range of uses to service the local and/or wider population. The proposal provides a mixed use to support the needs of the population. The proposed setback variations can be considered for support due to the articulation of the building reducing the impact of the bulk and scale, and the ability to provide adequate separation distance to enable visual privacy and daylight access for both the proposed development and any future redevelopment of adjoining sites.

Visitor Car Parking

The DCP requires the proposal to have 32 resident car spaces and five visitor car spaces. The proposal includes basement carparking for 35 car spaces inclusive of visitor car spaces, resulting in a deficiency of two visitor spaces. A Traffic and Parking Assessment was submitted which identifies the deficiency of two spaces. The small variation is considered acceptable given the proposal's location opposite the train station and bus interchange and a short walk to the Wyong Town Centre. The number of car spaces provided is therefore considered acceptable and a variation of two visitor spaces is supported in this instance.

DCP Chapter 3.1 Waste Management

A Waste Management Plan has been submitted which identifies appropriate waste management proposals for the development including storage, handling and disposal of waste and recyclable materials.

DCP Chapter 5.2 Wyong Town Centre

The proposed development is subject to the DCP Chapter 5.2 Wyong Town Centre. The proposal is consistent with the objectives of the Chapter. The proposal is a mixed use, higher density development located near the Town Centre which is consistent with the vision for the Town Centre. The development is considered to make a strong statement to community identity through built form and contributes to a variety of housing and lifestyle choice.

Wyong Active River Foreshore & Baker Park Masterplan

The Active River Foreshore and Baker Park Precincts are located within Wyong Town Centre. The Masterplan was adopted on 28 July 2009 and has been based on the recommendations and strategies contained within the Wyong/Tuggerah Planning Strategy. The Baker Park Masterplan takes into consideration the Wyong Railway Station, Wyong Race Club, Pacific Highway Corridor Linkages and the Regional Open Space Corridors. The subject site is centrally located between the railway station, race club, recreation areas and future connectivity linkages as shown in Figure 12.

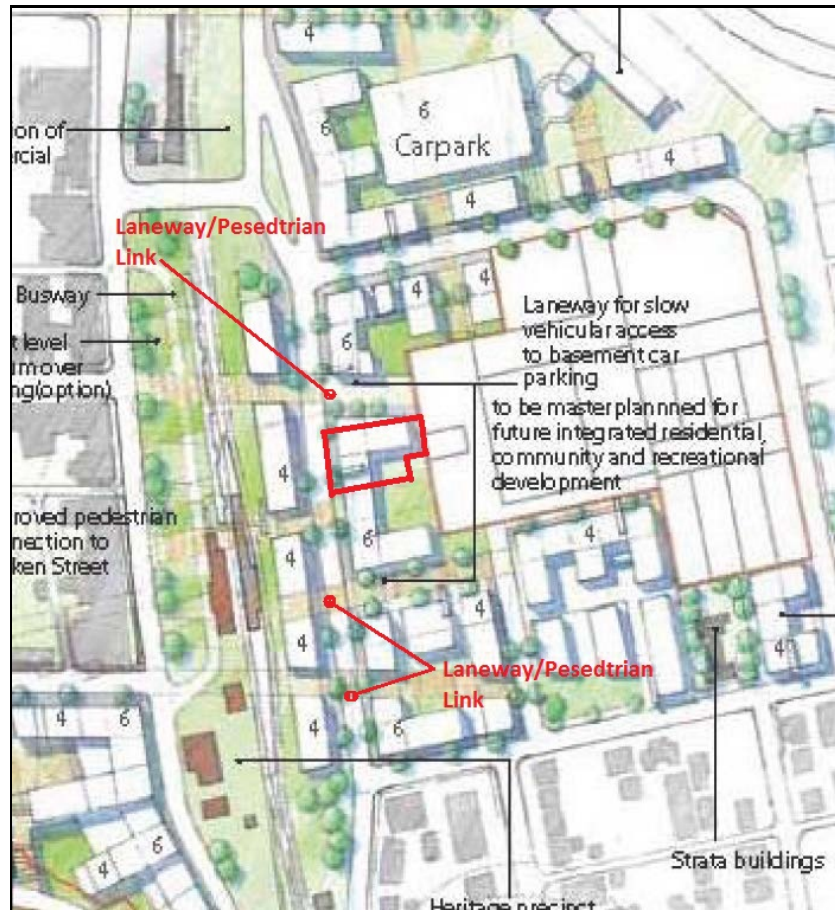


Figure 12: Extract from Baker Park Masterplan. Subject site shown in red

The subject site is identified as having a desired height limit of up to six storeys and is adjacent to a future laneway. The pedestrian/vehicle linkages are to provide connectivity between the eastern side of the railway and the town centre. The location of the subject site is clear of these links and will not impact on their location.

The mixed use zone is reflected within the WLEP 2013; however the desired height limit of 6 storeys was not. Therefore an anomaly exists between the adopted Masterplan and the WLEP 2013 which identifies the height limit as 13m. The development application proposes five storeys with a building height limit of 16.325m at Howarth Street and 17.65m at the rear. The proposed building height therefore exceeds the 13m WLEP height limit, but is consistent with the desired height as shown in the Baker Park Masterplan.

The Baker Park Masterplan is currently being reviewed by Council's Property and Economic Development (PED) unit. It was advised that the height limits in Howarth Street and the identified connectivity links between the town centre and the eastern side of the railway are likely to remain a feature of the Masterplan. It was requested by PED that the pathway on the northern boundary of the proposed development be made available for dedication to Council to facilitate east-west connectivity and improve pedestrian connectivity to the railway station. This request has been agreed to by the applicant and will be included as a condition of consent.

The proposed RFB is considered to be consistent with the Baker Park Masterplan adopted by Council in July 2009 and upon advice from the PED the future revised Masterplan.

d) Relevant Regulations

Nil

THE LIKELY IMPACTS OF THE DEVELOPMENT

a) Built Environment

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

An Acoustic Assessment prepared by the applicant was submitted with the application regarding the probable noise levels affecting the development from local traffic noise and railway noise. The site is located immediately opposite the Wyong Railway Station which is the major concern in regard to noise impacts on the RFB. Design considerations have been included to reduce the noise impacts from the railway and acoustic treatment utilising materials of construction will be implemented to the most affected facades to mitigate ambient noise levels.

Vibration created from the railway is classified as "intermittent" which includes interrupted periods of vibration. Acceptable values of human exposure to continuous and impulsive vibration are dependent on the time of day and the activity taking place in the occupied space (e.g. workshop, office, residence or a vibration-critical area). Mitigation measures can be included in the building construction materials. A condition of consent has been included requesting an Acoustic and Vibration Assessment prior to the issue of the Construction Certificate.

As a result of the assessment undertaken, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

b) Natural Environment

As an infill site there will be no significant impact upon the natural environment as a result of the proposal.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

A review of Council's Land Information mapping has identified no significant site constraints.

The subject site is identified as being affected by Class 5 acid sulphate soils. However, the proposed development is unlikely to impact the water table in the adjacent Class 4 soils.

While the site is not affected by mainstream flooding, it is affected by flooding associated with the Council trunk drainage system traversing through 51 Howarth Street. The applicant submitted a report that identifies the underground Council drainage system as a 600mm diameter stormwater pipe. The hydraulic consultant has recommended an overland flow path to be provided along the southern side of the structure with the proposed building and retaining wall forming the boundaries of the conveyance system. The revised plan identifies an increased setback from the Council drainage pipe. This setback will accommodate a future 2.5m wide drainage easement in accordance with Council's Civil Works Design Guidelines. Pre and post construction CCTV inspections of the pipeline will also be required as part of this development.

The likely impacts of the development have been discussed throughout this report. In general, it is considered that the property is suitable for a RFB subject to conditions.

THE PUBLIC INTEREST (s79C(1)(e)):

The public interest is best served by the orderly and economic use of land for which it is zoned. The proposed development is permissible with consent and generally complies with the provisions of the relevant Wyong policies and controls. The proposal is considered to be in the public interest by providing housing to assist with the current housing shortage and a variety of housing choice. Council has also identified a need for higher density housing in the Wyong Shire through the WLEP 2013, DCP Chapter 5.2 Wyong Town Centre, Wyong/Tuggerah Planning Strategy and the Baker Park Masterplan. The wider interests of the public to have access to higher density housing close to public transport and a greater degree of housing choice are served through the approval of residential flat developments.

OTHER MATTERS FOR CONSIDERATION*Contributions*

The proposed RFB attracts a contribution payment under Section 94 of the Environmental Planning and Assessment Act 1979.

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

These contributions will be required through relevant conditions of consent.

CONCLUSION

The proposal has been assessed in accordance with the heads of consideration in Section 79C of the *Environmental Planning and Assessment Act 1979*. The request to vary the building height is considered acceptable given a quality design with appropriate aesthetics responding to the context of the locality and the proposal's consistency with the desired future character of the area as detailed in the adopted Baker Park Master Plan in the Wyong/Tuggerah Planning Strategy and Council's DCP Chapter 5.2 Wyong Town Centre. The proposal is generally considered suitable for approval subject to conditions.

The proposal is recommended for approval.

Annexure 1: Chapter 2.4 – Multiple Dwelling Residential Development Summary of Assessment

Requirement	Proposal	Complies?
2.0 Context		
Submission of a suitable site analysis to be provided with the development application (s2.1.1)		Yes
Contextual analysis submitted addressing economic, social, environmental and urban design context (s2.1.2)		Yes
3.0 Scale		
Building height is defined as the vertical distance between natural ground level and the highest point of the building. Compliance with building height map. (s3.1.1)	13m height in accordance with building height map.	No. Variation sought under cl.4.6
Ceiling height vertical distance from natural ground level at any point within a building to the top-most ceiling of the building. R1 zone shall not exceed two-storeys and 7m in height. (s3.1.2)	N/A. B4 Mixed Use zone	
Minimum of 25% of site area to be soft landscaping. (s3.2)		Yes
4.0 Built Form		
4.1 Construction and Appearance of Development		
Scale, function and visual appearance to be compatible with objectives of the zone and be of high architectural quality. (s4.1.1)	The proposal is of high architectural quality and complies with the objectives of the zone.	Yes
Buildings facades to be articulated in length and height, monotonous and unbroken lengths of wall >10m in length and >3m in height not permitted. Visual interest to be provided for two storey designs. (s4.1.1)	Building facades are articulated and provide visual interest with a combination of materials and design.	Yes
Garages shall not dominate the street elevation(s) or presentation of the development. (s4.1.1)	Basement carparking.	
Roof design to be related to the built form and size and scale of the building. (s4.1.2)	Roof design is appropriate to the built form and size and scale of buildings.	Yes
4.2 Cut and Fill		
Cut and fill considerations (s4.2)	Earthworks are expected to be significant given excavation of up to 2.7m of cut is required to facilitate the basement carpark. Suitable conditions to be included.	

4.3 Building Lines		
Residential Flat Buildings 3 or more storeys in height (s4.3.3)		
Front setbacks for development 7.5m with some exceptions.	7.5m provided.	Yes
Side & rear setbacks for development First Storey: 6.0 metres Second Storey: 6.0 metres Third Storey: 6.0 metres Fourth Storey: 6.0 metres Fifth Storey: 9.0 metres Sixth storey: 9.0 metres Seventh storey: 9.0 metres Eighth storey: 9.0 metres Ninth storey & above: 12.0 metres No more than 4 floors at the same setback.	The southern boundary has setbacks of 2.75m, 3.9m & 5.4m up to the fourth storey which are variations of 54%, 35% & 10%. Fifth floor elevation is a continuation of the lower levels with the same distance of 2.75m, 3.9m & 5.4m which are variations of 69%, 57% & 40%. The northern boundary has a minimum setback on the fifth floor of 6.0m & 7.0m which results in a variation of 33.3% & 22.2%. 4 floors at same setback.	No. Variation sought
Garages: 6.0m when direct access from road OR 7.5m for Category A roads.	Basement carparking, therefore not applicable.	
Corner allotments: same as side and rear setbacks, plus comply with sight lines.	N/A	
4.4 Transport Needs		
4.4.1 General Requirements		
One resident space shall be enclosed.	Basement parking, therefore enclosed.	Yes
Vehicles to enter and leave in a forward direction.	Vehicles can enter & leave in a forward direction.	Yes
4.4.2 Resident Parking		
One bedroom unit: 1 car space Two bedroom unit: 1.2 car spaces Three or more bedrooms unit: 1.5 car spaces (s4.4.2)	20x2 bed = 24 spaces 4x3 bed = 6 spaces 2x1 bed SOHO units = 2 spaces 32 required.	Yes
Visitor parking: 1 space / 5 units or part thereof (s4.4.3)	35 spaces in total resulting in 3 spaces for visitor parking. 5 required.	No. Variation sought
Bicycle facilities to be provided for RFBs rate of 1 / 3 units. (s4.4.4)	Bicycle spaces provided	Yes
4.5 Vehicular Access Design		
Minimum driveway pavement widths:- 3m – 1-4 dwellings 3.5m – 5 or more dwellings 5.5m for first 6m of driveway when to a Category A road.	Driveway width 5.2m.	Yes
Driveways not to be continuous straight lines and be offset by landscaping. (s4.5.2)	Driveway bends to enter basement and is suitably offset with landscaping.	Yes
Driveways offset from any side boundary by 2m at front of boundary and may taper back to 0.5m at the building line.	Driveway is suitably offset at approx. 9.8m at front boundary.	Yes
Impact of ground level parking to be minimised.	No ground level parking.	Yes
Garages should be located behind the façade of the building to not dominate the streetscape.	Basement parking therefore does not dominate streetscape.	Yes
Basement parking see clause 4.5.3 for requirements.	Design includes considerations suggested in clause 4.5.3	Yes
Pedestrian access design see section 4.6 for requirements.	Design includes considerations suggested in clause 4.6	Yes
5.0 Density		

2.1 DA/857/2014 Residential Flat Building at Howarth St, Wyong (contd)

R1 not mapped 0.6:1. R3 as specified under WLEP 2013 maps	B4 zone. Mapped as 1.1:1 with bonus provision of 7.5% due to lot being greater than 1500m ² in area. The proposal equates to a bonus percentage of 9% requiring a variation.	Yes
6.0 Amenity		
6.1 Private Open Space		
6.1.1 General requirements		
Courtyards shall not exceed a maximum grade of 1:14.		Yes
Wherever a dimension is less than the required minimum (ie 2m for balconies or 4.5m for courtyards) it shall not be counted.	All balconies and courtyards achieve suitable dimensions.	Yes
6.1.4 RFBs		
Each dwelling to have min 10m ² with min dimension of 2m.		Yes
6.2 Communal Open Space		
6.2.1 General Requirements		
Spaces to be landscaped and include facilities		Yes
Communal areas not to be provided in front setback without demonstrated need	Communal areas not in front setback.	Yes
Open space shall be located to increase the potential for residential amenity.	The common open space will increase potential for residential amenity.	Yes
6.2.3 RFB		
Incorporate communal open space in up to 2 locations at a minimum rate of 10m ² per dwelling and a minimum width of 5m.	The common open space area achieves the minimum requirements.	Yes
6.3 Solar Access		
6.3.1 General Requirements		
At least 75% of each required open space area shall receive at least 3 hours unobstructed sunlight between the hours of 9am and 3pm on June 21.	Adjoining sites receive minimum required solar access	Yes
Dwellings should be orientated to allow optimum solar access for internal living areas.		Yes
Buildings shall be designed to minimise adverse impact by wind velocities, intensities and directions on the amenity of the development and surrounding areas.		Yes
A weather protected entrance shall be provided to each dwelling.		Yes
6.3.3 RFB		
RFBs that utilise the provisions of SEPP Affordable Rental Housing and Housing for Seniors or People with a Disability shall provide living rooms and private open spaces where a minimum of 70% of dwellings shall receive a minimum of 3 hrs unobstructed sunlight between 9am-3pm on June 21.	N/A	
The number of units within the development with a southerly aspect (SW-SE) is to be a maximum of 10% of the dwellings proposed.	No units south facing.	Yes
6.3.4 Shadow Diagrams		
Developments that are 2 storeys in height or greater shall provide shadow diagrams based on a survey of the site and adjoining development, showing shadow casting at 9 am, 12 noon and 3	Shadow diagrams provided.	Yes

pm on June 21 (winter solstice). The shadow diagrams must show the impact of shadowing from the proposed development, fencing, cut and fill as well as existing development, on the proposed development and adjoining properties.		
6.4 Privacy		
6.4.1 Visual Privacy		
Direct overlooking of internal living areas and private open space to surrounding dwellings shall be minimised.	Building is designed to minimize direct overlooking.	Yes
Refer to table 5 of s6.4.1 for recommended building separation distances.	Proposal is consistent with recommended building separation distances.	Yes
6.4.2 Acoustic Privacy		
Site layout should separate active recreational areas, parking areas, vehicle access ways and service equipment areas from bedroom areas of dwellings.	There is one bedroom adjacent to the entry of the bin storage area, this will require acoustic measures to be implemented to reduce the impact of noise.	Yes
Development adjacent to high levels of uncontrollable external noise shall minimise the entry of that noise through building design and external wall treatment.	The building is opposite the Wyong Train Station. Acoustic measures will be implemented to reduce the impact of noise.	
6.5 Views		
Developments should be designed to minimise view loss from adjoining and adjacent properties.	There are no significant views in the area and the proposed development does not obscure views.	Yes
A visual analysis illustrating the impacts of the proposed may be required for developments which have the potential to obstruct views.	N/A	
7.0 Services		
7.1 Services		
All sites to provide adequate services.		Yes
8.0 Stormwater Management		
Concept stormwater management plan to be submitted with application.		Yes
9.0 Landscape		
9.1 General requirements		
A Landscape plan prepared by a suitably qualified consultant is to be submitted with the development application. (s8.1.1)		Yes
9.1.2 Deep Soil Zones		
A minimum 12.5% of required soft landscape area at ground level shall be a deep soil zone		Yes
9.1.4 Street Trees		
Two semi-advanced trees per 15 metre frontage to be provided, details to be provided as part of landscape plan.	Street trees required as a condition of consent	Yes
10.0 Sustainability		
Sustainability is integral to the design process.	BASIX certificate provided.	Yes
10.1 Waste Management		
10.1.1 General Requirement		
Developments to include suitably screened bin storage area.	Bin area located within building.	Yes
Where waste bins collected from a point within the site, adequate space shall be provided to accommodate a rear-loading collection vehicle.	Adequate bin collection area provided.	Yes
10.1.2 RFB 3 or more storeys in height		
Garbage chute systems required if exceeding 3	The development provides a garbage chute.	Yes

storeys or a lift.		
10.1.3 Ongoing Management		
Ongoing management must be addressed in waste management plan.	Waste Management Plan submitted. Will require amending due to the provision of bulk waste bins. A suitable condition of consent to be included.	
11.0 Safety and Security		
11.1 Crime Prevention		
Pedestrian access shall be clearly defined.	Pedestrian access defined.	Yes
CPTED principles should be taken into account (s10.1)	CPTED principles considered and assessment report submitted.	Yes
12.0 Social Dimensions		
12.1 Housing Choice		
A variety of dwelling types is encouraged.	A mix of 2&3 bedroom units, and two SOHO units which are 1 bed and contain a commercial office.	Yes
10% of units in RFBs shall be designed as suitable adaption for occupation by disabled/aged persons.	The development provides adaptable units.	Yes
12.2 Facilities and Amenities		
12.2.1 Meeting Places		
A meeting place for residents is encouraged	A common open space area with facilities is provided.	Yes
12.2.2 Laundries		
An internal laundry shall be provided within each dwelling.		Yes
12.2.4 Car washing facility		
Provision is to be made for a car washing facility for each development.	Car wash facility provided in one of the visitor car spaces.	Yes
12.2.5 Mail boxes		
Provision of mailboxes for residents.		Yes
12.2.6 Storage		
Internal storage space is to be provided. 1-2 bedrooms: 3m ² floor area 3 or more bedrooms: 6m ² floor area.	Storage space provided in basement.	Yes
13.0 Aesthetics		
13.1 Fencing		
13.1.2 General Requirements		
Details of material, height, type and extent of all proposed fencing shall be shown on development application plans.	Boundary fencing identified.	Yes
Dividing fences shall not adversely affect flow of surface water or create flooding problems	Fences unlikely to affect flow of surface water.	Yes
Courtyard fencing is to be of a decorative nature and 1.8m in height.	Suitable fencing to be provided.	Yes
Decorative fencing may be provided along the front boundary with a maximum height of 1.2m.	Suitable fencing suggested. A condition to be included restricting height to 1.2m.	Yes

Annexure 2: SEPP 71 Summary of Assessment

CI.8	Matters for Consideration	Proposed
a	The aims of the Policy	The proposal is compliant with the objectives of the Policy in terms of protection of the coastal zone and environment; and the maintenance of pedestrian access to foreshore areas.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The proposal does not affect public access to foreshore areas.
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	Not applicable.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	The site is suitable for the proposed RFB and permissible in the mixed use zone.
e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposal has no adverse impact on the foreshore in terms of view loss or overshadowing.
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal will have no adverse impact on the scenic qualities of the coastline.
g	Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats.	The subject site does not contain any threatened species or habitat.
h	Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.	The proposal has no impact on the conservation of fish and marine vegetation.
i	Existing wildlife corridors and the impact of development on these corridors.	The proposal will not affect any identified wildlife corridor.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	Not applicable.

Cl.8	Matters for Consideration	Proposed
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal has no impact on water-based coastal activities.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain any aboriginal sites or relics, and there are no known sites within the immediate locality.
m	Likely impacts of development on the water quality of coastal water bodies.	The proposal will not adversely affect the downstream water quality.
n	The conservation and preservation of items of heritage, archaeological or historic significance.	The proposal has no impact on items of heritage, archaeological or historic value.
o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.
p(i)	The cumulative impacts of the proposed development on the environment.	The proposal is not considered to have any adverse cumulative impacts on the environment.
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	Water and energy usage is efficient. BASIX certificate provided.

ATTACHMENTS

1	Draft Conditions of Consent	D11978628
2	Development Plan - Elevation No 1	D11971769
3	Development Plan - Elevation No 2	D11971771
4	Photomontage No 1	D11886268
5	Photomontage No 2	D11886270
6	Photomontage No 3	D11886272

Date: 16 June 2015
Responsible Officer: Julie Garratley
Location: 51-53 Howarth Street, Wyong
 Lot A DP 335819, Lot 30 DP 3763
UBD Reference:
Owner: Aliza International Pty Ltd
Applicant: D Collett
Date Of Application: 24 September 2014
Application No: DA/857/2014
Proposed Development: Residential flat building comprising 24 units and 2 ground floor commercial premises, including demolition of existing structures
Land Area: 1808.23
Existing Use: XXXX

PROPOSED CONDITIONS

DEFERRED COMMENCEMENT

SCHEDULE A

Interallotment Drainage Easement

- 1 The submission of documentary evidence to Council that the property benefits from a drainage easement over 45-47 Howarth Street to the Council drainage system. This easement shall be registered with Land & Property Information.

SCHEDULE B

Approved Plans

- 2 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.s	Revision	Date	Drawn By
Proposed Mixed Use Development	DA A01A- DA A09A	A	9 February 2015	David E Collett – Architect
Landscape Plan	L-01	B	17/2/2015	RFA Landscape Architects

Certificates – Application and Approval

- 3 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.
- 4 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.
- 5 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

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

- 6 Prior to the issue of a Construction Certificate, the payment to Council of developer contributions as calculated in the formula below:

$$\text{Developer contribution} = \$154,109.05 \times \text{Current CPI} \div \text{Base CPI}$$

where “**Current CPI**” is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the time of payment of developer contributions pursuant to this condition, and “**Base CPI**” is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the date of this consent.

This condition is imposed pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*

Noise and Vibration Control Requirements

- 7 Prior to the issue of a Construction Certificate, the submission of an Acoustic and Vibration Assessment prepared by a suitably qualified consultant that addresses potential impact from the railway on the development is to be submitted to the Accredited Certifier.

Roadworks - Design Requirements

- 8 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- Howarth Street - concrete footpath 1.5 metres wide for the full street frontage of the development.
 - Street trees at a maximum of 15.0 metre spacing.
 - Industrial / commercial standard vehicle access crossing(s).
 - The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation.
 - Adjustment of services to future footpath height as required.

Required design drawings are to be prepared in accordance with Council's *Civil Works Design Guidelines* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

- 9 Prior to the commencement of detailed design works within any public road, contact should be made with the National Community Service "*Dial before you Dig*" on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

Stormwater Drainage - Design Requirements

- 10 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
- Stormwater disposal via the interallotment drainage easement.
 - The provision of an onsite stormwater detention system. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average reoccurrence interval (ARI) design storms.
 - An emergency overland flow path catering for the 100 year ARI design flows.
 - Full details of the holding tank capacity, pump type and system, discharge rate and the delivery line size for the basement drainage.

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

- 11 Prior to the issue of the Construction Certificate, the applicant shall submit revised plans showing the correct pipe diameter of the Council system and overland flow regime along the southern boundary. The proposed front fencing shall enable all overland flows to enter into the property.

- 12 Stormwater drainage works external to the site and discharging into a public system or public land requires approval from Council under Section 68 of the *Local Government Act 1993*. Detailed design drawings prepared in accordance with Council's *Civil Works Design Guidelines* must be approved by Council prior to the issue of a Construction Certificate. All other stormwater management works must be approved by the Accredited Certifier.

Structural Design Requirements

- 13 Any excavation below the adjoining land level requires the retaining of that land and the preservation and protection of any improvements or buildings upon that land including public roads and utilities from damage. If necessary, the improvements or buildings are to be supported in a manner designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared in order to comply with this condition are to include geotechnical investigations and are to be submitted for the approval of the Accredited Certifier and in the case where excavation impacts upon public infrastructure, Council, prior to issue of the Construction Certificate.
- 14 Prior to issue of the Construction Certificate, the applicant shall submit structural engineering plans prepared by a suitably qualified and experienced structural engineer showing all footings below the zone of influence of the Council trunk drainage line traversing through the property.

Vehicle Access and Parking - Design Requirements

- 15 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading (minimum fully laden waste collection vehicle for the loading area).
 - Wheel stops for parking spaces.
 - Appropriate clearance heights provided through all circulation roads and parking spaces. Additional sections through the development shall also be provided demonstrating these clearance heights.
 - The placement of clearance signage above the basement entry.

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

Water and Sewer Services - Design Requirements

- 16 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.

Demolition Requirements

- 17 Prior to the demolition of nominated structures on site, all existing site services are to be disconnected, sealed and made safe. With regard to any sewer and water, service is to be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority. Romondis Customer Service Centre are also to be contacted on telephone number 1300 126 278 to arrange for the collection of the garbage bins.
- Any demolition work carried out is to be carried out in accordance with the requirements of AS 2601-2001 – The Demolition of Structures.
- 18 Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work, must be undertaken by a person who carries on a business of such removal work in accordance with a licence issued under the provisions of Clause 318 of the *Occupational Health and Safety Regulation 2001*.
- The person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.
 - Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered for disposal. Upon completion of these works, the Council is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

Erosion and Sediment Control Requirements

- 19 Prior to the commencement of construction an initial Erosion and Sediment Control Plan (ESCP) prepared in accordance with the latest edition of the Landcom Publication *'Soils and Constructions- Volume 1'* (The Blue Book) shall be provided to the Principal Certifying Authority. This plan shall be modified and updated during construction to reflect any changes due to the on-ground/site conditions. A copy of any modifications or updates to the ESCP shall be provided to the PCA and provided to Council upon request.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent ESCP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the Protection of the Environment Operations Act

Protection of Adjoining Property Requirements

- 20 Prior to works associated with the development commencing, the owner of the adjoining property affected by the proposed excavation and/or structural protective works, must be given written notice of the intention to commence works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protective works.
- 21 Prior to works associated with the development commencing, the applicant must supply the Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and other improvements. The report must be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works. **Note:** The report is to be made available by the Principal Certifying Authority in any private dispute between neighbours regarding damage arising from construction works upon the development site.

Roads - Preconstruction Requirements

- 22 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
 - Obtain a copy of Council's *Civil Works Design Guidelines*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 23 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.

Preconstruction CCTV

- 24 Prior to the commencement of any works on-site, qualified practitioners shall undertake a closed circuit television inspection and then report on the existing condition of the Council drainage pipeline traversing the subject property. The report shall be provided to Council's Engineering Assessments and is to include a copy of the footage of the pipeline. A written acknowledgement from Council's Engineering Assessments (attesting to this condition being appropriately satisfied) shall be obtained and submitted to the appointed Accredited Certifier, prior to the commencement of any works on-site.

Site Requirements

- 25 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.
- 26 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.

During Construction Works:

The following conditions must be satisfied during construction works.

Services/Utility Requirements

- 27 The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 28 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;
 - Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Geotechnical Considerations

- 29 A suitably qualified and experienced consulting geotechnical engineer is to oversee the excavation. Geotechnical aspects of the development works include:
- Appropriate excavation method and vibration control
 - Support and retention of excavated faces (including shoring, propping and/or anchoring works).
 - Groundwater.

Approval shall be obtained from all affected property owners where anchors (both temporary and permanent) are proposed below adjoining properties.

Site Requirements

- 30 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.
- 31 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.

Temporary disposal of stormwater runoff

- 32 During construction, stormwater runoff shall be disposed of in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving etc.) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Accredited Certifier.

Prior to Release of Occupation Certificate:

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

Building Code of Australia – Compliance Requirements

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

Dilapidation Rectification Requirements

- 34 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.

Noise and Vibration Control Requirements

- 35 To ensure reasonable acoustic amenity for the occupants is maintained, all recommendations made in the Acoustic and Vibration Assessment report must be implemented prior to the issue of an Occupation Certificate.

Plumbing and Drainage - Compliance Requirements

- 36 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%.

Roads – Compliance Requirements

- 37 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior to issue of the Occupation Certificate.
- 38 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Council's *Civil Works Construction Specification* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.

Stormwater – Compliance Requirements

- 39 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 40 The construction of stormwater drainage works external to the site and discharging into a public system or public land in accordance with the approved Stormwater Management Plan and Council's *Civil Works Construction Specification*. All works must be approved by Council under Section 68 of the *Local Government Act 1993* prior to issue of the Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.
- 41 Prior to the issue of the final Occupation Certificate, the following shall be created on the title of the land:

- 'Restriction on the Use of Land' restricting any alteration to the on-site stormwater detention system.
- 'Positive Covenant' to ensure the continued maintenance and performance of the stormwater pump-out facilities.
- 'Positive Covenant' to ensure the continued maintenance and performance of the on-site stormwater detention structure.
- 'Easement' for public access 1250mm wide along the northern boundary for future laneway connectivity in accordance with the Baker Park Masterplan.
- 'Restriction on the Use of Land' prohibiting the registered proprietor from altering the overland stormwater drainage flow path, or erecting any structure within the overland stormwater drainage flow path, without the express written consent of Council.

The terms of the Restrictions and Positive Covenants are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the burdens.

- 42 The original completed request forms (Department of Lands' standard forms 13PC and 13RPA) must be submitted to Council for authorisation. A copy of the work-as-executed plan (details overdrawn on a copy of the approved stormwater management plan) and Civil Engineer's certification must accompany the completed request forms. Documentary evidence of the registration of the Positive Covenant and 'Restriction on the Use of Land' shall be provided to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.
- 43 Prior to the issue of the Occupation Certificate, an Easement for Waste Collection is to be created under the relevant section of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms for the easement shall be generally in accordance with Council's draft terms for an Easement for Waste Collection and shall be to the satisfaction of Council.
- 44 Prior to the issue of the Occupation Certificate, an Easement for Drainage 2.5m wide over the Council stormwater drainage line traversing the southern boundary is to be created under the relevant section of the Conveyancing Act 1919.

Subdivision– Compliance Requirements

- 45 The consolidation of Lot A DP 335819 and Lot 30 DP 3763 into one lot by registered subdivision prior to the issue of an Occupation Certificate.

Vehicle Access and Parking – Compliance Requirements

- 46 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1, 2 & 6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 47 The obtaining of a satisfactory final plumbing & drainage inspection advice or Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority, prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Work as Executed Requirements

- 48 Prior to the issue of an Occupation Certificate, Works as Executed information for the development as identified in Council's *Civil Works Construction Specification* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy and in electronic format in accordance with Council's 'CADCHECK' requirements.

Post Construction CCTV

- 49 Prior to the issue of any Occupation Certificate, a post-construction closed circuit television inspection showing the condition of the Council drainage line shall be submitted to Council's Engineering Assessments. An associated inspection report shall accompany this CCTV footage with all defects identified; particularly during excavation and construction (comparison with pre-construction CCTV thus required). A written acknowledgement from Council's Engineering Assessments (attesting to this condition being appropriately satisfied) shall be obtained and submitted to the appointed Accredited Certifier, prior to the issue of any Occupation Certificate.

Ongoing Operation:

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

Landscaping Requirements

- 50 To ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan within six (6) months of occupation.

Stormwater – Ongoing Maintenance Requirements

- 51 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.

SCHEDULE OF CONTRIBUTIONS

Shire Wide Regional Open Space	\$3,234.70
Shire Wide Performing Arts Centre & Public Art	\$7,487.50
Shire Wide Administration	\$1,437.20
Wyong District Community Facilities Works	\$64,811.75
Wyong District Community Facilities Land	\$18,204.50
Wyong District Open Space Works	\$58,933.40

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary interest to disclose in respect of the application.

.....
Reporting Officer

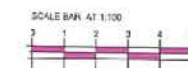
.....
Reviewing Officer

The staff authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is endorsed and the recommendation contained therein.

Approved/Refused:

.....
___/___/___

Date



REV	AMENDMENT	DATE	BY	CHK

CHECK ALL DIMENSIONS ON THE SITE BEFORE COMMENCING THE WORK. DIMENSIONS ON THIS DRAWING & DIMENSIONS SHOWN ON THE PROCEEDING OVER SCALES. REPORT ANY DISCREPANCIES TO THE ARCHITECT FOR A DIRECTOR BEFORE PROCEEDING WITH THE WORK. IF THE CONTRACTOR CONSIDERS THAT EXECUTION OF ANY OF THE WORK SHOWN ON THIS DRAWING INVOLVES A VARIATION HE SHALL OBTAIN THE ARCHITECT'S WRITTEN AND OBTAIN WRITTEN APPROVAL TO PROCEED BEFORE EXECUTING THE WORK.

ELECTRICAL, MECHANICAL & HYDRAULIC
SECURITY ENGINEER

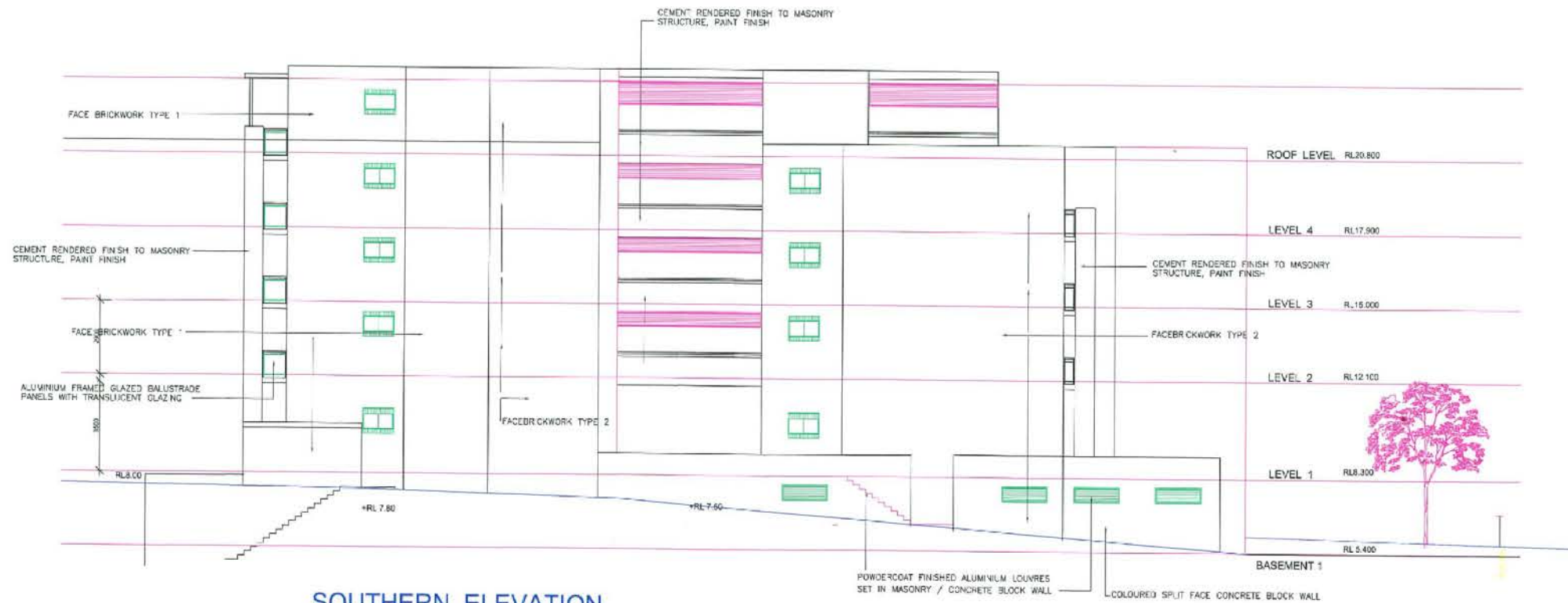
ARCHITECT
DAVID E COLLETT
PC 904410, GLOUCESTER NSW 2422
Phone (02) 6558 4448 Facsimile (02) 6558 4441
Email david@egood.com

PROPOSED MIXED USE
DEVELOPMENT
51-53 Howarth St, WYONG
ELEVATIONS

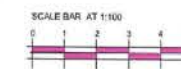
PLR JOB NO :	No IN SET
SCALE: 1:100	SHEET NUMBER: DA A07A
DATE: FEBRUARY 9th 2015	DRAWN BY: dec



NORTHERN ELEVATION



SOUTHERN ELEVATION



REV	AMENDMENT	DATE	BY	CHK

CHECK ALL DIMENSIONS ON THE SITE BEFORE COMMENCING THE WORK SHOWN ON THIS DRAWING. FIGURED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALING. REPORT ANY DISCREPANCIES TO THE ARCHITECT FOR A DIRECTOR BEFORE PROCEEDING WITH THE WORK. IF THE CONTRACTOR CONSIDERS THAT EXECUTION OF ANY OF THE WORK SHOWN ON THIS DRAWING

ELECTRICAL, MECHANICAL & HYDRAULIC
 ARCHITECT
 DAVID E COLLETT
 PO BOX 415, GLOUCESTER NSW 2622
 SECURITY ENGINEER

PROPOSED MIXED USE DEVELOPMENT
 51-53 Howarth St, WYONG

RLJ JOB NO :	NO IN SET
SCALE: 1:100	SHEET NUMBER
DATE:	







2.2 DA 1034/2013 - Proposed Three Storey Boarding House comprising 100 Units (SEPP Affordable Housing) at Ourimbah

TRIM REFERENCE: DA/1034/2013 - D11938759

MANAGER: Tanya O'Brien, Manager Acting Director

AUTHOR: Julie Garratley; Development Planner

SUMMARY

A supplementary report has been prepared in regard to the proposed boarding house at 2-4 Glen Road, Ourimbah. The application was reviewed by the Hunter Joint Regional Planning Panel (JRPP) who deferred determination pending the provision of additional information and design change. The application was amended in response to the previous determination of the Panel.

The development application was previously for the demolition of two existing dwellings and the erection of a four storey boarding house containing 94 boarding rooms, one manager's residence and associated carparking and open space.

The development application is now for a three storey boarding house containing 100 rooms, one manager's residence and associated carparking and open space.

The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report. Following a thorough planning assessment the application is recommended for approval.

Applicant	K & P Gregory
Owner	K & P Gregory
Application No	DA/1034/2013
Description of Land	Lots 18, 19 & 20 DP 20732, No. 2-4 Glen Road, Ourimbah
Proposed Development	Boarding House
Site Area	2966m ²
Zoning	2(b) Multiple Dwelling Residential
Existing Use	Dwellings
Estimated Value	\$5,067,000

RECOMMENDATION

- 1 ***That Council receive the supplementary report on DA 1034/2013 - Proposed Three Storey Boarding House comprising 100 Units (SEPP Affordable Housing) at Ourimbah.***
- 2 ***That Council determine whether it wishes to make a submission to the Joint Regional Planning Panel regarding the application.***

BACKGROUND

The application was previously reviewed by the JRPP on 21 August 2014. The Panel deferred determination of the application pending the provision of additional information and design changes. The application was amended in response to the Panel's recommendations.

The proposed boarding house has been amended to remove the fourth level. The building width has increased at the street frontage which includes an undercroft area on the western side. Internal changes include a communal recreation room on each level, light wells and storage areas.

The proposed development now comprises three levels containing 100 boarding rooms and one manager's residence. The units are made up of:

- 87 single units;
- 10 double units;
- 3 accessible units; and
- one manager's unit.

Each unit contains an en-suite, kitchenette, robe and desk. Each of the three levels contains a recreation room with the ground floor recreation room having direct access to the outdoor open space areas.

The manager's residence is located on the ground floor adjacent to the main entry from Glen Road. The boarding house is serviced by an accessible lift located in the centre of the building. The development is also serviced by three sets of stairs suitably located for circulation and egress.

The landscape plan has been revised with extensive landscaping proposed within the front setback and in the communal areas of the site. Landscaping will be predominantly low maintenance native species suitable to the location and climate.

The proposed carparking remains located on the western side of the development. An undercroft has been created under the western wing of the new building where some of the car spaces are wholly or partially undercover. The driveway enters the site and continues under the building through the undercroft to access the car and motorcycle spaces towards the rear of the site.

The proposal is referred to the Hunter Central Coast Joint Regional Planning Panel (JRPP) for determination pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) (SEPP) 2011 and Schedule 4A, Section 4 of the EP& A Act, 1979.

Enclosed is the report being forwarded to the Hunter Central Coast JRPP's for determination on 16 July 2015.

ATTACHMENTS

- | | | |
|----------|--|-----------|
| 1 | Assessing Officers Report to the Joint Regional Planning Panel | D11989583 |
| 2 | Draft Consent Conditions | D11972495 |
| 3 | Original Report to Joint Regional Planning Panel | D11625102 |
| 4 | Development Plans | D11963730 |
| 5 | Photomontages | D11963724 |

23 June 2015

Development and Building Department

**DA 1034/2013 - Supplementary Report - Proposed Boarding House at
2-4 Glen Road, Ourimbah**

TRIM REFERENCE:

Director: Scott Cox,

AUTHOR: Julie Garratley; Development Planner

SUMMARY

A development application was received for the demolition of two existing dwellings and the erection of a boarding house and associated carparking and open space pursuant to the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP-ARH) at 2-4 Glen Road, Ourimbah. The application was reviewed by the Joint Regional Planning Panel who deferred determination pending design changes and the provision of additional information. The application has been amended with those matters identified by the Panel addressed. The development application is now for a boarding house containing 100 rooms, one manager's residence and associated carparking and open space. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	K & P Gregory
Owner	K & P Gregory
Application No	DA/1034/2013
Description of Land	Lot 18, 19 & 20 DP 20732, No. 2-4 Glen Road, Ourimbah
Proposed Development	Boarding House
Site Area	2966m ²
Zoning	2(b) Multiple Dwelling Residential WLEP 1991 R1 General Residential WLEP 2013
Existing Use	Dwellings
Estimated Value	\$5,155,000 (excluding GST)

RECOMMENDATION

- 1** *That the Joint Regional Planning Panel grant consent to DA/1034/2013 at 2-4 Glen Road, Ourimbah for a boarding house including 100 rooms, one managers residence and associated parking.*
- 2** *That Council advise those who made written submissions of its decision.*

Introduction

The development application for the proposed boarding house was considered by the Hunter & Central Coast Joint Regional Planning Panel on 21 August 2014. The Panel determined to defer the application seeking the following modifications:

1. Delete the 4th level.
2. Incorporate greater meaningful building articulation including measures to ensure reasonable access to daylight and ventilation (e.g. by use of voids and light wells).
3. Retaining the three (3) Tallwood trees at the Glen Road frontage, with a supporting Arborist's report and revised landscape plan which maximizes landscape provision within and around the perimeter of the site.
4. Provision of a minimum 5 metre rear northern boundary setback.
5. Submission of a Plan of Management, informed by a Social Impact Statement prepared by a qualified Social Planner, addressing matters outlined in the Council staff report.
6. At least 1 communal room per floor with consideration being given to the northern elevation due to solar access considerations.

In order to address the above, the application was modified in the following manner:

1. Delete the 4th level.

Applicant Response

The design has been amended to remove the fourth level.

Council Assessment

The applicant submitted modified plans on 26 November 2014 with a maximum height of three storeys.

2. Incorporate greater meaningful building articulation including measures to ensure reasonable access to daylight and ventilation (e.g. by use of voids and light wells).

Applicant Response

The wing of the building over the carpark now gives the building greater articulation. A curve wall has been added which offers visual differentiation when viewed from the Pacific Highway over the existing commercial properties.

To assist with alleviating the bulk and scale of the building, the west wing addition has included a substantial step of approximately 5.0 metres in the front façade. The steps in the western façade have also been increased to 1.0 metre to emphasize articulation of this elevation. These changes substantially reduce the width and prominence of the wing as presented to the street, increases the articulation of the western elevation and provides for additional planting to soften the built form.

The presentation of the building as viewed from the Pacific Highway to the east of the adjacent shops has been addressed. This elevation is already articulated being divided into four stepped elements which are of similar width to the individual shop tenancies in front of the building when viewed from the Pacific Highway. The cladding of the third stepped section has been changed to brick to emphasise the vertical segmentation of the building and provide a rhythm compatible with the shops.

Council Assessment

The building design now includes an addition of a western wing over the proposed carpark, material changes and steps in the facades to provide articulation. It was suggested by Council's Urban Designer that greater articulation could be achieved on the eastern elevation by introducing a vertical element for example vertical cladding. Light wells have been positioned throughout the centre of the building to provide more natural light and greater ventilation to the building.

The location of the four entry points on the ground level assist with providing reasonable cross flow ventilation. The light wells are constructed from glass louvres which also contribute to implementing natural ventilation to the upper levels.

The revised building footprint includes a void through the centre of the building which can be seen in the building plan attached as Figure 1. While not ideal in building design, the number of rooms with direct solar access is within the recommended guidelines in accordance with the Residential Flat Design Code.

The inclusion of vertical elements into the eastern facade can be undertaken as conditions of consent with details to be finalised at the Construction Certificate stage.

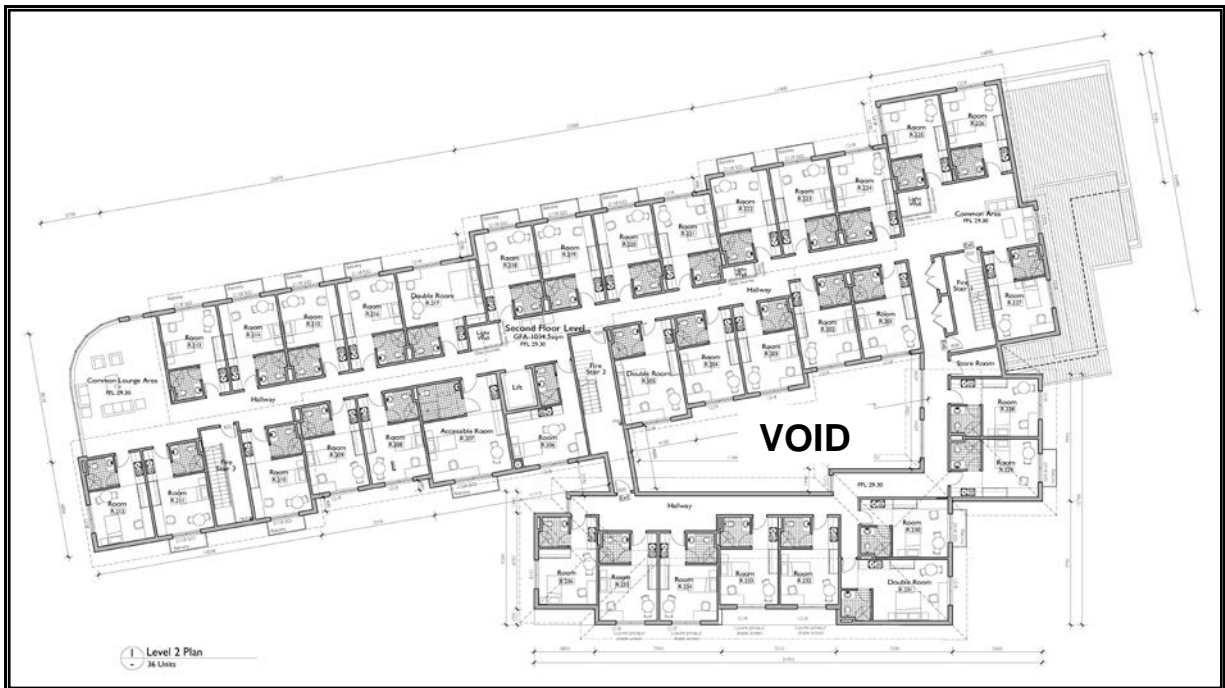


Figure 1: Floor plan showing location of void.

- 3. Retaining the three (3) large Tallowood trees at the Glen Road frontage with a supporting Arborist's report and revised landscape plan which maximizes landscape provision within and around the perimeter of the site.**

Applicant Response

The location of the building and access driveway has been adjusted to allow for the retention of the three trees.

An Arborist report by Advance Treescape Consulting has been supplied.

A landscape plan and Landscape Design Report has been provided by Conus Landscape Architecture.

Council Assessment

It was noted that the arborist report prepared by Advanced Treescape Consulting dated 21/11/14 does not identify measures for the retention of Tree 1, a mature Tallowood which is noted in the JRPP recommendations for retention. The calculated Tree Protection Zones (TPZ) are larger than calculated by Council's Arborist which would lead to the removal of the tree.

TPZ is calculated at 12.84 metres radius and Structural Root Zone (SRZ) at 3.69 metres radius. Council's Arborist suggested that the building be modified to provide a minimum of 5 metres setback from the tree where no excavation or filling will occur. Encroachment into the TPZ by the second level of the building can be managed by careful removal of branches that may be impact.

The driveway is to be constructed on grade using a permeable base and segmented pavers to allow water infiltration into the root zone, and gaseous exchange between the root zone and the atmosphere. No greater than 50mm diameter from Trees 1, 2 and 3 shall be severed without first seeking advice of a consulting arborist who holds a minimum Australian Qualification Framework (AQF) 5 level qualification. These requirements will be included with any conditions of consent.

The revised landscape plan is considered to provide greater provision of landscaping around the perimeter of the site.

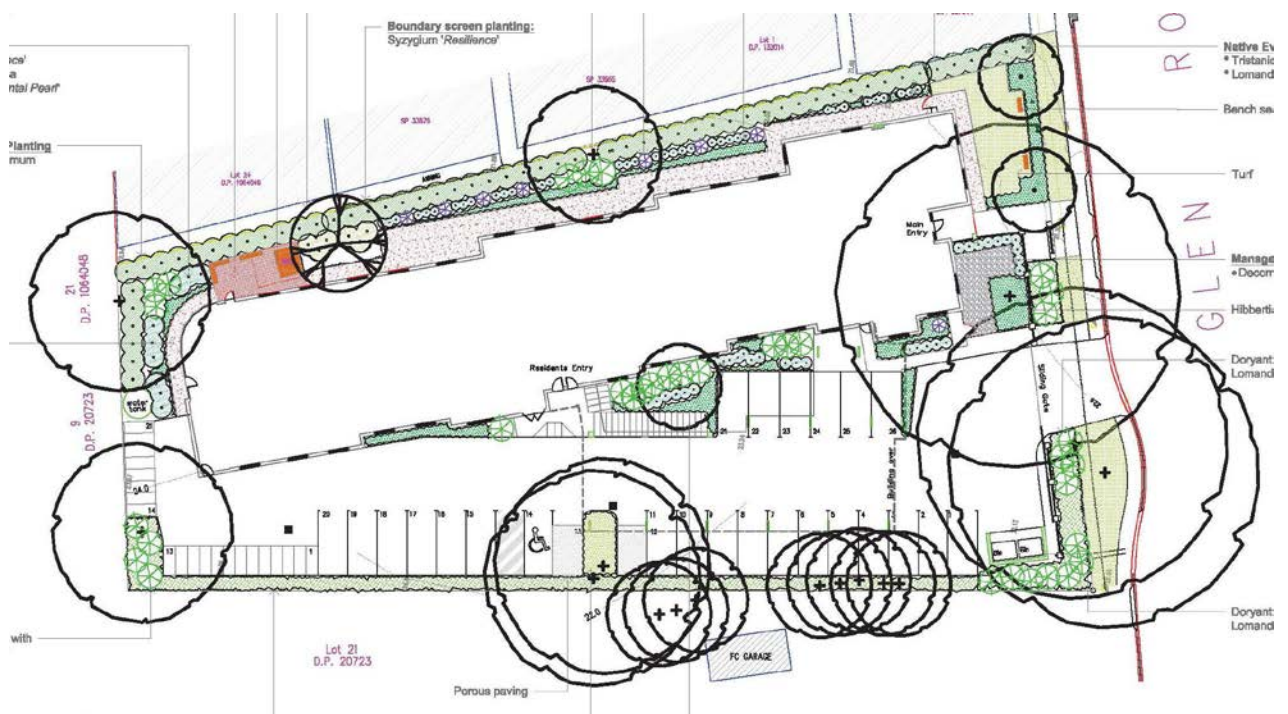


Figure 2: Revised Landscape Plan.

4. Provision of a minimum 5 metre rear northern boundary setback.

Applicant Response

The building has now been redesigned to provide a 5 metre setback.

Council Assessment

The revised building design includes a 5m setback from the rear boundary. While this setback is less than required in Council's DCP, the setback is considered reasonable as the impact of the reduction of 1.0 metre in setback to the adjoining properties will have a negligible effect. It is noted that the setback is in accordance with the JRPP recommendation.

5. Submission of a Plan of Management informed by a Social Impact Statement prepared by a qualified Social Planner, addressing matters outlined in the Council staff report.

Applicant Response

A Social Impact Statement (SIS) has been prepared by Complete Planning Solutions with reference to the Council staff report. Items raised in the SIS have been addressed in the Plan of Management (POM) prepared by Katy Gregory.

The principal vehicle for addressing social issues that could potentially arise from a boarding house is the POM. The submitted POM is considered to adequately address the issues raised by Council.

Council Assessment

The SIS prepared by Complete Planning Solutions was reviewed by Council's Social Planner. The POM has been prepared providing guidelines for the operation of the boarding house and measures to mitigate potential impacts regarding tenant type and behavior.

WSC supports the development of Ourimbah as a University town and through a Master planning process aims to revitalise Ourimbah accommodating growth and stimulating the locality, whilst protecting the unique character of the area. The proposal is considered to fit with both the existing character of the area and the desired future character of the area.

Council's Social Planner considers that with a POM in place for the facility and an on-site Manager to supervise operations and implement the POM, the boarding house should be managed adequately in regard to its impact on the surrounding neighborhood. Council's Social Planner recommended suitable conditions of consent to be included if the proposal is recommended for approval.

6. At least 1 communal room per floor with consideration being given to the northern elevation due to solar access considerations.

Applicant Response

One common area per floor at the northern elevation has been provided. Suitable use of glass will provide for solar access and thermal comfort. Additional communal and circulation areas have been provided elsewhere in the building.

Council Assessment

Council's Urban Designer reviewed the revised design with the additions of the communal rooms. It was considered that although a communal space has been provided on each level and in some cases two areas, the communal areas are not considered to be adequately located. The communal areas on the ground floor and on level one are located in a recessed area directly outside the entrance of some of the rooms. This location can potentially create disruption and prevent privacy for the occupants of those rooms. It is suggested that these areas can be improved with the inclusion of partition walls to assist with both the acoustic and visual privacy of the units adjacent. Additionally the small communal areas located at the front of the building of the ground floor and level one are to be removed to improve circulation of the foyer and reduce the impact to the amenity of the rooms adjacent to these areas. These walls and removal of areas can be included as conditions requiring design changes prior to the release of a Construction Certificate. It is noted that under Clause 30(1)(a) of the SEPP-ARH, at least one communal recreation room is required. The proposed boarding house will have three communal recreation rooms and is therefore compliant with SEPP-ARH.

ADDITIONAL CHANGES PROPOSED AS PART OF THE AMENDED DESIGN**Built Form**

The proposed boarding house has been amended to remove the fourth level and to increase the building width along the street frontage which includes an undercroft area on the western side. Internal changes include an increase to the overall number of rooms, provision of a communal recreation room on each level, light wells and storage areas.

Specifically, the number of rooms has now been increased from 94 plus a manager's residence, to 100 boarding rooms plus the manager's residence. A void is found in the centre of the building and an undercroft area has been created below level one that contains the driveway and some undercover parking. The building now contains the following rooms:

- Ground Level = 26 rooms plus the manager's residence, recreation room with tea making facilities, laundry
- Level 1 = 38 rooms and two common areas
- Level 2 = 36 rooms and two common areas

The additional "wing" on the west side of the building contains nine rooms on each level and is accessed by a hallway leading from the lift and a hallway from the stair accessible from the front of the building.

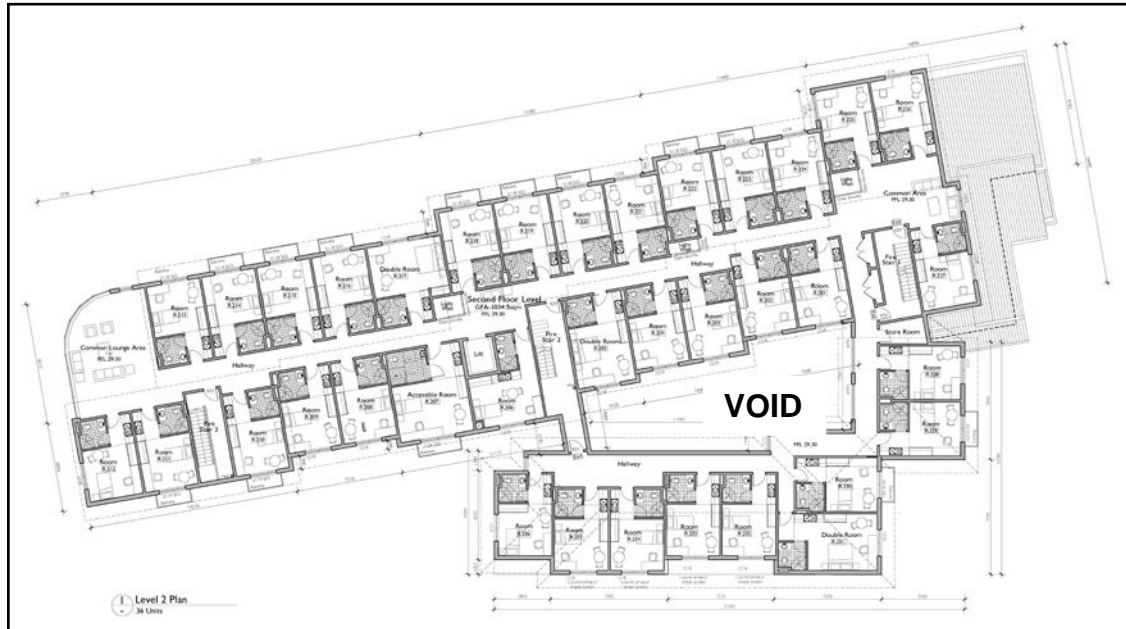


Figure 3: Level 2 showing the new additional building

Each unit continues to contain an en-suite, kitchenette, robe and desk. Each of the three levels contains a recreation room with the ground floor recreation room having direct access to the outdoor open space areas.

The manager's residence is located on the ground floor adjacent to the main entry from Glen Road. The boarding house is serviced by an accessible lift located in the centre of the building. The development is also serviced by three sets of stairs suitably located for circulation and egress.

The development is to be generally constructed of brickwork, styropanel wall and select fibrous cement weatherboards with a metal roof. A variation to these building materials is the glass curtain wall found on the north eastern corner of the building.

The amended built form alters some of those impacts previously identified in the areas of:

- Privacy
- Solar access
- Setbacks to the southern and western boundaries

Consideration of these impacts is provided below.

Privacy

The proposed addition to the building has reduced the building separation distance between the new wing of the building and the neighbouring property. The building at the closest point is now 15 metres from the dwelling at No. 8 Glen Road where it was previously 25 metres. This reduction in the separation distance has the potential for reduced privacy. However the separation distance is consistent with those recommended in Council's Development Control Plan Chapter 64 Multiple Dwelling Residential (DCP Chapter 64) and Residential Flat Design Code (RFDC). The required side setback is 6.0 metres. The minimum side setback proposed on the western side is 5.0 metres adjacent to the west wing. While less than required by 1.0 metre, the reduced setback maintains privacy to the adjoining property.

As discussed in the original report, the Land and Environment planning principles relating to visual impact suggest that distance is a major factor in reducing the impact of overlooking. If suitable building separation distance can be achieved the impact of overlooking is reduced. Although the separation distance is reduced, at 15 metres, the separation distance to the existing dwelling and its primary open space is still considered reasonable to maintain acceptable levels of privacy. The addition of a 2.40 metre high lapped and capped timber fence, and the location of the car park along the common boundary of No. 8 Glen Road, will assist in reducing noise and head light glare. The original western elevation remains at a separation distance of 28 metres to the rear yard of No.8 which is considered to be a reasonable separation distance regarding the impact of overlooking onto the property and properties beyond. Privacy within the rear yard of No. 8 will also be further protected by existing vegetation, additional landscaping and privacy screens to be applied to the western façade of the new wing. The amended design is considered to maintain a reasonable amount of privacy in regard to the potential overlooking of adjoining properties.

Solar Access

The impact of overshadowing to the adjoining property to the west at No. 8 Glen Road has increased with the addition of the new building wing. The proposed boarding house can be considered similar in built form to that of a residential flat building therefore the solar access controls found in Council's DCP Chapter 64 can be used as a guide when considering the solar impacts of the building on adjoining properties.

The DCP considers that at least 75% of required private open space areas on adjoining lands shall receive at least three hours unobstructed sunlight between the hours of 9am and 3pm on 21 June.

The previous proposal projected a morning shadow which impacted the existing garage falling short of the existing dwelling. The dwelling at No. 8 was therefore not overshadowed at any part of the day by the previous development design between the hours of 9am and 3pm on 21 June.

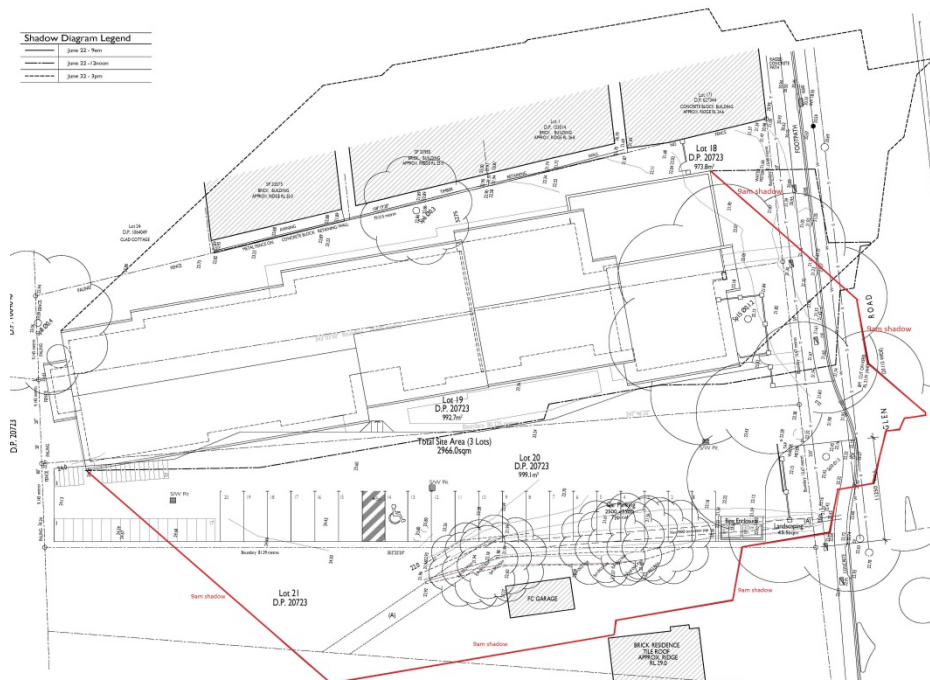


Figure 4: Original building shadow diagram showing projected shadows on 21 June. The 9am shadow is identified by the solid red line.

The revised development application includes shadow diagrams which show the shadow impacts of the winter solstice. The proposed development will project a morning shadow into the neighbouring property at No. 8 Glen Road which now covers the existing garage and half of the existing dwelling. However by approximately 11 am, the dwelling and direct open space at the rear of No. 8 would receive full sunlight. Therefore the private open space of No. 8 would achieve the minimum amount of solar access on the 21st June of three hours sunlight between the hours of 9am and 3pm to 75 percent of the private open space area. The midday shadow will project to the kerb line of the Glen Road while the 3pm shadow will project to the shops adjacent to the east (see shadow diagram below).

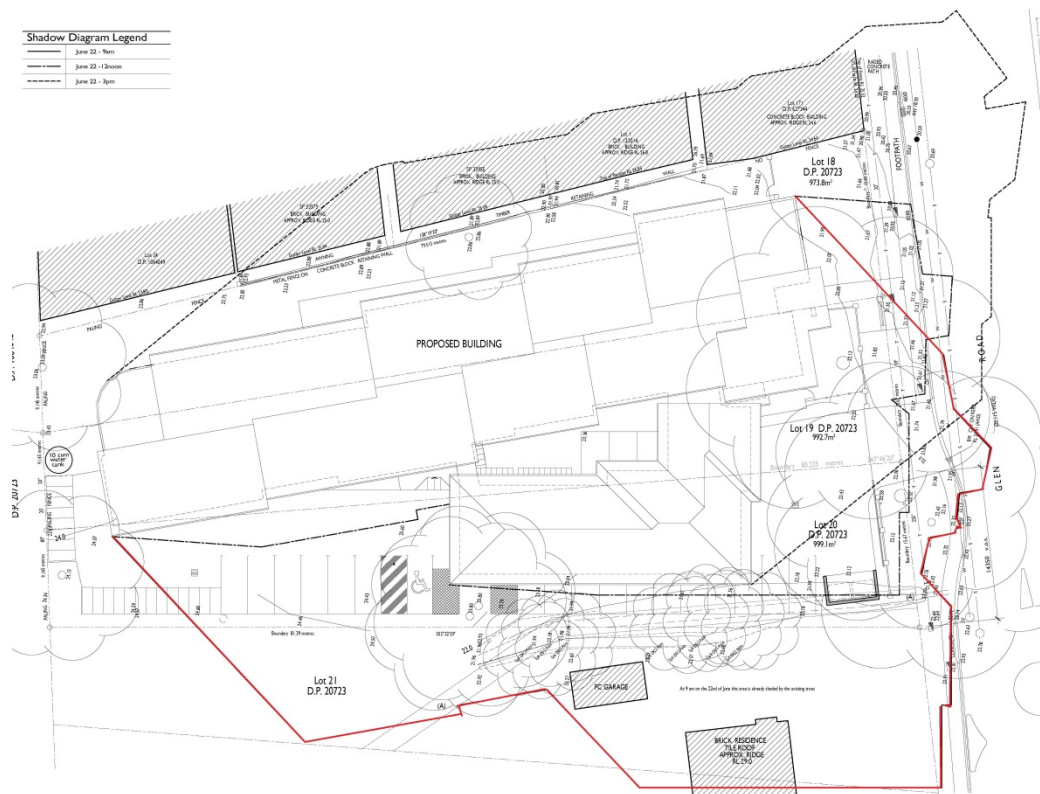


Figure 5: Amended building shadow diagram showing projected shadows on 21 June. The 9am shadow is identified by the solid red line.

Therefore, the amended building is not going to cause any unreasonable overshadowing on adjoining properties and is compliant with the relevant provisions.

The amended design results in 12 units that have a south orientation. While there are no specific controls in this regard for a boarding house, it is considered good design to minimise the number of units with a south orientation. The Residential Flat Design Code (RFDC) and Council's DCP 64 suggests that dwellings should be orientated to allow optimum solar access for internal living. The design of the boarding house has attempted to achieve direct solar access to the maximum number of units through appropriate orientation. However, due to the orientation of the site being southeast/northwest and the width of the subject site and development, the design of some units to have a southerly aspect is unavoidable.

The RFDC suggests that the number of units with a southerly aspect should be limited to 10% of the total number of units. The 12 units results in approximately 12% with a southerly aspect. Given the number of units with a southerly aspect is marginally greater than that recommended, the additional 2% of units with a southerly aspect is considered reasonable.

The amended design also results in 15 units facing the void created between the west wing and the original building. Although not south facing, some of these units may be deficient in receiving direct sunlight. As a guide the RFDC recommends 70% of the apartments receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. It is considered that 10 of the 15 units will struggle to meet the direct sunlight requirements. When added to the 12 south facing units which also will not receive direct sunlight, a total of 22 units will be affected which is approximately 22% of the development.

The development achieves approximately 78% of units with direct sunlight which is greater than the minimum 70% recommended in the RFDC guidelines and therefore acceptable. It is noted that the development includes three common rooms which all receive adequate sunlight during the mid-winter period.

Setbacks to the street and western boundaries

SEPP-ARH does not refer to setback distances for a boarding house therefore the setback distances identified in DCP Chapter 64 are used as a guide given the similarities of built form to a residential flat building. The preferred front setback of a building greater than two storeys is 7.5 metres from the street frontage. The front elevation of the building ranges in setback from 6.50 metres on the eastern side to 21 metres on the western side.

The reduced setback is not for the whole building, but for a small portion of the building for an approximate width of 8.0 metres which when proportioned across the width of the site equates to a variation of 17.4%. This reduced setback is on the eastern side of the development near the adjoining commercial boundary. The small area that has a setback of less than 7.5m is not considered to have an adverse impact on the surrounding area. As previously mentioned in the original report, the setback distance is considered reasonable and provides a gradual transition to the residential properties to the west.

The new wing of the building has a setback of 5.0 metres to the western boundary. Council's DCP 64 requires the setback of a building of this bulk and scale to be 6.0 metres. The proposed setback will provide minimal change in impact to the adjoining property. The existing dwelling at No. 8 Glen Road is approximately 10 metres from the adjoining boundary giving a distance of approximately 15 metres between the west wing and the dwelling. As mentioned previously a separation distance 15 metres is acceptable in regard to privacy in accordance with the RFDC and DCP Chapter 64. The proposed setback will also retain acceptable levels of solar access to the adjoining site. The proposed setback is therefore considered acceptable in this instance.

Landscaping

The landscape plan has been revised with extensive landscaping proposed within the front setback and in the communal areas located on the east and north-eastern side of the site. The landscaped areas have increased to 31% of the site which is greater than the required 25% under DCP Chapter 64. Landscaping will be predominantly low maintenance native species suitable to the location and climate.

Parking

The proposed carparking remains located on the western side of the development. An undercroft has been created under the western wing of the new building where some of the car spaces are wholly or partially undercover. The driveway enters the site and continues under the building through the undercroft to access the car and motorcycle spaces towards the rear of the site.

The application was lodged under the SEPP-ARH which requires 20 car spaces for a boarding house with 100 rooms. The proposal provides 20 car spaces plus one for the manager's residence. The proposal also includes parking for 20 motorcycles and 20 bicycles as required by the SEPP-ARH.

As previously discussed in the original report, car parking is a non-discretionary development standard under the SEPP-ARH which means the application cannot be refused on grounds of car parking if the minimum numbers required are provided. The site is also within an accessible area to public transport being approximately 300 metres to the Ourimbah Railway Station and walking distance to the University and TAFE and recreational facilities.

VARIATIONS TO POLICIES

The proposed development has been submitted under the SEPP-ARH and is considered to be consistent with the SEPP requirements. Where the SEPP is silent in development requirements, the Council Development Control Plan is to be considered. Council does not have a specific development control plan relating to boarding houses therefore Council's Multiple Dwelling Residential DCP is applied given the similarities of the proposal to that of a residential flat building.

The proposal is considered consistent with the objectives of DCP Chapter 64 with the exception of the following departures as noted in the table below.

Table 1: Variations to Policies

Clause	4.2.b
Standard	Maximum height of 7m from ground level to ceiling of the upper floor.
LEP/DCP	DCP 64 – Multiple Dwelling Residential Development.
Departure basis	<p>Proposal is for 3 storeys at a height of 9m to ceiling of the third level - a 2m departure on the height standard.</p> <p>The height represents a departure of 22.2%. However, the logical approach is to discuss the DCP criteria as a statement of intent and review its objective rather than restrict the matter for compliance to a numerical factor.</p> <p>The variation is considered reasonable as the proposed building has a maximum height of 10.5 metres to the peak of the roof which is consistent with the commercial building found to the rear. The topography to the west sharply increases containing a significant amount of existing mature trees which provides a vegetated backdrop to the west of the site allowing the height to integrate with the local area. The proposed height will not hinder solar access and is of a suitable distance to maintain privacy to adjoining properties.</p>

Clause	5.3.3 Table 4
Standard	Front setback to be 7.5m
LEP/DCP	DCP 64 – Multiple Dwelling Residential Development.
Departure basis	<p>A portion of the building is proposed to be setback 6.5m from Glen Road.</p> <p>The reduced setback is not for the whole building, but for a small portion of the building for an approximate width of 8.0 metres, the remainder of the building (26.5m) complies with the front setbacks. The portion of the building that has a reduced setback results in a variation of 13.3%.</p> <p>This is acceptable in part because the site adjoining the proposed reduced setback portion of the building is constructed with a zero setback to Glen Road.</p>
Clause	5.3.3 Table 4
Standard	Side & Rear setbacks: 6.0m
LEP/DCP	DCP 64 – Multiple Dwelling Residential Development.
Departure basis	<p>The eastern side boundary setback is proposed to range from 3.35m to 5.275m from the wall to adjoining boundary (rear of shops fronting Pacific Highway). The reduced setbacks apply to the whole building length and results in a variation of between 12% and 44% due to the stepped façade.</p> <p>The western side has a minimum setback of 5m to adjoining residential boundary. The west side setback: 16.6% departure is reasonable and supported because building separation, overshadowing, overlooking and amenity are adequately addressed.</p> <p>At the rear the building provides a 5m setback to the adjoining commercially zoned sites one of which is vacant and the other containing a building some 40m from the adjoining boundary. The variation of the rear setback by 16.6% is supported because building separation, overshadowing, overlooking and amenity are adequately addressed.</p>

The departures identified above and in relation to the amended design are discussed later in this report.

SUBMISSIONS**Any submission from the public.**

The application was notified on four separate occasions in accordance with DCP 2005 Chapter 70-Notification of Development Proposals and DCP 2013 Chapter 1.2 Notification of Development Proposals as follows:

1. 20 December 2013 to 11 February 2014 with 168 submissions of objection received.
2. 2 April 2014 to 22 April 2014 with 131 submissions of objection received.
3. 3 December 2014 to 23 January 2015 with 169 submissions of objection received.
4. 3 March 2015 to 10 April 2015 with 182 submissions of objection received and 200 submissions of support.

The issues raised in relation to the amended proposal are discussed below.

- **The scale & density of the building is excessive.**

Comment

The building is of a scale that is greater than that generally found on the surrounding properties. The building width at the street frontage has increased with the addition of the western wing. However, the buildings density has slightly decreased from a FSR of 1.03:1 to 1.003:1

The building previously presented as a two storey development at the Glen Road frontage with the third and fourth level setback from the previous edge in a stepped manner. The amended design has removed the fourth level and retained the step in the third level to the original building. The additional western wing to the building is three levels in height and setback between 13 and 21 metres from Glen Road to alleviate the building's bulk and scale when viewed from the street.

- **Height is excessive**

Comment

The height of the building has been reduced from 13.3 metres to 10.5 metres. WLEP 1991 and WLEP 2013 do not contain any height limitations for the site. Guidelines for building height controls are included in DCP No. 64 – Multiple Dwelling Residential Development.

The amended building design has a height of 10.5 metres to the peak of the roof and 9.0 metres to the ceiling height. DCP No. 64 established that the maximum height for residential development of the site is 7.00 metres to the ceiling of the upper level. The front two storey section of the building complies with the height limit at a height of 6.0 metres. In addition, the application has been submitted under the SEPP-ARH which relates the height of the building back to any Environmental Planning Instrument which applies to the area.

Both WLEP 1991 and WLEP 2013 do not have height development standards for the site. The DCP refers to a building height; however a DCP is not a planning instrument and is used as a guide only.

The property to the north in King Street contains a building consisting of three storeys at a height of 10.5 metres to the peak of the roof. The amended boarding house design results in a maximum height of 10.5 metres to the peak of the roof, therefore consistent with the height of the nearby building to the north. The proposed boarding house has been reduced in height from the original submission as previously mentioned.

Given the context of the site in close proximity to major road and rail infrastructure, the large site area, the reasonable separation distances to the adjoining residential property and land form, the height variation is considered reasonable.

- **FSR is excessive**

Comment

The SEPP-ARH provides an additional 0.5:1 to the local development control for FSR. There is no specific FSR control for a boarding house within WLEP 1991 or WLEP 2013. Therefore the FSR requirement for a residential flat building is adopted given the similarities of building type which is 0.6:1. The additional 0.5:1 equates to an allowable of FSR of 1.1:1. The proposed FSR is now 1.003:1 which is less than the maximum of 1.1:1. The proposed FSR is therefore not excessive as it complies with the prescribed maximum limits.

- **Setbacks**

Comment

Front Setback - Glen Road

The proposed setbacks are less than required under Council's DCP requirements for residential flat buildings which require a front setback of 7.5 metres. The building proposes a stepped façade to Glen Road. The eastern portion of the building (adjacent to the zero lotted commercial development on the Pacific Highway) is 6.5 metres. The western portion of the Glen Road frontage is setback 21 metres which is well in excess of the required 7.5 metres.

The reduced setback is not for the whole building, but for a small portion of approximately 8.0 metres. This reduced setback is on the eastern side of the development near the adjoining commercial boundary and is considered reasonable as it provides a gradual transition to the remainder of the building and to the residential properties to the west. The adjoining shops are built to the Glen Road boundary; the proposed 6.5 metres for the boarding house would provide a gradual step from the shops to the residential dwellings to the west.

Eastern Side Setback – Adjoining Commercial Development on the Pacific Highway

The eastern side setback is to be a minimum of 6.0 metres. The proposed eastern side setback is a minimum distance of 3.35 metres to a maximum distance of 5.275 metres. As this is adjoining commercial properties impact on amenity is considered reasonable.

Western Side Setback – Adjoining No. 8 Glen Road

The amended design proposes a minimum setback of 5.0 metres to the new west wing of the building. This 5.0 metre setback is for a portion of the building (26.29m) and not the whole building. The remainder of the building complies with the required side setbacks for the western elevation.

The proposed reduced setback will have a negligible effect on the adjoining property. The 5.0 metre setback will achieve the objectives of the setback controls found in DCP Chapter 64 as the adjoining property will maintain suitable solar access and privacy. The distance between the proposal and the existing dwelling will be approximately 15 metres. As mentioned previously a separation distance 15 metres is acceptable in regard to privacy in accordance with the RFDC and DCP Chapter 64. The RFDC and DCP Chapter 64 recommend a distance of 12 metres between habitable rooms for buildings up to four storeys. The western elevation will provide privacy screens to windows to assist with alleviating the impact on the adjoining neighbour. The addition of a 2.40 metres high lapped and capped timber fence with the car park along the common boundary of No. 8 Glen Road will also assist in reducing noise and head light glare

Rear Setback – Adjoining Commercial zoned lots to the north

The proposed rear setback is 5.0 metres which results in a variation of 1.0 metre. Although less than the required setback distance to the rear boundary, the reduced distance will provide minimal impact to the adjoining properties which are commercial in use. The boundary adjoins two properties one of which is vacant (fronting Pacific Highway), the other containing a single level building at the street frontage (King Street) with open space to the rear.

The total site coverage of the building is 32.2 percent. Therefore, although the setbacks have been reduced, the site coverage is less than half of the subject site and considered reasonable. The proposed setbacks are therefore considered to be reasonable due to the minimal impact on adjoining properties.

The proposed setbacks are therefore considered acceptable in this instance.

- **The architectural design is poor and not compatible with the streetscape. The glass wall proposed for north-eastern corner will create a visual eyesore and reflection issues for traffic.**

Comment

The amended design has removed the fourth level, but has included an additional building component on the western side. The presentation to Glen Road is considered to be in keeping with the residential streetscape and presents a quality architectural design (see Figure 6). The existing trees to be retained and proposed landscaping and fencing will assist with the integration of the building within the streetscape.

The building as viewed from the Pacific Highway includes a mix of materials and colours to reduce the visual impact of the building and assist with integration into the commercial visual catchment. The glass curtain wall on the north eastern corner of the building is commercial in nature and integrates with the commercial properties adjacent (see Figure 7).

The glass can be treated to reduce the impact of glare and reflection and a condition of consent can be included.

- **Proposal out of character with the local area.**

Comment

The proposed residential use as a boarding house is permissible within the 2(b) and R1 zones. Generally the objectives of these zones seek to cater for a variety of housing types and densities and provide for other uses which are compatible with the residential

environment. The proposed development has been reduced in height to be consistent with the height of the commercial development to the rear at No. 5 King Street.

The amended building is of a built form not previously found within the local area. However as previously discussed in the original report, “the proposal does not have to be the same as the predominant form which creates the character of the local area, but should respond to the desirable elements” (*Project Venture Developments v Pittwater Council* [2005][67]). The character of the surrounding area is a mix of commercial, industrial and low to medium density residential.

An important contributor to the character of a local area is the relationship of built form to the surrounding space. This relationship is created by building height, setbacks and landscaping. It was stated in *Project Venture v Pittwater Council* that “buildings do not have to be the same height to be compatible” (*Project Venture Developments v Pittwater Council* [2005][27]). The existing height in the streetscape should also be taken into account when there is a height difference. The amended building design has attempted to fit with the residential character of the Glen Road area by reducing the height of the building to three levels and maintaining a façade consistent with residential development

Front setbacks and landscaping are also an important element of the urban character. The amended building has been designed to provide a front setback distance commencing at 6.0 metres on the eastern side (original building), to 13.5 metres and 21 metres on the western side of the new western addition. These setbacks will enable retention of significant trees within the front setback which assists with the integration of the building in the streetscape.

As previously discussed, the character of the local area is not just the residential precinct but also includes the commercial backdrop from the Pacific Highway, Glen Road and neighbouring King Street. The visual landscape from the Pacific Highway toward the site is dominated by a major roadway and a commercial ribbon of shops and professional rooms. The boarding house will in part extend two levels above the adjacent shops. King Street also comprises commercial and professional premises including a three storey medical centre with a similar building height to the proposed boarding house. As such it is considered that the proposed development is not out of character with the local area.



Figure 6: Photomontage of amended building design to Glen Road frontage.



Figure 7: Photomontage of amended building design from the Pacific Highway.

- **The development will impact on the natural water course.**

Comment

The proposed development includes some modification to the existing natural watercourse and provides an elevated car parking platform on the top. The applicant submitted a flood study in support of the proposed works. An on-site stormwater detention and drainage system has been designed to control the rate of runoff leaving the site. Works include the widening of the drain on the subject site and relining the base of the watercourse.

Council's Senior Development Engineer is satisfied with the proposed stormwater management subject to suitable conditions of consent.

The application was referred to the Office of Water as integrated development. The Office of Water issued their General Terms of Approval which stipulates requirements to adequately manage impacts on the watercourse. To ensure the natural water course is maintained regular maintenance is to occur for two years after the rehabilitation and vegetation management works have been completed.

- **Adverse impacts to privacy.**

Comment

The site is bound to the east by the shops on the Pacific Highway, to the north by the rear of commercial properties and to the west by a single residential dwelling.

The eastern elevation has windows facing the commercial area and carpark directly adjacent to the site and to the north and south on the Pacific Highway. The separation of between 3.35m to an average of 5.00 metres provides an acceptable buffer to the shops. The overlooking of these areas provides passive surveillance and potentially contributes towards greater security and crime prevention.

To the west of the site is a single residential dwelling. The setback to the western boundary is at a minimum 5.0 metres and widens to 9.5m towards the rear of the site. Council's DCP and the RFDC recommend building separation distances of 12 metres between habitable rooms for up to four storeys. The separation distance between the proposed west wing and the dwelling at No. 8 is approximately 15 metres. Therefore, the separation distance between the proposed building and the nearest residential property at No. 8 Glen Road is consistent with the recommended guidelines and considered reasonable. The addition of a 2.40 metre high lapped and capped timber fence and additional vegetation with the car park along the common boundary of No 8 Glen Road will assist in reducing noise and head light glare. The west elevation of the new wing includes privacy screens on level 3 to reduce direct overlooking of the neighbouring property.

- **Overshadowing to the adjoining properties & loss of prevailing breezes.**

Comment

The revised development application includes shadow diagrams which show the shadow impacts on the 21 June. The proposed development will project a morning shadow into the neighbouring property at No. 8 Glen Road which covers the existing garage and half of the existing dwelling. However by approximately 11 am, the dwelling at No. 8 would receive full sunlight. The private open space of No. 8 achieves the required measure of three hours sunlight to 75 percent of the open space area on 21 June.

Therefore, the proposed building is not going to cause unreasonable overshadowing on adjoining properties. The building will buffer some breeze, but north-easterly and easterly winds will remain.

- **Impact on the Tallwoods at the front of the development. The proximity of the driveway and building will impact on the root zone of the Tallwoods.**

The building design has been revised to retain the three Tallwood trees at the front of the property. The consulting Arborist made a recommendation to remove the eastern most Tallwood due to the proximity of the building and the impact the construction of the building will have on the Tallwood and its root zone. Upon review, Council's Arborist considered the recommendation to be conservative and that the eastern most Tallwood could be retained with a greater building setback. The applicant accordingly revised the setback distance to accommodate retention of the tree. It is also considered that encroachment into the Tree Protection Zone (TPZ) by the second level of the building can be managed by careful removal of branches that may be impacted.

The driveway is to be constructed using permeable base and segmented pavers to allow for water infiltration into the root zone, and gaseous exchange between the root zone and the atmosphere. The construction of the fence will also require consideration of the Tallwoods in regards to the TPZ. The impact on the Tallwoods should therefore be minimal and able to be managed appropriately in accordance with conditions of consent.

- **A lack of laundry facilities.**

Comment

The revised design and documentation provided has included more detail in regard to the provision of laundry facilities. The laundry has been modified to accommodate three single washing machines, two double washing machines and four dryers. The proposed laundry is considered adequate based on the following:

- The laundry will be open 24 hours per day.
- 5 washing machines available
- 113 people maximum washing two times per week
- Approximately 0.5 hours for a wash cycle
- Washers will operate 113 hours per week which is approximately 16.14 hours per day.
- With 5 machines available therefore each machine will operate for approximately 3.23 hours each day.
- Dryers are double stack dryers and operate from between 12 to 30 minutes.

Therefore considering the above details, the proposed laundry facilities are adequate for the proposed boarding house. Additionally, there is a commercial coin operated laundry in the shops adjacent to the proposed boarding house.

- **The Social Impact Statement does not properly address the impact of the development on the community.**

A Social Impact Statement (SIS) has been prepared by a consultant and submitted with the revised plans and documentation. The SIS addresses many of the social issues surrounding the proposed boarding house. The POM has been prepared providing guidelines for the operation of the boarding house and measures to mitigate potential impacts regarding tenant type and behavior.

Council's Social Planner considers that with a POM in place for the facility and an on-site Manager to supervise operations and implement the POM, the boarding house should be managed adequately in regard to its impact on the surrounding neighborhood.

- **Waste truck turning area is inadequate to accommodate waste vehicles.**

A plan showing revised turning templates was submitted detailing internal waste collection arrangements for this property. The proposed loading areas, vehicle manoeuvrability and internal driveway grades appear to comply with AS 2890.2(2002) – "Off-street commercial vehicle facilities". These plans are considered to be satisfactory.

Any submission from public authorities.

The amended proposal was referred to the following external agencies as integrated development.

Rural Fire Service

The Rural Fire Service issued concurrence with no specific conditions applicable on 26 February 2014. The RFS reviewed the revised designed and raised no objections subject to compliance with previous terms of approval issued 26 February 2014.

Office of Water

The Office of Water issued their General Terms of Approval (GTA) for works requiring a controlled activity approval under the Water Management Act 2000 on 25 March 2014. A subsequent referral was required by the Office of Water due to the change of building and carpark design in the vicinity of the water course which is located on the western boundary of the property. The Office of Water had no further comments to add to the previous approval.

Internal ConsultationCouncil's Arborist and Landscape Design Assessment Officer

The applicant submitted an Arboricultural Impact Assessment by Advanced Treescape Consulting, Landscape Plan by Conus Landscape Architects dated 21 November 2014 and a Landscape Design Report dated November 2014. Following a review of the Arboricultural Impact Assessment, Council's Arborist considered the Tree Protection Zone (TPZ) distances conservative and larger than the minimum required. Council's Arborist recommended a TPZ of 5.0 metres to the eastern most Tallowood (Tree 1) with no excavation or filling to occur within that zone. Encroachment into the TPZ by the second level of the building can be managed by careful removal of branches that may be impacted by the building. The building design has been revised accordingly to retain the eastern most Tallowood (Tree 1) that would have been impacted by the construction of the building.

Council's Arborist also recommended that the driveway be constructed on grade using a permeable base and segmented pavers to allow water infiltration into the root zone and the gaseous exchange between the root zone and the atmosphere. The design accommodates this recommendation.

Council's Senior Development Engineer

The site is located within the Ourimbah Creek Catchment and Council's records indicate that the site is affected by flooding. The proposal includes modification of the existing natural watercourse / open style channel and provide an elevated car parking platform above. The proposed channel widening works will provide an increase in the capacity to convey flood water. The watercourse will be rock lined to prevent scour, erosion and meandering. Piers have been shown inside the property boundary and within the watercourse to support the elevated parking structure.

Suitable stormwater management requirements for the site can be achieved. Council's Senior Development Engineer raised no objections to the proposed development subject to appropriate conditions of consent.

Council's Urban Designer

Council's Urban Designer reviewed the amended design. It was considered that the built form and scale of the building had improved through the use of materials and articulation. The eastern elevation could benefit with additional articulation to break up the horizontal length of the elevation. It is suggested that some vertical elements such as vertical cladding, be introduced to the eastern façade which can be included as a condition of consent.

With regard to the additions of the communal rooms, it was considered that the areas identified for use may impact on the occupants of the boarding rooms adjoining the communal areas. The communal areas on the ground floor and on level one are located in a recessed area directly outside the entrance of some of the rooms. This location can potentially create disruption and prevent privacy for the occupants of those rooms. It was suggested that some partition walls be included to provide separation between the communal areas and the entry to those rooms affected. Additionally the small communal areas located at the front of the building of the ground floor and level one are to be removed to improve circulation of the foyer and reduce the impact to the amenity of the rooms adjacent to these areas. These recommendations can be marked on the plans in red and included as a condition of consent.

Concern was raised regarding the units facing the void created between the west wing and the original building. The rooms facing the void on the ground and first floor may have compromised natural lighting and ventilation. The RFDC guidelines suggest that 60% of the units should be naturally cross ventilated. Although the units facing the void may be compromised in regard to natural ventilation, the overall development is consistent with the guidelines of the RFDC.

Daylight access consists of skylight and sunlight and is to be provided to all habitable rooms. While the rooms facing the void may have challenged sunlight, they will receive daylight through the void formed between the main building and the west wing. Ten of the units facing the void are going to struggle to achieve the sunlight requirement. When added to the south facing units that do not achieve direct sunlight, a total of 22% of units will be compromised. The RFDC guidelines suggest that 70% of the units should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. The proposed boarding house will achieve 78% and is therefore within the recommended guidelines.

Council's Social Planner

Council's Social Planner reviewed the SIS prepared by Complete Planning Solutions and the Plan of Management prepared by Katy Gregory for the operation of the proposed boarding house. The SIS addresses many of the social issues surrounding the proposed boarding house. The POM has been prepared providing guidelines for the operation of the boarding house and measures to mitigate potential impacts regarding tenant type and behavior. Council's Social Planner considers that with a POM in place for the facility and an on-site Manager to supervise operations and implement the POM, the boarding house should be managed adequately in regard to its impact on the surrounding neighborhood.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

a) Wyong Local Environmental Plan (WLEP) 2013

Zoning & Permissibility

The subject site is zoned R1 General Residential under the Wyong Local Environmental Plan 2013.

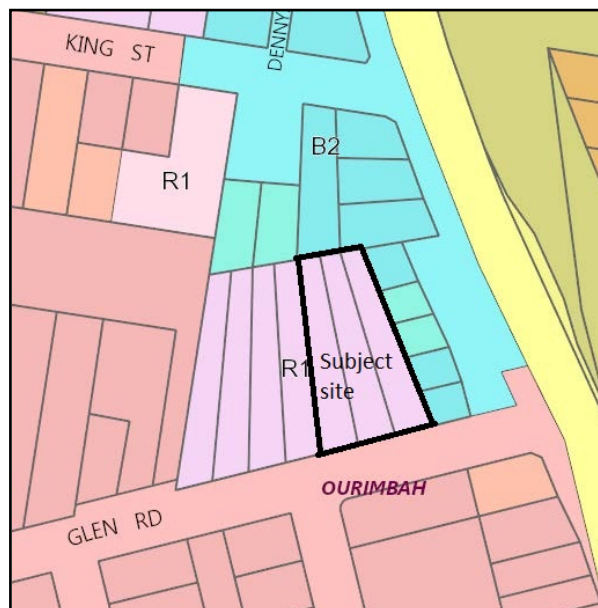


Figure 8: WLEP 2013 Zone boundaries.

The current proposal is permissible under the WLEP 2013 and consistent with the objectives of the zone which are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of the resident.*
- *To promote “walkable” neighbourhoods*
- *To ensure that development is compatible with the scale and character of the local area and complements the existing streetscape.*

The proposed boarding house is considered to be consistent with the objectives of the zone as follows:

- The boarding house is responding to the accommodation needs of the community by providing affordable housing primarily for student accommodation in support of the University and TAFE.
- The proposed boarding house is providing a variety of housing type and density.
- The proposed boarding house is within an accessible area and promotes the “walkable neighbourhood”. The primary occupant for the boarding house is students who are in walking distance to the Ourimbah Campus.
- The proposed development is considered compatible with the local area and complements the existing streetscape through the use of a variety of materials and architectural treatments to reduce the scale of the building. The topography of the area assists with reducing the impact of the height to the surrounding area as discussed previously.

Services

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

The site has the ability to connect to Council’s reticulated water and sewer supply and suitably drain stormwater drainage from the site. The driveway access was relocated during the assessment process to be suitably located in accordance with Australian standards.

Wyong Local Environmental Plan 1991

The development application was submitted prior to the coming into force on 23 December 2013 of Wyong LEP 2013. Therefore, consideration of Wyong LEP 1991 was given during the assessment of the application.

Zoning & Permissibility

The subject site is zoned 2(b) Multiple Dwelling Residential under the Wyong Local Environmental Plan 1991.

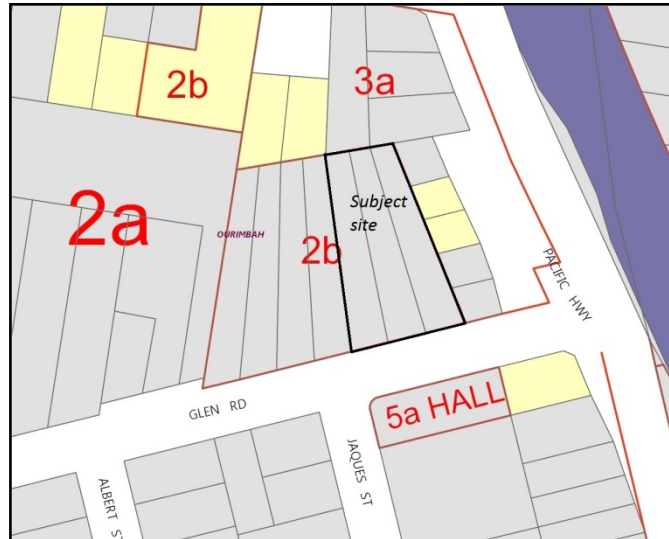


Figure 9: Zone boundaries.

The proposed development is defined as a “boarding house” which is permissible within a 2(b) zone. The objectives of the zone state:

- (a) *to cater for a wide range of housing types essentially domestic in scale and character and generally not exceeding a height of two 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.*

The use is permissible with consent and complies with the objectives of the zone as follows:

- The boarding house provides a residential use which contributes towards a variety of residential housing found in the area.
- The height of the building provides a transition from the adjacent 3(a) Business Centre zone to the east and the north. The proposed boarding house is considered to fit with the residential amenity and unlikely to place demands on those services required for a residential use.

- The proposed boarding house is located on the edge of the residential zone and is considered to provide a reasonable transition from the commercial to residential zone.
- Movement from the boarding house is likely to extend to the east to the Pacific Highway towards the shops, public transport and the university limiting the impact on the adjoining residential areas to the west and south.
- The boarding house and associated landscape is designed to fit with the surrounding area with retention of vegetation where possible, a variety of material choice and the use of heritage type colours.
- The topography of the area assists with reducing the impact of the height. The topography gradually increases to an approximate height of 12 metres above the subject site (160 metres to the west) then sharply inclines to the ridge which is approximately 78 metres above the subject site (600 metres to the west). The incline to the west contains a significant amount of existing mature trees which provides a rural backdrop to the west of the site and a vertical envelope in which the boarding house sits within.

Services

Clause 29 states that Council shall not grant its consent to the carrying out of any development on any land unless adequate water supply and facilities for the removal or disposal of sewage and drainage are available to that land.

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

b) State Environmental Planning Policies (SEPP)

SEPP (Affordable Rental Housing) 2009 (SEPP-ARH)

The development is required to be assessed against the relevant provisions of the SEPP-ARH. The following compares the details of the proposal against specific requirements of the SEPP-ARH. A summary table of how the development complies with the various requirements of the SEPP is provided below.

Table 2: SEPP-ARH - Compliance Table

Clause	Comment	Compliance
Division 3 Boarding houses		
26 Land to which Division applies.	The site was zoned 2(b) under the WLEP 1991 and is zoned R1 General Residential under WLEP 2013.	Yes
27 Development to which this division applies.	Development not within R2 or equivalent zone (2(a) under WLEP 1991)	Yes
28 Development to which this Division applies may be carried out with consent.	Division applies to proposed development.	Yes
29 Standards that cannot be used to refuse consent.		

<p>1.</p> <p>a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</p> <p>b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or</p> <p>c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1</p>	<p>The maximum FSR for RFB's in a 2(b) zone is 0.6:1; Plus 0.5:1 if existing FSR is 2.5:1 or less;</p> <p>The maximum allowable FSR is 1.1:1.</p> <p>The proposed FSR is 1.003:1.</p>	<p>Yes</p>
<p>2.</p> <p>a) building height</p> <p>if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p>	<p>The WLEP 1991 (and WLEP 2013) does not include a numerical value for building height. The reference to building height is as follows:</p> <p>“(a) to cater for a wide range of housing types essentially domestic in scale and generally not exceeding a height of 2 storeys”.</p> <p>Therefore the proposed building height is assessed under merit.</p>	<p>The building exceeds two storeys.</p>
<p>b) landscaped area</p> <p>if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	<p>The landscape treatment for the front setback is suitable for the streetscape.</p>	<p>Yes</p>
<p>c) solar access</p> <p>where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>The communal living rooms have a northeast aspect and receive a minimum of three hours sunlight between 9am and 3pm in mid-winter.</p>	<p>Yes</p>
<p>d) private open space</p> <p>if at least the following private open space areas are provided (other than the front setback area):</p>	<p>The proposal includes POS for the lodgers of a minimum of 3m wide and maximum 5.7m wide, and length of 70m.</p>	<p>Yes</p>

<ul style="list-style-type: none"> • one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers, • if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation, <p>e) parking if: (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p> <p>f) accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>12 square metres in the case of a boarding room intended to be used by a single lodger, or 16 square metres in any other case.</p> <p>A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p> <p>A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>Site manager included with POS of 45.8m² and a minimum dimension of 7m. The minimum area of 8m² with a dimension of 2.5m can be achieved behind the street setback, therefore not located in the front setback.</p> <p>The development is in an accessible area being approx. 300m to Ourimbah Railway Station. The proposal requires 20 car spaces plus 1 manager car space.</p> <p>20 car spaces plus 1 managers car spaces is provided.</p> <p>The boarding room sizes are as follows: Single unit = 12.7m² – 14.8m² Double unit = 16.2m² – 18.3m² Accessible unit = 19.2m²</p> <p>The units contain private kitchenettes and en-suites in each room.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>30 Standards for boarding houses</p> <p>a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p> <p>b) no boarding room will have a gross floor area (excluding any area used for</p>	<p>The boarding house is for 100 rooms and provides a communal area on each level and one communal area on each level of the west wing.</p> <p>The maximum area of the boarding rooms is 19.2m² which is for the</p>	<p>Yes</p> <p>Yes</p>

<p>the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</p> <p>c) no boarding room will be occupied by more than 2 adult lodgers,</p> <p>d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p> <p>e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</p> <p>f) (Repealed)</p> <p>g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</p> <p>h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</p>	<p>accessible units.</p> <p>The boarding rooms are for maximum of two people (double units).</p> <p>Adequate bathroom and kitchen facilities are provided in each unit as well as a kitchen in the communal living area.</p> <p>A boarding house manager is provided on site.</p> <p>NA</p> <p>20 parking spaces required for bicycles, and 20 for motor cycles. The proposal includes 20 spaces for bicycles and 20 for motor cycles.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>30A Character of local area.</p> <p>A consent authority must not consent to development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>The character of the local area has been analysed. The proposed boarding house has been found to be compatible with the character of the local area.</p>	<p>Yes</p>

30A Character of the local area.

The aim of the SEPP-ARH is to increase the supply and diversity of rental and social housing in New South Wales. Amendments introduced in 2011 included changes in relation to boarding houses which included that the consent authority must consider whether the proposal is compatible with the local character of the area. The character of the local area was extensively discussed in the original report with regard to the previous design. The following considers the amended design in relation to the local area.

The Ourimbah area contains a mix of residential, commercial, industrial, educational, recreation and environmental areas. Although located in the 2(b) residential zone, the immediate area would not be considered strictly residential due to the adjacent commercial area and close proximity to the Pacific Highway and Main Northern Railway line. The visual catchment is made up of a steep topography with an abundance of mature trees. The proposal has been revised to respond more effectively to the character of the local area and the context of the wider locality.

The issue of compatibility was reviewed under the relevant planning principles set down in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*. These planning principles evolved through establishing the compatibility of a proposal in the urban environment and can be applied in this instance. The most suitable meaning of compatibility in an urban design context is “*capable of existing together in harmony*”. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

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

- *Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal’s appearance in harmony with the buildings around it and the character of the street?*

Physical impacts.

Physical impacts such as noise, overshadowing and overlooking are considered when determining the building’s physical impacts on the local area.

The proposed building is three storeys with a maximum height of 10.5 metres to the peak of the roof which is consistent with the commercial building found to the rear. The building design now includes the addition of a west wing which is three storeys in height, although the ground level is an open undercroft with some undercover parking. The third level on the original building remains stepped to present to the street as a two storey building. The west wing is stepped back to on a similar alignment with the third storey. The building is visible from the west, north, south and east with broken views through trees, shops to the east, signage, power lines and street lights. The topography gradually increases to an approximate height of 12 metres above the subject site at a distance of approximately 120 metres to the west (Albert Street). The topography then sharply inclines to the ridge which is approximately 78 metres above the subject site. The incline to the west contains a significant amount of existing mature trees which provides a rural backdrop to the west of the site.

Due to the orientation of the building being southeast / northwest the building will not have a detrimental impact on the adjoining properties in terms of overshadowing. The property adjoining to the west at No.8 is mostly affected with a morning shadow being projected across the existing garage and half of the existing dwelling. However by approximately 11:00 am, the dwelling at No. 8 would receive full sunlight. Therefore, the adjoining property would receive the required solar access on the 21st June in accordance with Council’s DCP Chapter 64.

The western side of the building has the most potential to overlook adjoining properties, particularly the additional west wing. When considering the potential impacts of overlooking, the general planning principles found in *Meriton v Sydney Council [2004] NSWLEC 313* for “Protection of Visual Privacy” can be utilised as follows:

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.*

Comment

The adjoining properties to the west are zoned R1 General Residential with R2 Low Density Residential found as Glen Road rises to the ridge. The objectives of the R1 and R2 zones are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote “walkable” neighbourhoods.*
- *To ensure that development is compatible with the scale and character of the local area and complements the existing streetscape.*

The adjoining properties have the potential to develop consistently with the objectives of the zone which may include higher density residential living. Development proposals are assessed on an individual basis under merit.

Harmony

The relationship of the built form to the surrounding space created by building height, setbacks and landscaping is significant to the creation of urban character. The proposed building is higher than buildings found within the Ourimbah area which are generally a maximum of two storeys. The building attempts to integrate with the streetscape through architectural design which includes a stepped front façade and building materials suitable for a residential environment.

The streetscape contains a mix of commercial and low density residential. Many of the single level dwellings are those originally built in the 1950s. The local area is undergoing transition in relation to the development of higher density living. Recent years have seen developments such as dual occupancies and townhouses integrate successfully with the local area.

For a new development to be visually compatible with its context it should attempt to respond to the elements that make up the character of the surrounding area. As mentioned above, the surrounding area is a mix of commercial and residential uses. It is considered that buildings do not have to be the same height to be compatible and where there are significant differences in height it is easier to achieve compatibility when the change is gradual. The most important contributors to urban character are the relationship of built form to the surrounding space. The setbacks proposed for the development are considered reasonable and would be consistent with any future development in Glen Road. The amended proposal is suitably landscaped with the retention of as many trees as possible particularly the three Tallwoods, which assist with the integration of the development with the streetscape and visual catchment.

The amended building has been designed in such a manner as to maintain privacy for adjoining landowners and alleviate visual impact with the use of architectural features. The local area also has many mature trees which assist with privacy and limiting the visual impact. A suitable landscape design has been proposed retaining trees where possible to complement the proposal and remain within the character of the area.

Although large in floor area with the building having a floor space ratio of 1.003:1, the site modestly encompasses the development to promote a property which is residential in nature and in harmony with the locality. The physical aspects of the development can be considered acceptable in this instance given the stepped street façade, material choice to alleviate bulk and massing and landscaping which assists with design integration. The building is considered to be of acceptable bulk and scale as it provides minimal overshadowing to adjoining properties and retains sufficient area in the curtilage of the site to cater for landscaping and open space, carparking and access, reasonable setbacks and includes architectural treatment of the façade to assist with diminishing the length of walls.

SEPP 65 – Design Quality of Residential Flat Development

The SEPP 65 policy applies to development of three or more storeys and four or more units and is aimed at improving the design quality of residential flat development in New South Wales. SEPP 65 requires an assessment of the application under the provisions of the policy. In accordance with SEPP 65, a Design Verification Statement was prepared by ADG Architects for the original building. This statement accompanied an assessment against the ten (10) design principles of the SEPP.

The application was presented to the Central Coast Design Review Panel (DRP) on 14 May 2014 for comment. The DRP generally found the proposal satisfactory and received the grade of (B) for architectural merit from the panel. The proposal required some minor modifications to the design which resulted in the application presented to the Panel at the previous meeting on 21 August 2014.

Panel's Comments

The Panel supports in principle the provision of affordable and/or student housing in this locality. The site is close to an existing commercial/restaurant strip, a railway station, Ourimbah RSL club and Newcastle University's Ourimbah Campus amongst other facilities and is therefore considered well situated for a development of this type.

With some modifications the Panel supports the approval of the proposed affordable housing project.

The applicant did not submit another design verification statement for the addition of the western wing. However compared to the original proposal recommended for approval in August 2014, the site coverage of the revised development has increased from 35% to 46.4%, but the FSR has decreased marginally from 1.03: to 1:003:1. The landscaped area has increased significantly to 31% and exceeds the 25% required under Council's DCP. Landscaping is a significant factor contributing to a development's compatibility with the local area and the revised design now provides a greater landscaped area. The applicant suggests that the amended design better addresses the design principles of SEPP 65.

Residential Flat Design Code (RFDC)

The RFDC is a guide used to improve the design of residential flat development. The RFDC provides additional detail and guidance for applying the design quality principles outlined in SEPP 65. It deals with the location, size and scale, appearance and amenity of the buildings. The design of new residential flat buildings is important to provide good quality buildings and amenity to growing populations with changing needs. These guidelines have been incorporated into the design of the proposed boarding house.

The proposal presents units with a southern aspect and has 15 units that face a void between the original building and the new west wing. The amended design has 12 units with a southern aspect which equates to 12% of the development. The RFDC recommends limiting the number of units with a southern aspect to a maximum of 10%. The number of units facing south is marginally greater than recommended and is considered reasonable in this instance due to the southeast/northwest orientation and the shape of the site which is wider at the street frontage than the rear.

The units facing the void created between the original building and the west wing are also identified as potentially having compromised daylight and natural ventilation. The RFDC guidelines suggest that 60% of the units should be naturally cross ventilated. Although the units facing the void may be compromised in regard to natural ventilation, the overall development is consistent with the guidelines of the RFDC. Daylight access consists of skylight and sunlight and is to be provided to all habitable rooms. While the rooms facing the void may have challenged sunlight, they will receive daylight through the void formed between the main building and the west wing. Ten of the units facing the void are going to struggle to achieve the sunlight requirement. When added to the south facing units that do not achieve direct sunlight, a total of 22% of units will be compromised. The RFDC guidelines suggest that 70% of the units should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. The proposed boarding house will achieve 78% and therefore within the recommended guidelines.

c) Relevant Development Control Plans

Wyong Development Control Plan 2005

A complete assessment of the proposal was undertaken having regard to the relevant Chapters of WDCP 2005. This assessment is provided in the table below.

- Development Control Plans No.64 Multiple Dwelling Residential
- Development Control Plans No.67 Engineering Requirements for Development

Table 3: Wyong DCP 2005 – Compliance Table

	Proposed	Required	Compliance
Chapter 64 Multiple Dwelling Residential			
Residential Flat Building (Boarding House)	100 room boardinghouse plus manager's residence.	Proposal under SEPP- ARH, DCP considered where SEPP silent.	No – setbacks and building height noncompliant with DCP.
Chapter 67 Engineering Requirements for Development			
	Stormwater Infrastructure; 2x3000L bulk waste bins located towards front of development.	Suitable stormwater management concept. Suitable waste disposal facilities.	Yes

Development Control Plan Chapter 64 – Multiple Dwelling Residential

The application has been submitted under the provisions of the SEPP-ARH which prevails over Council's DCP. The proposal is consistent with the aims and objectives of the DCP by providing variation in dwelling type that is functional and of high architectural quality. The application was reviewed against DCP Chapter 64 with those controls adopted where the SEPP-ARH is silent. The proposal was not consistent with DCP64 in the following areas:

Table 4: DCP Chapter 64 – Non-Compliance Table

Requirement	Proposed	Complies?
Buildings in 2b zone generally only two storeys and a maximum height of 7m from ground level to the upper floor ceiling.	Proposal is three storeys with a height of 9m to the ceiling level of the upper floor ceiling.	No. Variation sought.
Front setback to be 7.5m.	Proposal has a minimum of 6.5m.	No. Variation sought.
Side & Rear setbacks: 6.0m	Proposal has a minimum 3.35m eastern side setback; 5.0m western side setback; and 5.0m rear setback.	No. Variation sought to side & rear setbacks.

In regard to the building height, the DCP refers to buildings generally not being greater than two storeys. The amended boarding house design is a three storey development with a stepped front façade to alleviate bulk and scale. The number of storeys is considered to be reasonable at this location due to the topography of the area and the adjoining land uses to the east and north being commercial. While the shops adjacent to the east are single level, the increased height behind the shops does not create an adverse impact. The sites to the north contain a two storey development and a single dwelling used for commercial purposes. The adjoining commercial zone has the potential to be redeveloped with multistorey commercial buildings.

The reduced setbacks are considered reasonable in this instance due to their location and adjoining land uses. The reduced side setback is adjoining 3(a) Business Centre zone of the Ourimbah village shops and the professional premises located at the rear in King Street. The front setback of the original building is a minimum of 6.5 metres which is less than required. The western addition to the building is setback 13.5 metres then stepped back further to be 21 metres from the front boundary. Therefore the reduced setback is not for the whole building, but for a small portion of the building for an approximate width of 8.0 metres. This reduced setback is on the eastern side of the development near to the adjoining commercial boundary. The small area of non-compliance is not considered to have an adverse impact on the surrounding area. As previously mentioned in the original report, the distance is considered reasonable and provides a gradual transition to the residential properties to the west.

The proposed addition to the building has a setback of 5.0 metres to the western boundary. The proposed reduced setback will have a negligible effect on the adjoining property. The 5.0 metre setback will achieve the objectives of the setback controls found in DCP Chapter 64 as the adjoining property will maintain suitable solar access and privacy. The distance between the proposal and the existing dwelling will be approximately 15 metres. A separation distance of 15 metres is acceptable in regard to privacy in accordance with the RFDC and DCP Chapter 64. The RFDC and DCP Chapter 64 recommend a distance of 12 metres between habitable rooms for buildings up to four storeys. The western elevation will provide privacy screens to windows to assist with alleviating the impact on the adjoining neighbour. The

addition of a 2.40 metres high lapped and capped timber fence with the car park along the common boundary of No 8 Glen Road will also assist in reducing noise and head light glare.

The variations identified do not adversely impact on the functionality of the building or the adjoining properties. It is therefore considered reasonable to allow the variations given the negligible impacts.

Wyong Development Control Plan 2013

Wyong DCP 2013 includes a savings provision under Clause 1.4 which states the following:

“Consistent with the provisions of Clause 1.8A of Wyong LEP 2013 if a development application has been made before the commencement of this DCP in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this DCP had not commenced.”

The application has been assessed using the Wyong DCP 2005 with appropriate weight given to Wyong DCP 2013.

THE LIKELY IMPACTS OF THE DEVELOPMENT

a) Built Environment

Built form and site design.

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

As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

b) Natural Environment

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

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

The submissions have been addressed previously in the report.

THE PUBLIC INTEREST

The public interest is best served by the orderly and economic use of land for which it is zoned. The proposed development is permissible with consent and the development proposed in this application complies with the provisions of the SEPP-ARH which override the relevant Wyong policies and controls. The proposed boarding house is consistent with the requirements of the Wyong Shire Settlement Strategy and the Memorandum of Understanding between the University, TAFE and Wyong Shire Council by providing housing for future students with the intended growth of the educational services in the area. The

proposal is considered to be in the public interest by providing housing to assist with the current student accommodation shortage and the intended increase of education facilities.

OTHER MATTERS FOR CONSIDERATION

Contributions

The proposed boarding house attracts a contribution payment under Section 94 of the Environmental Planning and Assessment Act 1979.

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

CONCLUSION

The proposal has been assessed using the heads of consideration in S79C of the Environmental Planning and Assessment Act 1979. It is generally considered the proposed development is suitable for approval subject to conditions.

The determination of the proposal was deferred by the Panel. The items identified for consideration have been addressed and discussed in this report.

The proposal is recommended for approval subject to conditions in Attachment 1 to this report.

Annexures:

- 1 DCP64 Compliance Table**
- 2 Photo-montages**

Annexure 1: DCP64 Compliance Table

DCP 64 Template

Requirement	Proposal	Complies?
2.0 Application Requirements		
All required information has been submitted (s2.1.2)		Yes
Details of services available and impacts on existing to be provided (s2.2.1)		Yes
Kerb and guttering to be provided along the street frontage, unless unreasonable (s2.2.2)	Existing	Yes
3.0 Context		
Submission of a suitable site analysis to be provided with the development application (s3.1.1)		Yes
Contextual analysis submitted addressing economic, social, environmental and urban design context (s3.1.2)		Yes
4.0 Scale		
Buildings within 2(a), 2(b) and 2(e) zones generally only two storeys and 7 metres in building height.	2(b) zone. 3 storeys proposed.	No - Variation sought
Buildings in 2(c) zones generally no more than 3 storeys and 10 in building height. (s4.2)	N/A	
Height of buildings within 2(e) zone addressed on their merits (s4.2)	N/A	
Minimum of 25% of site area to be soft landscaping. (s4.3)	25% provided	Yes
5.0 Built Form		
5.1 Construction and Appearance of Development		
Scale, function and visual appearance to be compatible with objectives of the zone and be of high architectural quality. (s5.1.1)	The proposal is of architectural quality and complies with the objectives of the zone.	Yes
Buildings facades to be articulated in length and height, monotonous and unbroken lengths of wall >10m in length and >3m in height not permitted. Visual interest to be provided for two storey designs. (s5.1.1)	Building facades are articulated and provide visual interest with a combination of materials and design.	Yes
For elevated dwelling designs, sub-floor fender walls are required on all facades (s5.1.1)	N/A	
Roof design to be related to the built form and size and scale of the building. (s5.1.2)	Roof design is appropriate to the built form and size and scale of buildings.	Yes
One side wall without gaps may be built to the boundary subject to conditions of the plan for villa and townhouse developments only. (s5.1.3)	N/A	
Existing buildings to be suitably upgraded in terms of architectural features and form, roof form, external building materials and colours, location and orientation and dwelling curtilage. (s5.1.4)	N/A	
Internal finishes, bathrooms and kitchen facilities are to be upgraded in existing buildings. (s5.1.4)	N/A	
5.2 Cut and Fill		

Cut and fill considerations (s5.2)	Minimal earthworks are required.	Yes
5.3 Building Lines		
High-rise Residential Flat Buildings (s5.3.3)		
Front setbacks for development: 7.5m with some exceptions.	Minimum setback 6.5m.	No Variation
Side and rear setbacks: First to fourth storeys: 6.0m Fifth to eight storeys: 9.0m Ninth storey and above: 12.0m	Side has a minimum of 3.35m from recreation room wall to adjoining boundary (shops). Rear has minimum of 5.0m to adjoining boundary (commercial zone). West side is 5.0m.	No Variation
Garages: 6.0m when direct access from road OR 7.5m for Category A roads	No garages associated with building.	
Corner allotments: same as side and rear setbacks, plus comply with sight lines.	N/A	
5.4 Car Parking		
One bedroom unit: 1 car space Two bedroom unit: 1.2 car spaces Three or more bedrooms unit: 1.5 car spaces (s5.4.2)	Under provisions of SEPP-ARH	
Visitor parking: ≤ 15 units: 1 space /3 units or part thereof >15 units: 1 space / 5 units or part thereof (s5.4.3)	Under provisions of SEPP-ARH	
Visitor parking to be setback minimum of 3.0m on Cat B and C roads and suitably screen by landscaping. (s5.4.3)	Under provisions of SEPP-ARH	
Bicycle facilities to be provided for RFBs ≥6 units where common carparking provided: rate of 1 / 3 units. (s5.4.4)	Under provisions of SEPP-ARH	
5.5 Vehicular Access Design		
Driveways not to be continuous straight lines and be offset by landscaping. (s5.5.2)	Driveway is offset by landscaping and suitably aligned to provide safe access	Yes
Refer to s5.5.1 for general vehicular access design general requirements.	Suitably designed and adequate separation distance between access crossings	Yes
Ground Level Parking		
Minimum pavement width = 1 to 4 dwellings: 3.0m ≥ 5 dwellings: 3.5m 5.5m for first 6m on category A roads. Passing opportunities shall exist. (s5.5.2)	Minimum internal driveway width = 7.5m	Yes
Driveway to be offset a minimum 2.0 at front boundary and taper to 0.5m at front building line. This area to be suitably landscaped. (s5.5.2)	Driveway is offset and landscaped	Yes
Basement Parking		
See section 5.5.3 for requirements.	N/A	
Pedestrian Access		
See section 5.6 for requirements.	Pedestrian access suitable for proposal.	Yes
6.0 Density		
Maximum floor space ratio: 2(a) zone: 0.5:1 2(b) / 2(e) zone: 0.6:1 2(c) zone: 0.9:1 2(d) zone: 1.5:1	Zoned 2(b) therefore 0.6:1 SEPP-ARH provides additional 0.5:1	Yes
Development Bonuses		
7.0 Sustainability		

A BASIX certificate to be submitted where required under the SEPP. (s7.1)		Yes
Waste Management		
Villa / townhouse developments = Option 1: individual 240L mobile bins stored in dwelling curtilage Option 2: ≥ 12 dwellings may provide bulk waste bins.	N/A	Yes
RFBs ≤ 3 storeys and ≤ 5 units = Option 1: individual 240L mobile bins stored in dwelling curtilage Option 2: bulk waste bins stored in basement or screen enclosure	N/A	
RFBs ≤ 3 storeys and ≥ 6 units = Option 1: individual 240L mobile bins stored in dwelling curtilage Option 2: bulk waste bins stored in basement or screen enclosure	N/A	
RFBs > 3 storeys = Garbage chute system required. Recycling room for each floor and bins centrally located within basement of building. 3 collection options available.	N/A	
Stormwater management plan to be submitted with the development application. (s7.3)		Yes
8.0 Landscaping		
A Landscape plan prepared by an approved consultant to be submitted with the development application. (s8.1.1)	Revised landscape plan submitted.	Yes
Deep soil zones: 12 ½ % of the site to contain deep soil zones.		Yes
Planting on structures: see s8.1.3		
Two semi-advanced trees per 15 metre frontage to be provided, details to be provided as part of landscape plan. (s8.1.2)	Additional street trees deemed not necessary due to proposed on-site landscaping and existing trees.	
9.0 Amenity		
9.1 Private Open Space		
Villa / Townhouse Developments		
Require min 45m ² / dwelling. Min dimension of 4.5m (s9.1.2)	N/A	
Open spaces may be located in front building setback area on Category A roads in all circumstances or Category B roads where solar access is optimised. (s9.1.2)	N/A	
Low-rise RFBs		
Option 1: each dwelling to have min 10m ² with min dimension of 2m and 20m ² / dwelling as communal open space with min dimension of 5m. Option 2: Each dwelling to have min 30m ² with min dimension of 2m. (s9.1.3)	N/A	
High Rise RFBs		
Each dwelling to have min 10m ² with min dimension of 2m. (s9.1.4)	Under provisions of SEPP-ARH	
Single dwelling above shops / commercial premises		
30m ² for the dwelling with min dimension of 4.5m. (s9.1.5)	N/A	
RFD above shops / commercial premises		

Option 1: each dwelling to have min 10m ² with min dimension of 2m and 20m ² / dwelling as communal open space with min dimension of 5m. Option 2: Each dwelling to have min 30m ² with min dimension of 2m. (s9.1.3)	N/A	
9.2 Communal Open Space		
Spaces to be landscaped and include facilities (s9.2.1)		Yes
Communal areas not to be provided in front setback without demonstrated need	N/A	
Roof top open space only to be provided for low and high rise RFBs in additional to ground level requirements. (s9.2.1)	N/A	
High Rise RFBs communal open space in up to 2 locations at rate of 10m ² / dwelling with min width of 5m. (s9.2.3)	Under provisions of SEPP-ARH	
9.3 Solar Access		
At least 75% of each required open space area shall receive at least 3 hours unobstructed sunlight between the hours of 9am and 3pm on June 21. (s9.2.1)	Under provisions of SEPP-ARH Required solar access achievable.	Yes
Developments are to have regard for maintaining solar access to adjoining properties. (s9.2.1)	Some overshadowing to the adjoining property to the west. Morning shadow cast halfway across dwelling and garage.	Yes
Developments of 2 storeys and above shall provide shadow diagrams showing shadow casting at 9am, 12 noon and 3pm on June 21. The diagrams are to show shadows over the site and adjoining properties. (s9.2.2)	Diagrams provided.	Yes
9.3 Privacy		
Direct overlooking of internal living areas and private open space to surrounding dwellings shall be minimised. (s9.3.1)	Upper levels have potential to overlook adjoining properties. However, given the separation distance between the proposed building and those properties affected, any views would diminish and be visual clarity reduced. Windows on the western elevation of the west wing include privacy screens.	Yes
Refer to s9.4.1 for recommended building separation distances.		Yes
Site layout should separate sources of noise from bedroom areas of dwellings. (9.3.2)	Layout suitable.	Yes
9.4 Views		
Developments should be designed to minimise view loss from adjoining and adjacent properties. (s9.4)	No view loss	Yes
A visual analysis illustrating the impacts of the proposed may be required for developments which have the potential to obstruct views. (s9.4)	N/A	
10.0 Safety and Security		
CPTED principles should be taken into account (s10.1)	CPTED principles considered.	Yes
> 20 dwellings a formal Crime Risk Assessment may be required (s10.1)	Original application referred to NSW Police who provided a crime risk assessment.	Yes
11.0 Social Dimensions		

An internal laundry shall be provided within each dwelling. (s11.1.1)	Under provisions of SEPP-ARH Communal laundry provided.	Yes
Provision is to be made for a car washing facility for each development (s11.2.3)	Under provisions of SEPP-ARH	Yes
Internal storage space is to be provided. 1-2 bedrooms: 3m ² floor area 3 or more bedrooms: 6m ² floor area. (s11.1.4)	Under provisions of SEPP-ARH	Yes
12.0 Aesthetics		
12.1 Fencing		
Details of material, height, type and extent of all proposed fencing shall be shown on development application plans. (s12.1.1)		Yes
Fences contribute to the amenity, beauty and useability of private open spaces through incorporating design features. (s12.1.1)		Yes
Dividing fences shall not adversely affect flow of surface water or create flooding problems. (s12.1.1)		Yes
Courtyard fencing is to be of a decorative nature and 1.8m in height. (s12.1.1)		Yes
Courtyard fencing in front setbacks may only be provided: <ul style="list-style-type: none"> • On category A roads for noise attenuation. • On category B roads for solar access. • No closer than 1.5m from front boundary alignment, and setback to be suitably landscaped. (s12.1.1) 	N/A	
Decorative fencing may be provided along the front boundary with a maximum height of 1.2m. (s12.1.1)		Yes
No courtyard fencing permitted within the setback area on side streets. (s12.1.2)	N/A	
No structures of landscaping to be provided within sight lines. (s12.1.2)		Yes
12.2 Streetscape		
Developments to enhance the streetscape and compliment the surrounding built form, landscape and environmental conditions. (s12.2)	The proposed development positively contributes to the streetscape by providing a quality design with suitable landscaping. The proposal compliments the surrounding built form.	Yes
Building design to be compatible with the themes within the surrounding locality. (s12.2)	Building design is compatible with surrounding locality.	Yes
Developments shall be designed to address the street and contribute positively to the area. (s12.2)	Development addresses the street in a positive manner and contributes positively to the local area.	Yes

Annexure 2: Photomontages

Original proposal – view from Glen Road.



Original proposal – west elevation view from Glen Road.



Revised proposal considered at JRPP meeting 21 August 2014 – view from Glen Road



Revised proposal considered at JRPP meeting 21 August 2014 – west elevation view from Glen Road



Revised proposal to be considered at JRPP meeting 16 July 2015 – view from Glen Road



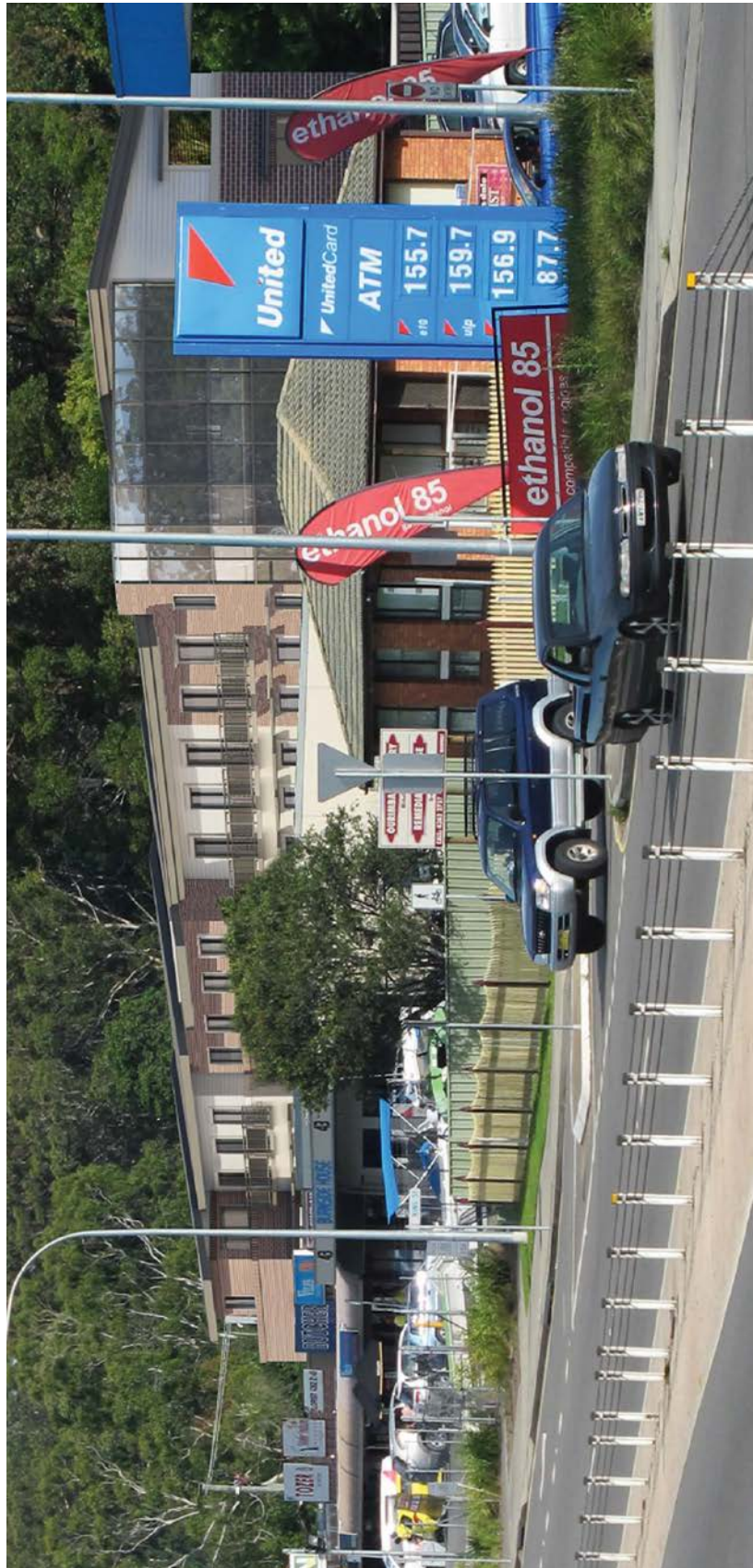
Revised proposal to be considered at JRPP meeting 16 July 2015 – view looking from Jacques Street



Modified Proposal considered at JRPP meeting 21 August 2014 - View from Pacific Highway



Modified Proposal to be considered at JRPP meeting 16 July 2015 - View from Pacific Highway.



Date: 11 June 2015
Responsible Officer: Julie Garratley
Location: 2-6 Glen Road, OURIMBAH NSW 2258
 Lot 18 DP 20723, Lot 19 DP 20723, Lot 20 DP 20723
UBD Reference:
Owner: Mr K J Gregory and Mrs P E Gregory
Applicant: Mr K J Gregory and Mrs P E Gregory
Date Of Application: 10 December 2013
Application No: DA/1034/2013
Proposed Development: Boarding House (SEPP Affordable Housing) and demolition of existing structures
Land Area: 973.80
Existing Use: XXXX

PROPOSED CONDITIONS

Approved Plans

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

Title	Drawing No.	Revision	Date	Drawn By
Photomontage 1	DA00	A	9.12.14	Project Works Design
Photomontage 2	DA01	B	9.12.14	Project Works Design
Photomontage 2	DA02	B	9.12.14	Project Works Design
Site Plan	DA03	D	6.6.14	Project Works Design
Site Analysis Plan	DA04	-	28.7.13	Project Works Design
Ground Floor Plan	DA06	C	6.6.14	Project Works Design
Level 1 Plan	DA07	C	6.6.14	Project Works Design
Level 2 Plan	DA08	C	6.6.14	Project Works Design
Streetscape Elevation	DA09	C	6.6.14	Project Works Design
Elevations Sheet 1	DA10	C	6.6.14	Project Works Design
Elevations Sheet 2	DA11	C	6.6.14	Project Works Design
Section	DA12	C	6.6.14	Project Works Design
Landscape Concept Plan	LDA01	A	21/11/14	Conus Landscape Architects

Amendments in Red

- The recreation rooms are to include a wall in the approximate location as shown in red on the approved plans.
- The communal areas are to be removed as shown in red on the approved plans.

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*.
- 3 Prior to the occupation or use of the building, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.
- 4 Where conditions of this consent require approval from Council under the *Roads Act 1993*, *Local Government Act 1993* or *Water Management Act 2000*, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

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.

- 5 The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.
- 6 Certification of compliance with the general terms of approval of the Rural Fire Services Water as outlined in its correspondence dated 26 February 2014 and the Office of Water as outlined in its correspondence dated 25 March 2014.

Contribution Payment Requirements

- 7 Prior to the issue of any Construction Certificate, the payment to Council of developer contributions as calculated in the formula below:

$$\text{Developer contribution} = \$250,251.20 \times \text{Current CPI} \div \text{Base CPI}$$

where "**Current CPI**" is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the time of payment of developer contributions pursuant to this condition, and "**Base CPI**" is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the date of this consent.

This condition is imposed pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*.

Ecology/Tree Requirements

- 8 Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.

Reflectivity of Materials.

- 9 All external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.

Structural Design Requirements

- 10 Any excavation below the adjoining land level requires the retaining of that land and the preservation and protection of any improvements or buildings upon that land including public roads and utilities from damage. If necessary, the improvements or buildings are to be supported in a manner designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared in order to comply with this condition are to include geotechnical investigations and are to be submitted for the approval of the Accredited Certifier and in the case where excavation impacts upon public infrastructure, Council, prior to issue of the Construction Certificate.

Roadworks - Design Requirements

- 11 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- Vehicle access crossing (no fines concrete).
 - Removal of the existing raised pavement marking to provide vehicular access to the development.
 - The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation.
 - Any associated works to ensure satisfactory transitions to existing infrastructure.
 - Adjustment of services as required.

Required design drawings are to be prepared in accordance with Council's *Civil Works Design Guidelines* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

- 12 Prior to the commencement of detailed design works within any public road, contact should be made with the National Community Service “Dial before you Dig” on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

Stormwater Drainage - Design Requirements

- 13 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
- Stormwater disposal to the street.
 - Suitably sized galvanised box section across the footpath area to connect to the existing kerb and guttering.
 - Drainage pit at the boundary line.
 - The provision of an onsite stormwater detention system. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average recurrence interval (ARI) design storms.
 - The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering Council's stormwater drainage system.
 - Discharged water from the development shall not exceed the capacity of the Pacific Highway stormwater drainage system.

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

- 14 Stormwater drainage works (channel widening / upgrade) requires approval from Council under Section 68 of the *Local Government Act 1993*. Detailed design drawings prepared in accordance with Council's *Civil Works Design Guidelines* must be approved by Council prior to the issue of a Construction Certificate. Proposed Chainage Sections 33 shall be increased to the width of Chainages 16 & 23 in order to provide additional drainage capacity in the event of blockage and ensure suitable freeboard is provided. The structural loadings associated with the western wing of the building shall be adequately demonstrated and not impact upon the flow regime through this channel. Access for Council maintenance must be provided through appropriate sections through the driveway slab. The flow regime associated with any pipe blockage shall be maintained with development works. All other stormwater management works must be approved by the Accredited Certifier.

Vehicle Access and Parking - Design Requirements

- 15 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical traffic controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading.
 - Permeable paving should be in the driveway to reduce the impact on existing trees.
 - Wheel stops for parking spaces.
 - Guardrails / barriers provided.
 - Certification from a suitably qualified and experienced hydraulic engineer that the proposed driveway and slab soffit levels are consistent with the Flooding and Drainage Study by RGH Consulting (refer Report No. 20140097 R01, Revision 2, dated 8/5/2014).

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

Water and Sewer Services - Design Requirements

- 16 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.

Demolition Requirements

- 17 Prior to the demolition of nominated structures on site, all existing site services are to be disconnected, sealed and made safe. With regard to any sewer and water, service is to be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- Any demolition work carried out is to be carried out in accordance with the requirements of AS 2601-2001 – The Demolition of Structures.
- 18 Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work, must be undertaken by a

person who carries on a business of such removal work in accordance with a licence issued under the provisions of Clause 318 of the *Occupational Health and Safety Regulation 2001*.

- The person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.
- Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered for disposal. Upon completion of these works, the Council is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

Ecology/Tree Requirements

- 19 Prior to the commencement of works a tree protection plan prepared by an AQF5 (or equivalent) qualified consulting arborist which details the tree protection measures that will be implemented for retained trees. The tree protection plan is to have regard for the provisions of AS4970-2009, *Protection of Trees on Development Sites*.
- 20 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 site:
 - The three Tallowood trees are to be protected by the erection of 1.8 metre-high chain wire interlocking fencing as per the engaged Arborist and/or Ecologist's direction, AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's *Civil Works Design Guidelines*.
 - Erection of tree protection measures is to be confirmed to Council's Development Ecologist in writing by the Arborist and/or Ecologist prior to commencement of works, or alternatively Council must be notified to undertake an inspection of the works.
 - 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.
 - The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.
 - The Ecologist and Arborist are to induct each civil contractor and sub-contractor in relation to the importance of these ecological protocols as part of their site induction program prior to commencement of works. Certification of this induction must be provided to Council prior to commencement of works.

Erosion and Sediment Control Requirements

- 21 Prior to the commencement of construction an initial Erosion and Sediment Control Plan (ESCP) prepared in accordance with the latest edition of the Landcom Publication '*Soils and Constructions- Volume 1*' (The Blue Book) shall be provided to the Principal Certifying Authority. This plan shall be modified and updated during construction to reflect any changes due to the on-ground/site conditions. A copy of any modifications or updates to the ESCP shall be provided to the PCA and provided to Council upon request.
- 22 Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent ESCP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the *Protection of the Environment Operations Act 1997*

Protection of Adjoining Property Requirements

- 23 Prior to works associated with the development commencing, the owner of the adjoining property affected by the proposed excavation and/or structural protective works, must be given written notice of the intention to commence works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protective works.
- 24 Prior to works associated with the development commencing, the applicant must supply the Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and other improvements. The report must be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works. **Note:** The report is to be made available by the Principal Certifying Authority in any private dispute between neighbours regarding damage arising from construction works upon the development site.

Roads - Preconstruction Requirements

- 25 Prior to commencing any works upon public roads the developer and their contractor will be required to:
 - Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
 - Obtain a copy of Council's *Civil Works Design Guidelines*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 26 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

- 27 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.
- 28 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.
- 29 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 2013, Chapter 2.1 – *Dwelling Houses & Ancillary Development*. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.
- 30 A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
 - could cause damage to adjoining lands by falling objects; or
 - involve the enclosure of a public place or part of a public place.

These works are specified as exempt development within the SEPP (Exempt & Complying Development Codes) 2008 – subdivision 2.110.

During Construction Works:

The following conditions must be satisfied during construction works.

Ecology/Trees - Construction Requirements

- 31 No tree (or other vegetation) other than those specifically notated on the approved plan(s) as "tree to be removed" shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Consent Authority.
- 32 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 Council's *Civil Works Construction Specification* and include under boring and excavation by hand.

Services/Utility Requirements

- 33 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 34 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
 - Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;
 - Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Site Requirements

- 35 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.
- 36 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.
- 37 During the construction phase of the development, any excavation below the level of footings of buildings upon adjoining allotments requires the

preservation and protection of the adjoining buildings from damage resulting from subsidence. Should it be necessary, the excavation is to be supported and the adjoining buildings underpinned in a manner certified by a suitably qualified Structural Engineer.

- 38 During the construction phase of the development, downpipes and the associated stormwater disposal system is to be suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water 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 Certificate.

Registration under Boarding Houses Act

- 39 Prior to the issue of an Occupation Certificate, the boarding house is to be registered as a General Boarding House in accordance with the requirements of the Boarding Houses Act, 2012 .

Plan of Management

- 40 Residents within a 200m radius of the site are to be provided with contact details in writing of the on-site manager (including a current mobile telephone number), who be contacted in the event of any noise disturbances arising from the approved development.

If any details of the on-site manager changes (including but not limited to the name of the on-site manager or contact telephone number etc), then arrangements shall be made to re-notify the residents within a 200m radius of such changes in details within 14 days.

Registration of Business

- 41 The operator of the business must register the premises with Council's Environmental Health Unit before operations commence and must renew annually.

Building Code of Australia – Compliance Requirements

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

Fencing

- 43 Prior to the issue of an Occupation Certificate, fencing to the site is to be completed.

- The western boundary is to be fenced with a 2.4m lapped and capped timber fence wholly within the boundary.

Dilapidation Rectification Requirements

- 44 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.

Flooding – Compliance Requirements

- 45 Prior to the issue of an Occupation Certificate, the existing Council drainage easement shall be widened to fully contain the proposed watercourse and channel works.

Landscaping Requirements

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

Letterboxes and Street Numbering

- 47 Prior to the issue of an Occupation Certificate, all letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to specific numbering.

Other Authorities – Compliance Requirements

- 48 Prior to occupation, the developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 49 Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall certify that the recommendations of the NSW Police Force, as outlined below, have been complied with.
- All entry points should be designed to maximize surveillance opportunities to and from these areas from both inside, as well as outside. All entries should display a height marker in order to identify the height of an apparent offender.
 - The developer must install a system of CCTV of a type and in locations on the site that will provide high-quality images of all public areas within the site.
 - Where ram raid break and enters or access by vehicles into the area, anti-raid bollards can be installed in front of any glass area of entry points, such that a car would be prevented from breaching the glass walls.

- Adequate and uniform lighting be ensured for the full car park area at the side. This will enhance surveillance opportunities of the CCTV system during hours of darkness and the safety of staff and customer/s.
- A lighting maintenance policy to be established for the development ensuring that broken lights are repaired within 7 days.
- Luminaries (light covers) should be vandal resistant.
- A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within 7 days.
- To minimise vehicular speed within the car park, the installation of speed calming devices on the exit and entry points within the car park is recommended.

Plumbing and Drainage - Compliance Requirements

- 50 Prior to the issue of an Occupation Certificate, the provision of rainwater tank storage, in accordance with the requirements the National Plumbing and Drainage Code AS/NZS 3500. The rainwater tanks must be located in such a position as to maximise rainwater collection and shall include, but not be limited to, the retention of water on-site incorporating first flow diversion devices fixed to all inflows, provided with a functioning pressure pump, and plumbed to service all toilets and at least one outdoor tap for each stage of the development. The tank must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.

Roads – Compliance Requirements

- 51 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior to issue of the Occupation Certificate.
- 52 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Council's *Civil Works Construction Specification* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.

Statutory Certificate Requirements

- 53 Prior to the issue of an Occupation Certificate, a Final Fire Safety Certificate, as required by Clause 153 of the *Environmental Planning and Assessment Regulation, 2000*, certifying that all the Fire Safety Measures within the building have been designed and installed in accordance with the relevant standard of performance as nominated by the Fire Safety Schedule issued with the Construction Certificate, is to be supplied for the approval of the Principal Certifying Authority. Such Final Fire Safety Certificate is also to be displayed within a prominent location within the building such as the main entry.

Stormwater – Compliance Requirements

- 54 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 55 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 Council's street gutter drainage system. Where provided, the existing kerb stormwater connection is to be utilised.
- 56 Prior to the issue of the final Occupation Certificate, a 'Restriction on the Use of Land' shall be created on the title of the land restricting any alteration to the on-site stormwater detention system. The terms of the Restriction are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the restriction.
- 57 Prior to the issue of the final Occupation Certificate, a 'Positive Covenant' shall be created on the title of the land requiring the registered proprietor to ensure the continued maintenance and performance of the on-site stormwater detention structure. The terms of the positive covenant are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the covenant.
- 58 The original completed request forms (Department of Lands' standard forms 13PC and 13RPA) must be submitted to Council for authorisation. A copy of the work-as-executed plan (details overdrawn on a copy of the approved stormwater management plan) and Civil Engineer's certification must accompany the completed request forms. Documentary evidence of the registration of the Positive Covenant and 'Restriction on the Use of Land' shall be provided to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.
- 59 The upgrade / widening of the existing channel in accordance with the approved Stormwater Management Plan and Council's *Civil Works Construction Specification*. All works must be approved by Council under Section 68 of the *Local Government Act 1993* prior to the issue of the Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.

Subdivision– Compliance Requirements

- 60 The consolidation of Lots 18, 19 & 20 of DP 20723 into one lot by registered subdivision prior to the issue of an Occupation Certificate. Documentary evidence of the Consolidation Plan registration with the Land and Property Management Authority must be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 61 Prior to the issue of an Occupation Certificate, all water and sewer works for the development must be approved by Council as the Water and Sewer Authority.
- 62 The obtaining of a satisfactory final plumbing & drainage inspection advice or 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 Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Waste Management Requirements

- 63 For safety, amenity and maintenance reasons, the waste storage area must be constructed to the following standards prior to the issue of an Occupation Certificate:
- Floors must be constructed of concrete and finished to a smooth even trowelled surface;
 - Walls must be constructed with solid impervious material and shall be cement rendered internally to a smooth even steel trowelled surface;
 - The ceiling must have a minimum height of 2.1 metres from floor level and be finished with a smooth faced non-absorbent material capable of being easily cleaned;
 - Adequate lighting shall be provided;
 - Waste receptacles used shall be compatible with Wyong Council's waste collection service.

Ongoing Operation:

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

Amenity

- 64 The proposed use shall not cause unreasonable noise or interference to adjoining occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from warning sirens, intruder alarms, public address systems, heavy-duty compressors and the like.
- 65 The owner/operator(s) must effectively manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner/operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.

Operational- Boarding House

- 66 Adequate laundry facilities are to be provided for the maximum number of boarders to be accommodated. These facilities should include as minimum washing machines, washing tub, clothes dryers and clothes lines.
- 67 The premises and all fixtures, furnishings and equipment must be maintained in a clean, sanitary condition and kept in good repair at all times.
- 68 Open space areas, including any lawns, gardens or landscaped areas must be regularly maintained and kept in a clean and tidy condition at all times.
- 69 An adequate number of suitable waste containers must be kept on the premises for the storage of all garbage and recycling waste generated between collections. Waste storage areas must be maintained in a clean and tidy condition at all times.
- 70 Management is to be provided on a 24 hour basis. The development is to include a high standard of property maintenance and cleanliness to ensure a safe and healthy environment for occupants.
- 71 Security is to be provided on the premises to reduce potential problems of theft, monitor behaviour and assist in controlling noise levels generated from the development. Additionally, management procedures are to be developed and maintained that will minimise problems associated with the operation of the boarding house. These procedures are to include ongoing communications with adjoining residents to identify and address any potential amenity related concerns associated with the development.
- 72 The development must be operated in accordance with the Plan of Management approved prior to the issue of an Occupation Certificate. The Plan of Management can only be amended with the agreement of Council in writing.
- 73 External open space areas must not be used for social gatherings (BBQs, parties or the like) outside the hours of 9am to 9pm.
- 74 The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

Lighting Spill Requirements

- 75 All external lighting is to be of a type that minimises overspill into adjoining properties.

Restrictions on Use – Ongoing Requirements

- 76 The non-habitable rooms such as garages, storerooms or outbuildings must not be adapted or used for habitable purposes.

Site Appearance, Maintenance and Security Requirements

- 77 The owner/operator(s) of the site must maintain the external finishes of the building(s), structures, walls and fences for the life of the development and any graffiti must be removed in a timely manner.

- 78 The owner/operator(s) must effectively manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner/operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.
- 79 All security/front/perimeter fencing is to be maintained for the life of the development in its approved location.
- 80 All site landscaping is to be maintained for the life of the development in accordance with the approved landscape plan, as amended by the conditions of this consent, and with the approved maintenance schedule.
- 81 All carpark and public place lighting must be maintained in accordance with the approved lighting plan, to ensure continuing energy efficient lighting and the amenity of adjoining properties is preserved.

Stormwater – Ongoing Maintenance Requirements

- 82 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.

Waste Management Requirements

- 83 All waste generated on the premises shall be stored in a manner so that it does not pollute the environment.
- Recyclable waste bins are to be provided on each level of the boarding house.

SCHEDULE OF CONTRIBUTIONS

Shire Wide Regional Open Space	\$4,570.90
Shire Wide Cycleway Network	\$9,377.10
Shire Wide Performing Arts Centre & Public Art	\$10,580.85
Shire Wide Administration	\$2,031.40
Ourimbah District Administration	\$17,970.40
Ourimbah District Open Space Works	\$111,997.60
Ourimbah Community Facilities Works	\$93,722.95

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary interest to disclose in respect of the application.

.....
Reporting Officer

.....
Reviewing Officer

The staff authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is endorsed and the recommendation contained therein.

Approved/Refused:

.....
//_

Date

13 August 2014

Development and Building Department

DA 1034/2013 - Proposed 4 Storey Boarding House at 2-4 Glen Road, Ourimbah

TRIM REFERENCE: DA/1034/2014

Director: Scott Cox,

AUTHOR: Julie Garratley; Development Planner

SUMMARY

A development application has been received for the demolition of two existing dwellings and the erection of a four storey boarding house containing 94 boarding rooms, one manager's residence and associated carparking and open space at 2-4 Glen Road, Ourimbah. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	K & P Gregory
Owner	K & P Gregory
Application No	DA/1034/2013
Description of Land	Lot 18, 19 & 20 DP 20732, No. 2-4 Glen Road, Ourimbah
Proposed Development	Boarding House
Site Area	2966m ²
Zoning	R1 General Residential WLEP 2013 2(b) Multiple Dwelling Residential WLEP 1991
Existing Use	Dwellings
Estimated Value	\$5,067,000

RECOMMENDATION

That the Joint Regional Planning Panel approve DA/1034/2013 for a boarding house as a deferred commencement consent subject to the following matters:

A)

- ***The submission of a Plan of Management (POM) detailing the business operation of the development including emergency procedures. The POM is to include but not limited to:***
 - (a) Management arrangements and Manager's contact details***
 - (b) Council consent compliance details***
 - (c) Inspection and records***
 - (d) Maintenance of Incidents Register***
 - (e) Requirements for keeping Council informed of any change in management***
- ***The submission of a Community Engagement Plan & Community Safety Plan detailing the involvement of the community in the preparation of operational policy and decision making for the development.***
- ***The submission of a Category 3 Landscape Plan detailing the provision of retaining walls and mature native species tree plantings along the western boundary.***

- ***The submission of amended plans demonstrating a minimum rear building setback of 5.00 metres from the building to the northern boundary.***
- ***The submission of amended plans demonstrating the relocation of the garbage bins to car spaces 2 and 3 and the provision of a hardstand turning area adjacent to the building. Car spaces 2 and 3 are to be located where the bins were proposed.***
- ***The submission of amended plans demonstrating the inclusion of privacy measures for units on the western façade of the building in order to minimize the impact to the amenity of the neighbouring property.***
- ***The submission of details demonstrating the extent of cut and fill and retaining walls adjacent to the northern and rear section of western boundary.***
- ***The submission of amended plans detailing the inclusion of natural light and cross ventilation measures.***

B)

- ***Residents that made written submissions be advised of the Joint Regional Planning Panel's decision.***

Upon Council being satisfied that the conditions of the Deferred Commencement consent has been complied with, an operational development consent with conditions detailed in schedule B attached to the report will be notified to the applicant.

PRECIS

Proposed Development	The development application seeks consent for the demolition of two dwellings with associated structures and the erection of a four storey boarding house containing 94 rooms, manager's residence, carparking, associated open space and landscaping.
Permissibility and Zoning	The proposal is permissible as a 'boarding house' under Wyong Local Environmental Plan (WLEP) 1991 and WLEP 2013.
Relevant Legislation	State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP). State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) Boarding House Act 2012
Current Use	The site currently contains two dwellings.
Integrated Development	NSW Rural Fire Service (RFS) NSW Department of Primary Industries - Office of Water

Submissions	Original notification period – 167 submissions. Second notification period – 131 submissions.
Determining Authority	Joint Regional Planning Panel

The Locality

The site is located at 2-4 Glen Road, Ourimbah and is approximately 8.5 kms south of Wyong and 12kms north of Gosford.

Ourimbah's residential population in the ABS 2011 Census data was 4,162 representing approximately 2.8% of the total shire population.

Surrounding Development

The Ourimbah area is split by the Pacific Highway and the main Northern Railway line. The site is approximately 40 metres west of the Pacific Highway and adjoins the Ourimbah shopping village that fronts Pacific Highway.

The site is immediately surrounded by the following development:

- Commercial to the east and north of the site which consists of shops to the east and professional rooms adjacent to the site to the north and a service station on the opposite corner.
- Low density residential (single dwellings) to the west.
- Ourimbah hall (a "Nissan Hut") opposite the site.
- A three storey medical centre to the north-west.

Development along the Pacific Highway comprises a mix of commercial offices and residential developments; notably a shopping centre, RSL club, railway station, hotel, professional rooms, service station and medium density occupancies.

An over-bridge at the train station provides a pedestrian link from the University precinct and sporting parks and recreational facilities to the Ourimbah district commercial and residential areas.



Figure 1: Shops adjacent to site on Pacific Hwy.



Figure 2: Real Estate on opposite corner Glen Road & Pacific Hwy.



Figure 3: Glen Road showing Ourimbah Hall to the south of the site and the existing streetscape to the west.



Figure 4: Pacific Highway looking north.



Figure 5: King Street medical centre looking south.



Figure 6: Looking south west from the railway footbridge to shops.

The Site

The site comprises Lots 18, 19 & 20 DP 20723 with an area of approximately 2966m². The southern boundary has approximately 47 metres frontage to Glen Road. The site narrows as it extends to a northern boundary of approximately 28 metres with the eastern boundary being 79.5 metres and the west approximately 80 metres. The site has a slope of approximately 3.5 metres from the northwest corner to the southeast corner and a drainage line on the western side of the property.

The site currently contains an existing dwelling and various outbuildings on lot 18 and an existing dwelling and outbuildings on lots 19 & 20. There are 21 trees which include a combination of native and exotic species. To the west of the site the topography sharply increases approximately 94 metres to the ridgeline at the top of the hill approximately 600 metres away.

A narrow water course (with easement) extends along the western boundary to a 600mm pipe under Glen Road.



Figure 7: Aerial photo showing the subject site and surrounding areas.

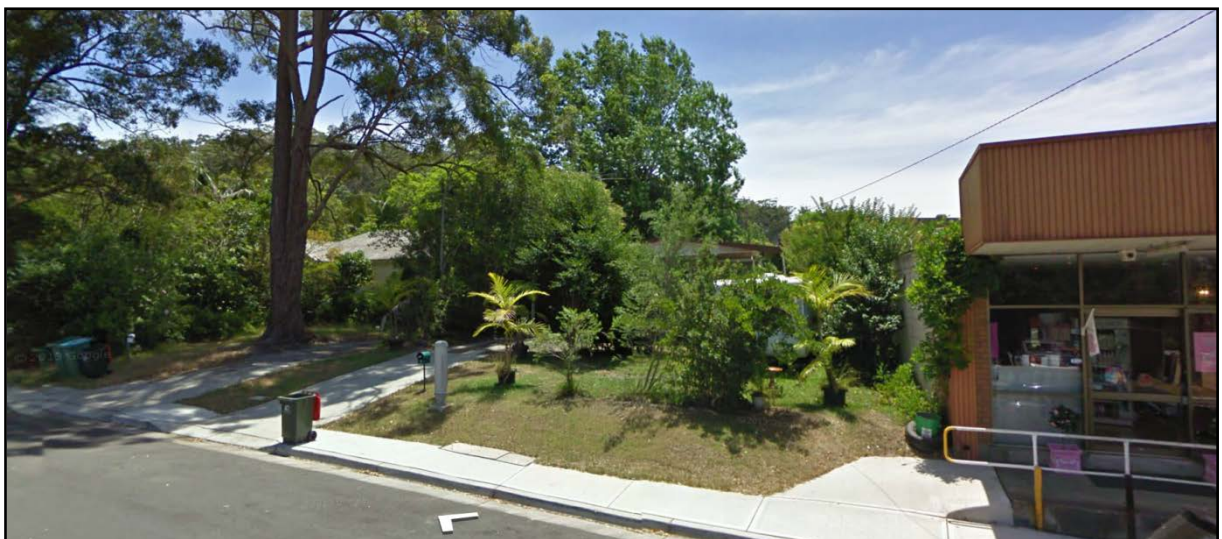


Figure 8: Photo showing No.2-6 Glen Road and shop corner.

Source: Google 2014.

The Proposed Development

The development application originally sought approval for a four storey development comprising 101 rooms.

The original proposal was lodged 20 December 2013 for a 101 room boarding house with manager's residence, an additional unit and associated carparking, open space and landscaping. The original proposal was considered to be inconsistent with SEPP 65 in terms of bulk and scale, design, local character and external finishes. Other issues identified included:

- excessive floor space ratio,
- building height,
- no laundry facilities,
- solar access to communal recreation rooms,
- location of the driveway in relation to roundabout ,
- flooding impacts from the overland flow path and watercourse.

The original concept was considered to be an overdevelopment of the site in terms of bulk, scale, design and inconsistent with the objectives of SEPP 65. The applicant was requested to modify the design based on community feedback and assessment from relevant Council staff.

A modified proposal was submitted in March 2014 with the number of rooms reduced to 94 rooms, one manager's residence, associated carparking and open space areas. The height of the development was also reduced to incorporate a two storey façade that presented to the Glen Road frontage. The development then stepped up to 3 and 4 storeys to the rear of the site. The modified development includes the following:

- 85 single units;
- 5 double units;
- 4 accessible units;
- One managers unit;
- Office;
- Recreation room;
- Communal Lounge Area;
- Communal Laundry;
- 20 car parking spaces;
- 20 bicycle parking spaces;
- 20 motor cycle parking spaces;
- Bin enclosure area;
- Communal open space; and
- Landscaping.

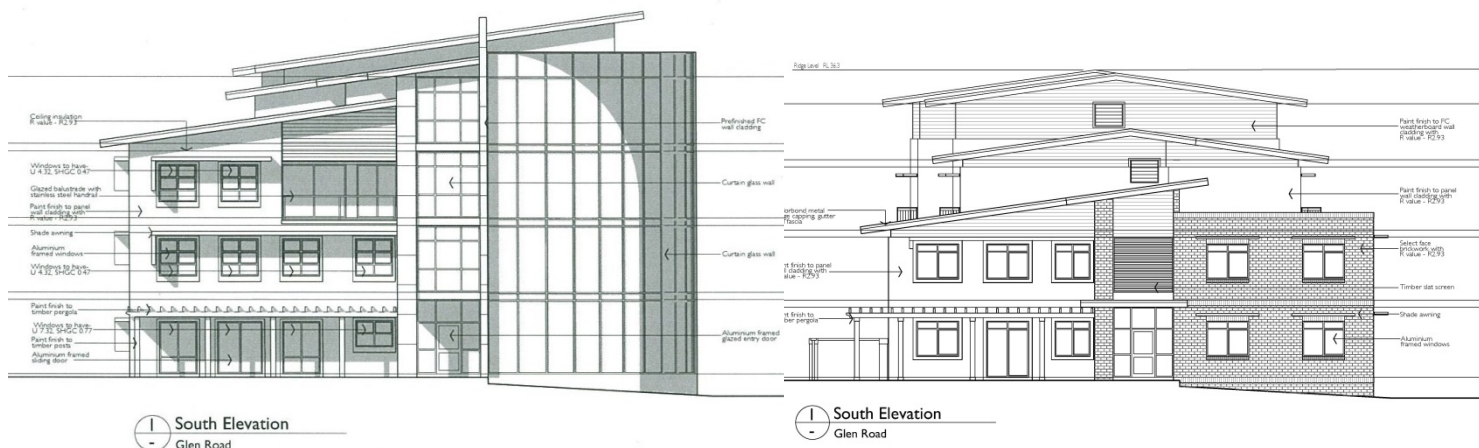


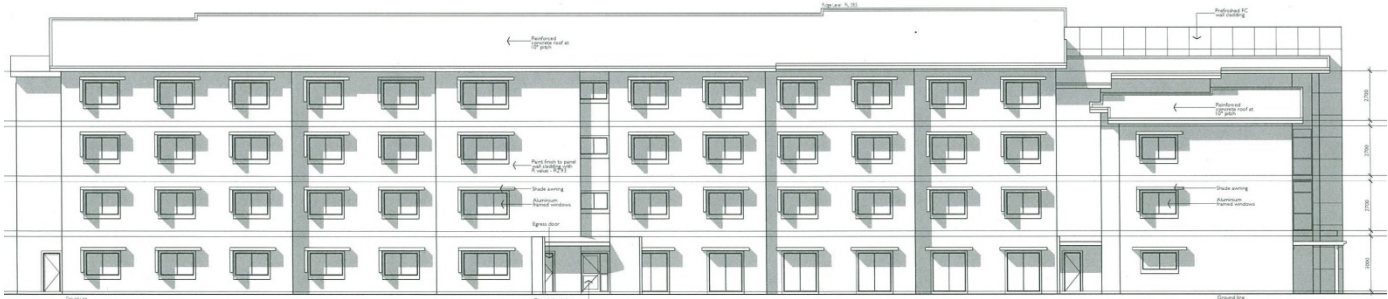
Figure 9: The original south elevation to Glen Road is shown on the left, with the modified south elevation to Glen Road on the right. (Diagrams are not to scale)



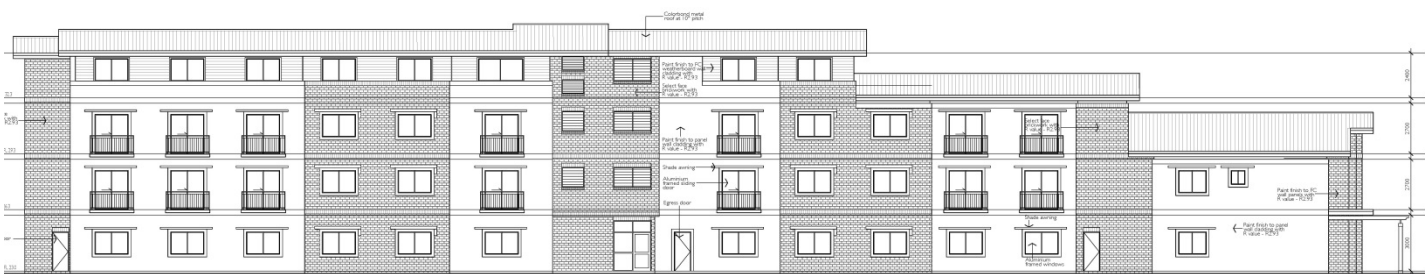
Figure 10: Photomontage of the original Glen Road elevation.



Figure 11: Photomontage of the revised Glen Road elevation.



3 West Elevation



3 West Elevation

Figure 12: The original west elevation is shown on the top, with the revised west elevation below.
(Diagrams are not to scale)



Figure 13: Photomontage of the original building showing front & western elevation.



Figure 14: Photomontage of the revised building showing front & western elevation.

western elevation.

Figure 15: Streetscape elevation Glen Road.



Built Form

Each unit contains an en-suite, kitchenette, robe and desk and is air conditioned. The recreation room provides a kitchenette and an accessible toilet and is located at the front of the building on ground level. The manager’s residence is located at the front of the building adjacent to the entry and has two levels with entry from ground level. The office is adjacent to the entry and accessible from the managers unit. The boarding house is serviced by an accessible lift centrally located at the carpark entry. There are three sets of stairs located evenly throughout the building. The building is to be constructed of a mix of masonry and cladded walls with a Colorbond roof.

The manager’s residence consists of three bedrooms, bathroom, kitchen, living, dining and store room and has private open space and an allocated parking space.

The proposed boarding house has been lodged under the State Environmental Planning Policy Affordable Rental Housing (ARHSEPP). The ARHSEPP therefore takes precedent over Council's legislation and controls. The development is aimed at student accommodation in support of the University with the expected occupancy of the units being the academic year.

Operational Function

The boarding house will be required to formulate a Plan of Management. The Plan of Management will provide the various requirements and responsibilities of management and lodgers. The directions and controls are to be strictly adhered to in the operation of the Boarding House, to ensure compliance with the conditions of Development Consent and health and amenity requirements for both the occupants and the surrounding residents.

While a formal Plan of Management has not been submitted with the development application, documentation submitted with the application refers to procedures and management responsibilities associated with the boarding house. Reference is made to the maintenance of the building, induction of tenants to the building, incidents and complaints reporting, emergency procedures and rubbish disposal all of which would be included in a Plan of Management. The applicant will be required to complete a Plan of Management to be submitted Council as a conditions of consent prior to the commencement of works.

In addition to the Plan of Management, the boarding house will be required to be registered under the Boarding House Act 2102. Council's Environmental Protection and Compliance staff will also conduct bi-annual inspections of the premises to ensure that conditions of consent are being met.

VARIATIONS TO POLICIES

The proposed development has been submitted under the ARHSEPP and is considered to be consistent with the SEPP requirements. Where the SEPP is silent in development requirements, the Council Local Environmental Plan and Development Control Plan is to be considered.

Table 1: Variations to Policies

Clause	3.1.2
Standard	Maximum height of 7m from ground level to ceiling of the upper floor.
LEP/DCP	DCP 2.4 – Multiple Dwelling Residential Development.
Departure basis	Proposal is for 4 storeys at a height of 11.4m to ceiling of the fourth level - a 4.40m departure on the height control only for the 3 rd and 4 th levels of the building. Variation supported.
Clause	4.3.3 Table 2
Standard	Front setback to be 7.5m
LEP/DCP	DCP 2.4 – Multiple Dwelling Residential Development.
Departure basis	Setback 6.0m. 20% departure. Variation supported.
Clause	4.3.3 Table 2

Standard	Side & Rear setbacks: 6.0m
LEP/DCP	DCP 2.4 – Multiple Dwelling Residential Development.
Departure basis	Side has a minimum of 3.0m from recreation room wall to adjoining boundary (shops). The side setback: 50% departure is supported. Rear has minimum of 1.25m proposed from the stair wall to adjoining boundary (commercial zone). The rear setback is not supported and the design is recommended to be amended to establish a minimum 5m rear setback.
Clause	10.1.2.a
Standard	Garbage chute system required.
LEP/DCP	DCP 2.4 – Multiple Dwelling Residential Development.
Departure basis	No garbage chute provided, garbage area outside

The departures identified above are discussed later in this report.

SUBMISSIONS

Any submission from the public.

The application was notified in accordance with DCP 2005 Chapter 70-Notification of Development Proposals. The original notification period was for a period of seven weeks from 20 December 2013 to 11 February 2014 to allow for Christmas and holiday period. In that time 168 submissions were received.

As a result of further information being lodged by the applicant and the submission of a modified design, the application required a re-notification. The second notification period was for a period of three weeks with Council accepting submissions until 22 April 2014. The second notification period received 131 submissions. The issues raised in relation to the proposal are discussed below.

- **The building is an overdevelopment of the site with an increased height, FSR and reduced setbacks.**

Comment

The building height and mass is greater than that generally found on the surrounding properties.

The building was re-designed to reduce its bulk and scale and improve its presentation to both Glen Road and the Pacific Highway. The building presents as a two storey development at the Glen Road frontage with the third and fourth level setback from the previous edge in a stepped manner as shown in figures 10 to 16. External finishes and colours were also modified to reduce the visual mass of the building.

- **Height**

Comment

WLEP 1991 and WLEP 2013 do not contain any height limitations for the site. Guidelines for building height controls are included in Development Control Plan No 64 – Residential Development.

The maximum height for residential development of the site is 7.00 metres to the ceiling of the upper level. The front two storey section of the building complies with the height limit. The middle three storey section extends 1.5 metres above the limit while the rear four storey part of the building extends over the limit by 4.4 metres. Given the context of the site in close proximity to major road and rail infrastructure, the large site area, the increased separation distance to the adjoining residential property, the height variation is considered reasonable. In addition, the application has been submitted under the ARHSEPP which relates the height of the building back to any Environmental Planning Instrument which applies to the area. Both WLEP 1991 and WLEP 2013 do not have height development standards for the site. The DCP refers to a building height; however a DCP is not a planning instrument and is used as a guide only. The property to the north in King Street contains a building consisting of three storeys at a height of 10.5 metres to the peak of the roof.

The proposed boarding house has been reduced in height from the original submission as previously mentioned.

- **Floor Space Ratio (FSR)**

Comment

The modified design proposed an FSR reduced from 1.37:1 to 1.03:1. The FSR is now consistent with the requirements of the ARHSEPP which provides the development controls for this development. The ARHSEPP provides an additional 0.5:1 to the local development control for FSR. The maximum Council FSR requirement for a residential flat building is 0.6:1 plus an additional 0.5:1. The proposed FSR is now 1.03:1 and complies. The FSR has now been reduced and is under the allowable 1.11:1.

- **Setbacks**

Comment

The proposed setbacks to the adjoining residential property to the west is greater than the required 6.0 metres with a distance of between approximately 9.5 metres to 20 metres from the building to the common boundary to the west. The proposed eastern side setback varies from a minimum distance of 3.0 metres to a maximum distance of 5.7 metres. Although less than the required setback distance to a side boundary, the reduced distance will provide minimal impact to the adjoining properties which are commercial in use with the shops to the east built to the boundary and the commercial uses to the north and northwest in King Street being the rear of the properties.

The rear setback proposed varies from 1.25 metres to 5.0 metres. The reduced rear setback is not supported in order to establish appropriate amenity to the neighbouring property, provide protection to the existing trees at the rear of the site, facilitate construction of rear retaining walls and landscaping, and enable improved accessibility around the building to open space and parking areas.

The front setback is also less than the required 7.5 metres under Council's DCP at 6.0 metres. The distance is considered reasonable and provides a transition to the residential properties to the west. The adjoining shops are built to the boundary in Glen Road. The proposed 6.0 metres for the boarding house would provide a gradual step from the shops to the residential dwellings to the west.

The total site coverage of the building is 35% and although the setbacks have been reduced, the site coverage is only slightly more than one third of the subject site and considered reasonable. The proposed setbacks are therefore considered to be reasonable due to the minimal impact on adjoining properties.

Other than the rear setback, the built form of the proposed boarding house is considered to be acceptable in this location and does not appear to create an adverse impact to the surrounding properties.

- **The architectural design is poor and not compatible with the streetscape.**

Comment

The original submission was considered to be inconsistent with the local character and streetscape as it had a commercial appearance and a four storey front facade. The applicant was requested to modify the design with particular attention given to the requirements of SEPP 65. The development was redesigned so the building presents as two storey to the Glen Road frontage and so that materials and external finishes were compatible with the local character. The elevation as seen from the Pacific Highway is also improved with the modifications to materials and finishes to reduce the visual bulk and massing of the building.

The proposal was reviewed by the Central Coast Design Review Panel who were supportive of the design subject to some minor amendments such as:

- The removal of the red fibre cement blade wall adjacent to the entry foyer as it is commercial in character and not in keeping with the character of the overall design.
 - Small balconies, material modulation and alternate sun shades were also recommended for the east and west elevations.
- **The fence is out of character of the area and reflects a compound.**

Comment

The proposed fence is to be constructed from brick piers with slatted timber infill to a height of approximately 1.8 metres and offset 2.50 metres from the front boundary. The style of fence is common in residential areas and is considered to integrate with the building design. Landscaping will be planted to compliment the design of the fence. Details of landscaping will be requested as a deferred commencement condition.

- **Proposal out of character with the local area.**

Comment

The proposed development would be higher than existing development that surrounds the subject site. The proposed residential use as a boarding house is permissible within the 2(b) and R1 zones.

The character of the surrounding area is a mix of commercial, industrial and low to medium density residential. For a development to be compatible, “the proposal does not have to be the same as the predominant form which creates the character of the local area, but should respond to the desirable elements” (*Project Venture Developments v Pittwater Council* [2005][67]). An important contributor to the character of a local area is the relationship of built form on the surrounding space. This relationship is created by building height, setbacks and landscaping. It was stated in *Project Venture v Pittwater Council* that “buildings do not have to be the same height to be compatible” (*Project Venture Developments v Pittwater Council* [2005][27]). The existing height in the streetscape should also be taken into account when there is a height difference. The proposed development has attempted to fit with both the residential and commercial character of adjoining and surrounding sites.

The building has included design features such as small balconies, façade articulation, louvered sun shades and material changes in the elevations to reduce bulk and create visual interest.

Front setbacks and landscaping are also an important element of the urban character. The proposed building has been designed to provide a setback distance of six metres which will enable retention of a significant tree within the front setback and is considered reasonable given the transitional nature of the existing area.

The character of the local area is not just the residential area, but also includes the commercial backdrop from the Pacific Highway, Glen Road and neighbouring King Street. The visual landscape from the Pacific Highway toward the site is dominated by a major road and a commercial ribbon of shops and offices. The boarding house will in part extend two and three levels above the adjacent shops. King Street also comprises commercial and professional premises including a three store medical centre in close proximity to the proposed boarding house. The proposed development is compatible with the mixed character of the immediate surroundings.

- **Not enough parking on site.**

Comment

The application was lodged under the State Environmental Planning Policy Affordable Housing (ARHSEPP). The ARHSEPP requires 19 car spaces for a boarding house with 94 rooms. The proposal provides 20 car spaces which includes the required 19 plus one for the manager’s residence. The proposal also includes parking for 20 motorcycles and 20 bicycles as required by the ARHSEPP.

The site is also within an accessible area to public transport and walking distance to the University and TAFE and recreational facilities. Car parking is a non-discretionary development standard under the ARHSEPP which means the application cannot be refused on grounds of car parking if the minimum numbers required are provided.

- **The driveway access to the development is too close to the roundabout causing a traffic hazard and potentially accidents.**

Comment

The original location for the driveway was assessed by Council’s Development Engineer and considered to be too close to the roundabout at the Glen Road / Jaques Street intersection.

The driveway was relocated approximately 9.0 metres to the east and further from the roundabout. Council's Development Engineer now considers the location of the driveway to be satisfactory.

- **Excess traffic generated by development will cause traffic congestion in Glen Road and Jaques Street when vehicles are departing the site for the Pacific Highway. Glen Road is too narrow for extra traffic.**

Comment

The traffic movements of the proposed development were assessed by Council's Development Engineer. Boarding house developments generally do not generate a large amount of vehicular traffic from the site. The site will accommodate 20 car spaces which would depart and return at intermittent times throughout the day. Traffic movement from the site is expected to flow towards Pacific Highway which is capable of the extra vehicle numbers. Both Council's Development Engineer and the Roads and Maritime Services raise no concerns in terms of traffic impacts subject conditions of consent being imposed.

- **The development will impact on the drainage and cause localised flooding impacts.**

Comment

The proposal is to modify the existing natural watercourse and provide an elevated car parking platform on the top. The applicant submitted a flood study in support of the proposed works. An on-site stormwater detention and drainage system has been designed to control the rate of runoff leaving the site. Works include a widening of the drain on the subject site and relining the base of the watercourse. Council's Development Engineer is satisfied with the proposed stormwater management subject to suitable conditions of consent. The Office of Water have no objections to the works proposed on the water course.

- **The local infrastructure cannot accommodate the extra people and building structure.**

Comment

The site is located in close proximity to major transport infrastructure such as the Pacific Highway and Ourimbah Railway Station. The proposal is also within the Ourimbah Town Centre. The site has access to water, sewer and electricity. Affordable housing development is not considered to have an adverse impact on public services and infrastructure as perceived. Higher density and compact development offers greater efficiency in the use of public services and infrastructure.

Council's Engineer raises no objection to the serviceability of the development.

- **Noise pollution from the large number of residents potentially living in the boarding house.**

Comment

A condition of consent will be imposed to ensure that a Plan of Management be drafted and approved by Council to manage the operation of the boarding house and the standards of behaviour of the occupants. The complex also includes a live-in manager to manage the boarding house and ensure the conditions in the Plan of Management are met. Noise

pollution is regulated through Protection of the Environment Operations Act 1997 (POEO Act). The proposal is for a residential development which will generate noise consistent with other residential uses.

- **Adverse impacts to privacy.**

Comment

The Land and Environment planning principles relating to visual impact suggest that distance is a major factor in reducing the impact of overlooking. If suitable building separation distance can be achieved the impact of overlooking is reduced. The only property potentially affected by visual impacts is at No 8 Glen Road. At 25 metres from the proposed development, the separation distance of the existing dwelling is considered reasonable to maintain acceptable levels of privacy. The addition of a 2.40 metre high lapped and capped treated timber fence level with the car park along the common boundary of No 8 Glen Road will assist in reducing noise and head light glare. The primary private open space area at No.8 Glen Road is located to the rear of the dwelling some 28 metres from the proposed boarding house therefore limiting the impact due to reasonable separation. The rear yard of No.8 will also be further protected by existing vegetation, additional landscaping and privacy screens to the western façade of the building.

The eastern elevation overlooks the commercial areas directly adjacent to the site and to the north and south on the Pacific Highway. The separation of 5.00 metres with private open space provides an acceptable buffer to the shops. The overlooking of these areas provides passive surveillance and potentially contributes towards greater security and crime prevention.

The northern elevation does not contain any elements which directly overlook to the northern properties. Some rooms in the rear section of the building may have partial views to the northwest and northeast however they are some distance away. The views to the northwest include the three storey building located at 5 King Street, single level townhouses at 7 King Street and broken views of residential dwellings as the topography increases west. Overlooking to the northeast is of the service station located on the corner of King Street and Pacific Highway and to the railway station. The report notes that the reduced rear setback as proposed by the applicant is not supported and will be increased to 5.00 metres to improve amenity and enhance landscaping as well as improving accessibility to open space areas.

Additionally, screening devices on the 3rd and 4th levels may assist with reducing the impact. As mentioned the area to the west is highly vegetated with mature trees which provide reasonable screening. The overlooking of the building to the south and east is not considered to be as critical as far as adverse impacts to residential properties, but rather contribute towards security through passive surveillance.

- **Overshadowing to the adjoining properties.**

Comment

The development application included shadow diagrams which show the shadow impacts of at 21st June the winter solstice. The proposed development will project a morning shadow into the neighbouring property at No 8 Glen Road which will cover the existing garage but fall just short of the existing dwelling. The dwelling at No. 8 will therefore not be overshadowed at any part of the day by the proposed development between the hours of 9am and 3pm. The midday shadow will project to the kerb line of the road while the 3pm shadow will project to

the shops adjacent to the east. The private open space of No 8 Glen Road will not be affected from 12 noon and through the remainder of the day (see shadow diagram below).

Therefore, the proposed building is not going to cause any unreasonable overshadowing on adjoining properties.

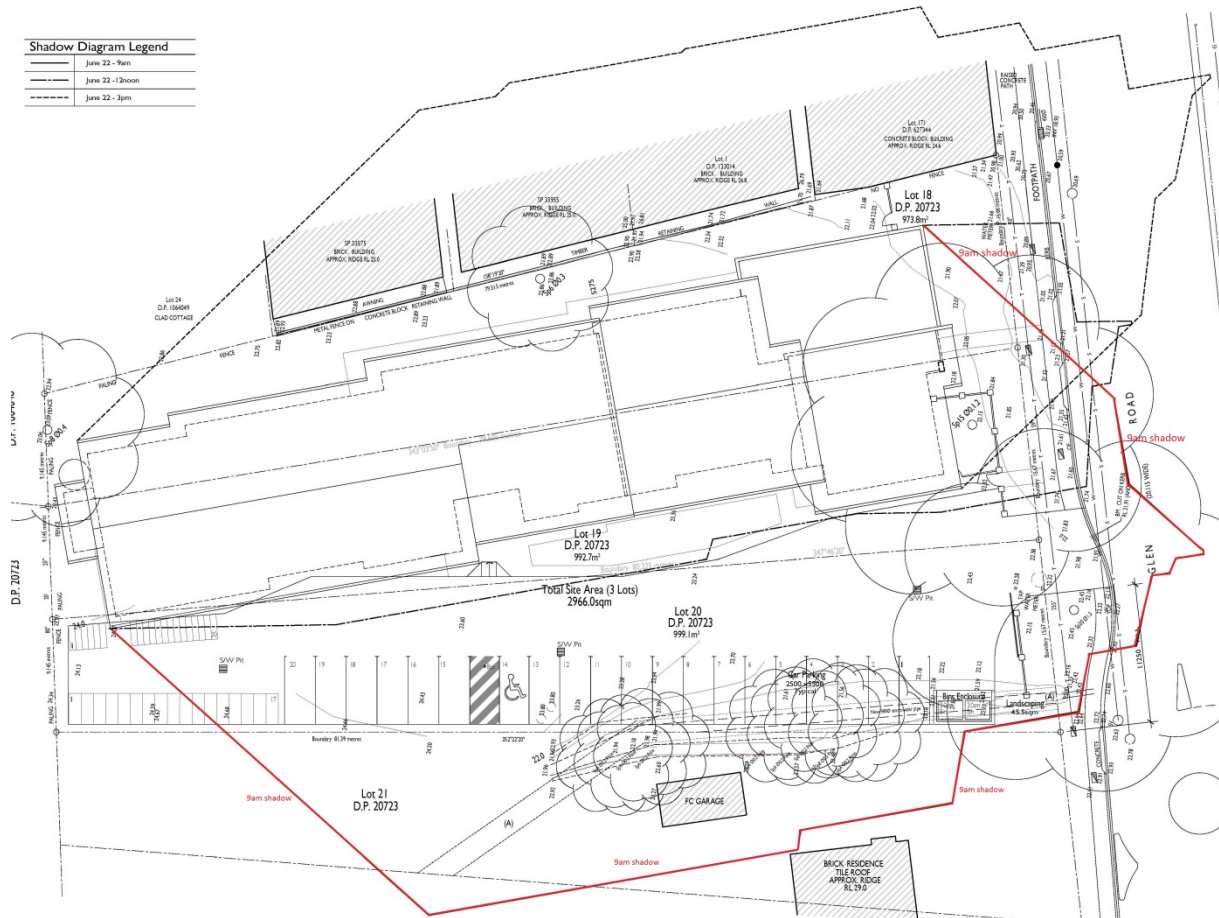


Figure 16: Shadow diagram showing projected shadows on 21 June. The 9am shadow is identified by the solid red line.

- The private open space areas on the site are not conducive to the needs of the tenants as it will be in shade and cold.

Comment

The open space area is located on the eastern side of the building. Shadow diagrams submitted with the application show the open space area receiving sunlight from 9am through to 1.30pm. This amount of sunlight to the open space area is consistent with Council's requirements for solar access which is a minimum of three hours sunlight to a minimum of 75 percent of the open space area between the hours of 9am to 3pm on the 21 June.

- Adverse impact due to the potentially low socio-economic tenants. E.g. increased crime occurs when a high density of low-socio economic tenancies occur. Problems with social cohesion.

Comment

There is a perception that people in affordable housing are more likely to bring social problems. An increased concentration of people in close proximity to each other and other local residents has the potential to impact on the social cohesion of the area and cause conflict in the community. A sense of belonging can be created with an attachment to a place of residence. When rents are stable tenants move less often. The proposed development will provide a community for students living away from home as well as local key workers. The proposed boarding house will be restricted from providing accommodation for persons with additional needs as consent was only sought for a "general" boarding house and support services required for housing persons with additional needs is not proposed. The term "persons with additional needs" as defined in the Boarding Houses Act 2012 includes:

"(a) the person has any one or more of the following conditions:

- (i) an age related frailty,*
- (ii) a mental illness within the meaning of the [Mental Health Act 2007](#),*
- (iii) a disability (however arising and whether or not of a chronic episodic nature) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments, and*

a) the condition is permanent or likely to be permanent, and

b) the condition results in the need for care or support services (whether or not of an ongoing nature) involving assistance with, or supervision of, daily tasks and personal care such as (but not limited to) showering or bathing, the preparation of meals and the management of medication."

Where people take pride in their surroundings, a sense of ownership and inclusion can be the result contributing to a harmonious community. The proposed boarding house will include a manager which will oversee the operation of and maintain the site minimising the adverse impacts which could potentially occur. The boarding house will be required to have a Plan of Management which will provide the rules and policies of the tenancy and identify the type of people able to apply for tenancy. The management of the boarding house should also aim to establish a good relationship with neighbours. Community consultation would be seen as an essential part of this document to work in harmony with the local community. Outcomes from community consultation should be included when formulating the Plan of Management for the boarding house. A Community Consultation Plan will be required as a condition of consent.

The consent will be for a boarding house for student and key worker accommodation both of which contribute to the local community. The boarding house is to operate in compliance with state legislation which includes registration under the Boarding Houses Act 2012.

Council staff will also conduct bi-annual inspections of the boarding house, to ensure that conditions of consent and the Plan of Management are being applied.

- **The local shops, services and public transport are not sufficient to accommodate the development.**

Comment

The local shops, services and public transport appear to be capable of accommodating the proposed increase of people. As the demand for these uses increase, services will be provided and improved. Public transport is easily accessible with trains and buses located in close proximity. Local services such as doctors and post office are found in the Ourimbah town, others are located nearby at the regional centre of Westfield Tuggerah or south to Lisarow and further to Gosford.

The occupants of the boarding house would have a positive impact on the local economy by utilising the local businesses.

- **A lack of laundry facilities.**

Comment

The original proposal did not include any laundry facilities. A communal laundry was included in the revised design and is also located on level three. A commercial laundry is located in the adjacent neighbourhood shops.

- **The applicant has not demonstrated a need for student housing.**

Comment

The applicant has stated in the Statement of Environmental Effects that consultation with the University of Newcastle and TAFE has occurred. They have also submitted letters of support from the University of Newcastle and TAFE stating that there is a strong demand for affordable accommodation for student use. Council staff consulted with the Off Campus Accommodation Officer for Newcastle University who advised a shortage of quality student accommodation in the vicinity of the Ourimbah Campus.

- **The Social Impact Statement has not been authored by someone qualified to make such an assessment.**

Comment

It is agreed that the Social Impact Statement was not written by a Social Planner. Council's Social Planner provided comment based on the submitted Social Impact Statement, developments of a similar nature and knowledge of the local area. Council's Social Planner's comments will be discussed further in the report

- **Residents do not want Ourimbah known as a "University Town".**

Comment

The application is for a boarding house development. The term has not been formally adopted by Council and may be colloquially used in the community. A Memorandum of Understanding was entered into by Council, the University of Newcastle and TAFE NSW in 2011 for the purpose of developing the Ourimbah area to support the growing needs of education and research development.

The construction of a boarding house that caters for student accommodation supports the needs of the University and the intent of the Memorandum of Understanding. The Wyong Shire Settlement Strategy also commits to the expansion of the educational facilities found within the Shire. A key consideration of the settlement strategy is to improve education and establish Wyong Shire as a centre of education excellence. Suitable student accommodation is required to support education expansion in Wyong Shire.

- **The garbage truck turning circles appear to be incorrect.**

Comment

The garbage truck turning circles have been assessed by Council's Development Engineer and comply to enable trucks to leave the site in a forward direction.

- **Clarity of which zone the site falls under 2b or R1.**

Comment

The application was submitted under Wyong LEP 1991 prior to the coming into force of the Wyong LEP 2013. The zoning of the site is 2(b) Multiple Dwelling Residential zone under Wyong LEP 1991 and R1 General Residential under Wyong LEP 2013. The proposed boarding house is permissible under both LEPs.

Section 79C of the EP&A Act requires assessment of a development application to consider planning instruments in force such as WLEP 1991 and draft planning instruments that are certain and imminent such as WLEP 2013. Staff have considered both WLEP 1991 AND WLEP 2013 with significant weight given to the WLEP 2013, particularly in terms of desired future character.

- **Rooms lack amenity e.g. nowhere to store, prepare and cook food; ventilation.**

Comment

The room sizes and design are consistent with the ARHSEPP which is the applicable development standard for boarding houses and other affordable housing. Each unit contains an en-suite, kitchenette, robe and desk and is air conditioned. The units are adequately serviced for the intended use. The units are larger than the recommended minimum size of 12m² for a single room and 16m² for a double room.

- **Concerns over the air quality internal to the building. Is there suitable cross flow ventilation?**

Comment

The issue of cross flow ventilation was raised by the SEPP65 panel when reviewing the proposal. It was recommended that natural light and cross flow ventilation be increased to the central corridors.

A redesign by the applicant included some additional windows for natural lighting where practicable; however additional design is required as recommended by the deferred commencement conditions.

- **Proposal does not appear to have suitable fire egress.**

Comment

Fire safety is not a consideration in the assessment of a development application for new development, however the plans accompanying the development application indicate that the proposed building is capable of complying with the requirements of the Building Code of Australia in regard to fire egress as advised by Council's Building Surveyor. It is at the Construction Certificate assessment stage that the fire safety and other Building Code of Australia matters are assessed. A Construction certificate could not be issued if the building did not comply with the BCA.

Any submission from public authorities.

The proposal is identified as integrated development requiring concurrence from the Rural Fire Services and the Office of Water. The application was also referred to the Roads and Maritime Services (RMS) for consideration.

Rural Fire Service

The Rural Fire Service issued concurrence with no specific conditions applicable on 26 February 2014.

Office of Water

The Office of Water issued their General Terms of Approval (GTA) for works requiring a controlled activity approval under the Water Management Act 2000 25 March 2014. A subsequent referral was required by the Office of Water due to the change of carpark design in the vicinity of the water course which is located on the western boundary of the property. The Office of Water had no further comments to add to the previous approval.

Roads and Maritime Services

The RMS raised no objections to the proposal subject to the imposition of conditions of consent. These relate to the discharge of water from the development not to exceed the capacity of the Pacific Highway storm and drainage system.

NSW Police Force

The Tuggerah Lakes Local Area Command has conducted a *Safer by Design Crime Risk Evaluation* in line with the Crime Prevention Guidelines of 79C of the New South Wales Environmental Planning and Assessment Act 1979. The result of the review identified an overall crime risk rating as moderate, on a sliding scale of low, moderate, high crime risk. The evaluation was conducted on the original proposal consisting of 101 units, however it considered that the reduction in units would not make a significant difference to the evaluation. The Police recommended the following conditions of consent:

- *All entry points should be designed to maximize surveillance opportunities to and from these areas from both inside, as well as outside. All entries should display a height marker in order to identify the height of an apparent offender.*

- *Ensure that CCTV is correctly installed.*
- *Where ram raid break and enters or access by vehicles into the area, anti-raid bollards can be installed in front of any glass area of entry points, such that a car would be prevented from breaching the glass walls.*
- *Adequate and uniform lighting be ensured for the full car park area at the side. This will enhance surveillance opportunities of the CCTV system during hours of darkness and the safety of staff and customer/s.*
- *A lighting maintenance policy to be established for the development ensuring that broken lights are repaired within 24hrs.*
- *Luminaries (light covers) should be vandal resistant.*
- *A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally with a forty-eight hour period.*
- *To minimise the opportunity for offenders to travel at unacceptable speeds within the car park, the installation of speed calming devices on the exit and entry points within the car park is recommended.*

Internal Consultation

Council's Arborist and Landscape Design Assessment Officer

The applicant submitted a Landscape Plan by Conus Landscape Architects dated September 2013. Following a review of the plan and the Statement of Environmental Effects, no objection was raised with regard to the proposed tree removal subject to appropriate conditions being imposed to the consent. The applicant is to provide details of protection measures so that the mature trees to be retained will not be adversely affected by the impacts of construction activity. The landscape plan is to be amended to reflect the changes to the length of the building and additional planting along the western boundary.

Council's Development Engineer

The site is located within the Ourimbah Creek Catchment and Council's records indicate that the site is affected by flooding. The applicant submitted a Flooding and Drainage Study by RGH Consulting Group (dated 24/3/2014). Following a review of the latest documents, Council's Development Engineer raised no objections to the proposed development subject to appropriate conditions of consent. The applicant submitted Stormwater Management Plans to address the stormwater management requirements for the site.

On advice from Council's Engineer, the driveway access was relocated from the original position further from the roundabout.

Traffic generated by the proposal was also considered by Council's Development Engineer in consultation with Council's Transport Engineer, who considered the local road network capable of the additional vehicular traffic.

Council's Building Surveyor

Council's Building Surveyor raised no objections to the proposed development. The building could comply with the Building Code of Australia with appropriate conditions of consent.

Council's Urban Designer

Council's Urban Designer reviewed the original design concept with several issues identified. The applicant was advised of these issues which were considered in the re-design of the boarding house. Following a review of the latest documents, Council's Urban Designer considered that the proposal was an improvement on the previous design showing better consideration of the principles of SEPP65. Additional comments were provided which included suggestion that the large expanse of rendered wall on the east and west elevations could be further broken up by a change of material. This would also contribute towards improving the view from the east and western elevations. Further modification has since been provided to the elevations with architectural elements included to reduce the impact of bulk and scale.

Council's Social Planner

The applicant submitted a Social Impact Statement (SIS) which was reviewed by Council Social Planner. Following a review of this document, the applicant was advised that the submitted document did not address the requirements of a SIS. Staff requested that a SIS be prepared by a suitably qualified consultant as the SIS submitted was not prepared by a qualified Social Planner. The applicant did not address all relevant issues and will be required to provide a further SIS.

The difficulty in assessing the social impact of the development on the locality was the lack of information provided. However, Council's Social Planner did provide some comment based on the information available. The general impacts, both positive and negative, are identified below and based on development applications of similar nature, a summary of the objections raised by the local community and knowledge of the local area.

Potential Social Impacts*Positive*

- Provision of affordable student accommodation
- Development located within the suburb of the University of Newcastle Ourimbah Campus
- Development closely located to shops, services and facilities.
- Economic benefits to the local area through increased patronage e.g. shop restaurants etc.
- Brings a mix/diversity of population into the area.
- Enrichment of the local community by a mix/ diversity of population.

Negative

- Increased concentration of people in close proximity to each other and other local residents.
- Potential anti-social behavior.
- Potential noise pollution from the development.
- Risk perception in the community.
- Increased traffic and impact on parking and road safety in the local area.

- Increased demand on services and facilities.
- Location of development in relation to the University campus in regard to students walking, accessibility / safety issues due to approximately 1 kilometre walk.
- Impacts on existing social cohesion of the existing community.
- Impact of the development on the character of the existing area.
- Impact of the development on the local housing market and property values.
- Compatibility of the development with the surrounding area.
- Increased traffic conflict in the community / impact on community identity.
- Perception that ‘affordable housing’ is social housing.
- Assumption that people in low-cost housing are more likely to bring social problems.

A social impact assessment not only forecasts impacts, but also identifies means to mitigate adverse impacts. Mitigation includes:

- Avoiding the impact by not taking or modifying an action;
- Minimizing, rectifying, or reducing the impacts through the design or operation of the project or policy; or
- Compensating for the impact by providing substitute facilities, resources or opportunities.

No mitigation measures were provided by the applicant. In the absence of mitigation measures provided by the applicant, Council’s Social Planner has recommended the following:

- The applicant should develop and implement a community engagement plan to inform and communicate with residents about the proposed development. This may go some way to addressing community concerns and provide a communication pathway that includes the local residents rather than excluding them.
- Development of a community safety plan. This would address the real and perceived issues from a local community perspective as well as look at measures to address the safety of residents e.g. Women walking back from the University Campus at night.
- Address any potential negative impacts that may arise such as noise, parking, and other amenity impacts and ensure the safety and security of the proposed development during operation.
- Implementation of proposed management practices such as the establishment of a Plan of Management and use of tenancy agreements, screening of all proposed residents.
- Consultation with owners of adjoining properties on a regular basis to ensure any negative impact is temporary and regularly review complaints register
- Implement a condition of consent that the boarding house remains as student accommodation.
- Monitor ownership and usage of private vehicles of residents every 3 months to determine whether there has been any change in the level of car ownership and whether this may lead to adverse traffic or parking impacts within the immediate area.

A number of these mitigation measures will be addressed as deferred commencement conditions, conditions of consent, in the Plan of Management and through the registration of the boarding house. Negative impacts identified in the Community Engagement Plan can be addressed by mitigation measures incorporated into the Plan of Management.

External Consultation

Central Coast Design Review Panel

The Central Coast Design Review Panel reviewed the revised concept design. The Panel supported the proposal with some modifications suggested in relation to the principles of SEPP 65. The Panel's comments are discussed later in the report.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

Climate Change

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

Sustainable building design: The applicant has provided a BCA Section J Compliance Assessment and BASIX certificate which indicates the building is capable of compliance with the required energy and water efficiency targets.

Bushfire Protection: A portion of the site on the western side is identified as bushfire prone land and was referred to the NSW RFS as integrated development. The RFS granted concurrence with no conditions.

Reduced Car Dependence: The subject site is located approximately 300 metres to the Ourimbah Railway Station which provides train and bus services. There is also a bus stop located on the Pacific Highway in front of the shops for north bound travel which is approximately 50 metres from the site and a bus stop for south bound travelling located approximately 110 metres on the opposite side of the Pacific Highway. The public transport provides services to Gosford, Wyong and beyond to Sydney and Newcastle and to the regional shopping centre of Westfield Tuggerah. The site is considered to be aptly located to promote reduced car dependency. Given the carparking space numbers available (as required by ARHSEPP); the close proximity of the public transport is beneficial and should promote reduced car dependency.

ASSESSMENT

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

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

a) Wyong Local Environmental Plan (WLEP) 2013

Zoning & Permissibility

The subject site is zoned R1 General Residential under the Wyong Local Environmental Plan 2013.

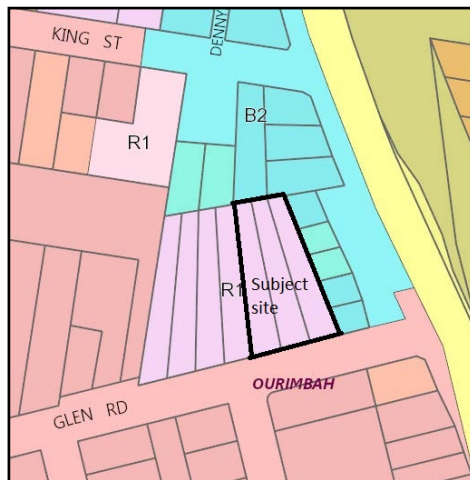


Figure 17: WLEP 2013 Zone boundaries.

The current proposal is permissible under the WLEP 2013 and consistent with the objectives of the zone which are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of the resident.*
- *To promote “walkable” neighbourhoods*
- *To ensure that development is compatible with the scale and character of the local area and complements the existing streetscape.*

The proposed boarding house is considered to be consistent with the objectives of the zone as follows:

- The boarding house is responding to the accommodation needs of the community by providing affordable housing primarily for student accommodation in support of the University and TAFE.

- The proposed boarding house is providing a variety of housing type and density.
- The proposed boarding house is within an accessible area and promotes the “walkable neighbourhood”. The primary occupant for the boarding house is students who are in walking distance to the Ourimbah Campus.
- The proposed development is considered compatible with the local area and complements the existing streetscape through the use of a variety of materials and architectural treatments to reduce the scale of the building. The topography of the area assists with reducing the impact of the height to the surrounding area as discussed previously.

Services

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

The site has the ability to connect to Council’s reticulated water and sewer supply and suitably drain stormwater drainage from the site. The driveway access was relocated during the assessment process to be suitably located in accordance with Australian standards.

Wyong Local Environmental Plan 1991

The development application was submitted prior to the coming into force on 23 December 2013 of Wyong LEP 2013. Therefore, consideration of Wyong LEP 1991 was given during the assessment of the application.

Zoning & Permissibility

The subject site is zoned 2(b) Multiple Dwelling Residential under the Wyong Local Environmental Plan 1991.



Figure 18: Zone boundaries.

The proposed development is defined as a “boarding house” which is permissible within a 2(b) zone. The objectives of the zone state:

(a) to cater for a wide range of housing types essentially domestic in scale and character and generally not exceeding a height of two 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.

The use is permissible with consent and complies with the objectives of the zone as follows:

- The boarding house provides a residential use which contributes towards a variety of residential housing found in the area.
- Although the building exceeds two storeys in height at the rear, it presents as a lower scale at the front of the property commensurate to that of a two storey residential unit development.
- The height of the building provides a transition from the adjacent 3(a) Business Centre zone to the east and the north. The proposed boarding house is considered to fit with the residential amenity and unlikely to place demands on those services required for a residential use.
- The proposed boarding house is located on the edge of the residential zone and is considered to provide a reasonable transition from the commercial to residential zone.
- Movement from the boarding house is likely to extend to the east to the Pacific Highway towards the shops, public transport and the university limiting the impact on the adjoining residential areas to the west and south.
- The boarding house and associated landscape is designed to fit with the surrounding area with retention of vegetation where possible, a variety of material choice and the use of heritage type colours.
- The topography of the area assists with reducing the impact of the height. The topography gradually increases to an approximate height of 12 metres above the subject site (160 metres to the west) then sharply inclines to the ridge which is approximately 78 metres above the subject site (600 metres to the west). The incline to the west contains a significant amount of existing mature trees which provides a rural backdrop to the west of the site and a vertical envelope in which the boarding house sits within.

Services

Clause 29 states that Council shall not grant its consent to the carrying out of any development on any land unless adequate water supply and facilities for the removal or disposal of sewage and drainage are available to that land.

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

b) State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP)

The development is required to be assessed against the relevant provisions of the ARHSEPP. The following compares the details of the proposal against specific requirements of the ARHSEPP. A summary table of how the development complies with the various requirements of the SEPP is provided below.

Table 2: ARHSEPP - Compliance Table

Clause	Comment	Compliance
Division 3 Boarding houses		
26 Land to which Division applies.	The site is zoned 2(b) under the WLEP 1991 & R1 General Residential under WLEP 2013.	Yes
27 Development to which this division applies.	Development not within R2 or equivalent zone (2(a) under WLEP 1991)	Yes
28 Development to which this Division applies may be carried out with consent.	Division applies to proposed development.	Yes
29 Standards that cannot be used to refuse consent.		
<p>1.</p> <p>a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</p> <p>if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or</p> <p>c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1</p> <p>2.</p> <p>a) building height</p> <p>if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning</p>	<p>The existing maximum FSR for RFB's in a 2(b) zone is 0.6:1; Plus 0.5:1 if existing FSR is 2.5:1 or less;</p> <p>The maximum allowable FSR is 1.11:1. The proposed FSR is 1.03:1.</p> <p>The proposal has a maximum height of 11.4m to ceiling of level four and 13.3m to peak of the roof. WLEP 1991 & WLEP 2013 do not include development</p>	<p>Yes</p> <p>Yes</p>

<p>instrument for any building on the land,</p> <p>b) landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p> <p>c) solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p> <p>d) private open space if at least the following private open space areas are provided (other than the front setback area):</p> <ul style="list-style-type: none"> • one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers, • if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation, <p>e) parking if: (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and (ii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p> <p>f) accommodation size</p>	<p>standards for a building height. Although one of the zone objectives for the 2(b) zone is for development to generally not exceed 2 storeys in height, this is not a development standard but a desired objective. In addition, the objectives of the R1 zone are considered more relevant.</p> <p>Therefore the proposed building height is assessed under merit and considered reasonable.</p> <p>The landscape treatment for the front setback is suitable for the streetscape.</p> <p>The application includes a solar access study which shows the communal recreation room receiving direct sunlight between 9am and 12noon.</p> <p>The proposal includes POS for the lodgers of a minimum of 3m wide and maximum 5.7m wide, and length of 70m.</p> <p>Site manager included with POS of 30.5m² and a minimum dimension of 4.5m. Although area & dimension consistent with requirement, the POS for manager is located within the front setback.</p> <p>The development is in an accessible area being approx. 300m to Ourimbah Railway Station. The proposal requires 19 car spaces plus 1 manager car space. 20 car spaces are provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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<p>if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: 12 square metres in the case of a boarding room intended to be used by a single lodger, or 16 square metres in any other case.</p> <p>A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p> <p>A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>The boarding room sizes are as follows: Single unit = 17.7m² Double unit = 20.1m² Accessible unit = 24.4m²</p> <p>The units contain private kitchenettes and en-suites in each room.</p> <p>A variation is required in regard to the POS in the front setback for the site manager.</p>	<p>Yes</p>
<p>30 Standards for boarding houses</p> <p>a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p> <p>b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</p> <p>c) no boarding room will be occupied by more than 2 adult lodgers,</p> <p>d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p> <p>e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</p> <p>f) (Repealed)</p> <p>g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</p> <p>h) at least one parking space will be</p>	<p>The boarding house is for 94 rooms and provides one communal living area.</p> <p>The maximum area of the boarding rooms is 24.4m² which is for the accessible units.</p> <p>The boarding rooms are for maximum of two people (double units).</p> <p>Adequate bathroom and kitchen facilities are provided in each unit as well as a kitchen in the communal living area.</p> <p>A boarding house manager is provided on site.</p> <p>NA</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	19 parking spaces required for bicycles, and 19 for motor cycles. The proposal includes 20 spaces for bicycles and 20 for motor cycles.	Yes
30A Character of local area. A consent authority must not consent to development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	The character of the local area has been analysed. The proposed boarding house has been found to be compatible with the character of the local area.	Yes

30A Character of the local area.

The aim of the ARHSEPP is to increase the supply and diversity of rental and social housing in New South Wales. Amendments introduced in 2011 included changes in relation to boarding houses which included that the consent authority must consider whether the proposal is compatible with the local character of the area.

The Ourimbah area contains a mix of residential, commercial, industrial, educational, recreation and environmental areas. Although located in the former 2(b) Multiple Dwelling Residential zone and the current R1 General Residential zone, the immediate area would not be considered strictly residential due to the adjacent commercial area and close proximity to the Pacific Highway and Main Northern Railway line. The visual catchment is made up of a steep topography with an abundance of mature trees. The proposal has been revised to respond more effectively to the character of the local area and the context of the wider locality.

The issue of compatibility was reviewed under the relevant planning principles set down in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*. These planning principles evolved through establishing the compatibility of a proposal in the urban environment and can be applied in this instance. The most suitable meaning of compatibility in an urban design context is “*capable of existing together in harmony*”. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

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

- *Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal’s appearance in harmony with the buildings around it and the character of the street?*

Physical impacts.

Physical impacts such as noise, overshadowing and overlooking are considered when determining the building’s physical impacts on the local area.

The proposed building is a mix of two to four storeys with a maximum height of 13.3 metres. The third and fourth levels are stepped and present to the street as a two storey building.

The building is visible from the west, north, south and east with broken views through trees, shops to the east, signage, power lines and street lights. The topography gradually increases to an approximate height of 12 metres above the subject site at a distance of approximately 120 metres to the west (Albert Street). The topography then sharply inclines to the ridge which is approximately 78 metres above the subject site. The incline to the west contains a significant amount of existing mature trees which provides a rural backdrop to the west of the site.

The proposed boarding house is expected to generate some noise given the increased density of the development. However the building is for a residential use and the noise associated with the built form would be residential in nature such as vehicles and motor cycles entering and leaving the site. The site is located approximately 50 metres to the Pacific Highway and Ourimbah Shopping Village, 80 metres to the Main Northern Railway line. Mechanical noise generated from air conditioning and the elevator should be minimal. The elevator is located centrally within the floor layout. The lift well and building would be expected to absorb majority of the noise. The air conditioning and ventilation system is central to the building. The boarding house includes a live-in manager who will monitor and manage the building operations including any excessive noise from tenants.

Due to the orientation of the building being southeast / northwest the building will not have a detrimental impact on the adjoining properties in terms of overshadowing. The property adjoining to the west is mostly affected with a portion of the yard and the garage being impacted by morning shadow, however does not receive any overshadowing. The noon shadow falls onto the footpaving and pavement of Glen Road and the afternoon shadow falls across the shops. The shops would cast an afternoon shadow to the Pacific Highway frontage regardless.

The building is considerably higher than the buildings typically found in the Ourimbah area. The site is surrounded by single level dwellings to the west and southwest, a single level hall to the south, three storey commercial premises and single level villas to the north, and single level shops to the east.

The western side of the building has the most potential to overlook adjoining properties. When considering the potential impacts of overlooking, the general planning principles found in *Meriton v Sydney Council* [2004] NSWLEC 313 for "Protection of Visual Privacy" can be utilised as follows:

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.*

Comment

The adjoining properties to the west are zoned R1 General Residential with R2 Low Density Residential found as Glen Road rises to the ridge. The objectives of the R1 and R2 zones are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote "walkable" neighbourhoods.*
- *To ensure that development is compatible with the scale and character of the local area and complements the existing streetscape.*

The adjoining properties have the potential to develop consistently with the objectives of the zone which may include higher density residential living. Development proposals are assessed on an individual basis under merit.

Harmony

The relationship of the built form to the surrounding space created by building height, setbacks and landscaping is significant to the creation of urban character. The proposed building is higher than buildings found within the Ourimbah area which are generally a maximum of two storeys. The building attempts to integrate with the streetscape through architectural design which includes staggered floor levels to levels three and four. The building presents as a two storey development to Glen Road.

The streetscape contains a mix of commercial and low density residential. Many of the single level dwellings are those originally built in the 1950s. The local area is undergoing transition in relation to the development of higher density living. Recent years have seen developments such as dual occupancies and townhouses integrate successfully with the local area. The following are found within a 0.5 km radius of the subject site:

- o Medium sized retirement village located in Albert Street.
- o 8 townhouse units in Walmsley Road
- o 11 townhouse units Walmsley Road
- o 7 townhouse units in King Street
- o 2x dual occupancy on Pacific Highway

For a new development to be visually compatible with its context it should attempt to respond to the elements that make up the character of the surrounding area. As mentioned above, the surrounding area is a mix of commercial and residential uses. It is considered that buildings do not have to be the same height to be compatible and where there are significant differences in height it is easier to achieve compatibility when the change is gradual. The most important contributors to urban character are the relationship of built form to the surrounding space. The setbacks proposed for the development are considered reasonable and would be consistent with any future development in Glen Road. The proposal is suitably landscaped with the retention of as many trees as possible which assist with the integration of the development with the streetscape and visual catchment.

The proposed boarding house has been designed to be sympathetic to the local area and the existing vegetation of the land. While the proposal has elements that are four storeys, it has been located and designed in such a manner as to maintain privacy for adjoining landowners and alleviate visual impact with the use of architectural features. The local area also has many mature trees which assist with privacy and limiting the visual impact. A suitable landscape design has been proposed retaining trees where possible to complement the proposal and remain within the character of the area.

Although large in floor area with the building having a floor space ratio of 1.03:1 the site modestly encompasses the development to promote a property which is residential in nature and in harmony with the locality. The physical aspects of the development can be considered acceptable in this instance given the staggered floor level design, material choice to alleviate bulk and massing and landscaping which assists with design integration. The building is considered to be of acceptable bulk and scale as it does not overshadow adjoining properties, retains sufficient area in the curtilage of the site to cater for landscaping, open space, carparking and access, reasonable setbacks and includes architectural treatment of the façade to diminish the apparent height and length of walls.

State Environmental Planning Policy No.65 Design Quality of Residential Flat Development (SEPP65)

The SEPP 65 policy applies to development of three or more storeys and four or more units and is aimed at improving the design quality of residential flat development in New South Wales. SEPP 65 requires an assessment of the application under the provisions of the policy. In accordance with SEPP 65, a Design Verification Statement was prepared by ADG Architects. This statement accompanied an assessment against the ten (10) design principles of the SEPP.

The application was presented to the Central Coast Design Review Panel (DRP) ON 14 May 2014 for comment. The DRP generally found the proposal satisfactory and received the grade of (B) for architectural merit from the panel. The proposal required some minor modifications to the design.

Panel's Comments

The Panel supports in principle the provision of affordable and/or student housing in this locality. The site is close to an existing commercial/restaurant strip, a railway station, Ourimbah RSL club and Newcastle University's Ourimbah Campus amongst other facilities and is therefore considered well situated for a development of this type.

With some modifications the Panel supports the approval of the proposed affordable housing project.

The following is a summary of the Panel's comments in regard to the 10 design principles and the applicant's response:

Context

The proposal is considered appropriate for the location due to its use regardless of the building footprint, height and bulk. When viewed from the highway the existing retail strip provides a partial screen which reduces the potential impact of height and bulk of the proposed building. The proposal building also benefits from a backdrop of foliage of existing mature trees. The Panel considered it important that this screening is retained and supplemented.

Scale

The height and bulk are acceptable subject to incorporation of suggested amendments under Built Form.

Built Form

The sun control attachments as façade elements were required to be redesigned to ensure effectiveness and to be less visually dominant. It was suggested that this may be achieved by a reconfiguration of the screens and the use of lightweight aluminium or stainless framing with mesh infill. The inclusion of small Juliet balconies to serve individual rooms should also be included, at least to the top two storeys. Ensure that all blank masonry wall areas are adequately modulated.

The red fibre cement wall adjacent to the entry foyer has a very commercial character which is not in keeping with the character of the rest of the design. It was suggested that this element be removed or reduced in scale and possibly replaced with an extension of the upper roof overhang. A separate canopy could also be included to project from the southern façade to further define the main entry.

Density

Appropriate.

Resource, Energy and Water Efficiency

The site development should consider the following:

- passive and active solar design (including solar hot water and PV)
- efficient energy and water systems
- non-toxic materials and finishes with low embodied energy / water content
- generous deep soil zones for gardens on natural ground
- capture and re-use of grey water and rainwater
- biologically active forms of stormwater management.

The applicant is also to comply with the State legislated environmental sustainability framework BASIX, and adopt and apply other rating and performance tools as useful to the needs of the proposal.

Landscape

The site has a number of major existing trees. The retention of as many of these trees as possible should be a priority. Construction techniques that can reduce the impact on existing trees should be employed, such as minimizing excavation for the driveway and the use of permeable paving should be investigated.

The submitted landscape plan requires revision to update it in terms of the most recent architectural plans. Based on the current landscape plan, and the architectural plan it is unclear which trees are proposed to be retained or removed, and many trees are not indicated accurately. The revised plan should clearly define tree removal/retention. Overall, any trees to be removed should be replaced with appropriate species to maintain a similar canopy.

The treatment of the landscaped area along the eastern boundary, where it adjoins the retail strip, should provide adequate privacy and amenity for the residents. As such, treatment such as an increased fence height, a trellis above the fence and/or a structure such as a pergola should be considered.

Amenity

It is recommended that natural light and ventilation is increased to the central corridors. There are various options to achieve this including slots in the façade, openings at the ends of each long corridor, skylights and clerestory glazing to the upper level.

Provide a letterbox installation adjacent to the main entry point.

It is noted that 2 bulk bins are provided for garbage storage pick-up. Recycling of waste materials should also be accommodated for in the development.

In the lift lobby/store area on each level replace the domestic aluminum framed window to the exterior with floor to ceiling glass louvres or equivalent

Social Dimensions

The developments social aspirations are supported.

Safety and Security

Fencing of the entire property is important to ensure a good presentation and allow a balance between security and transparency to allow passive surveillance. For example, a palisade fence across the front boundary, including gated entries should be provided.

Aesthetics

All external attachments, including services are to be fully integrated with the overall design of the facades.

Changes of external materials and colours between the various stepped elements as delineated in the long facades could be considered to further break up the massing of the building envelope.

Comment

The design was modified to include the suggestions made by the DRP as follows:

- Shading devices redesigned to be louvers.
- The “red gridded” cement wall was removed from the front façade.
- Small balconies have been included to some of the units.
- The long elevations are modulated with the inclusion of the balconies.
- Permeable paving will be used around trees in the carpark.
- A 2.1 metre high fence is proposed along the eastern boundary to screen the rear of the shops.
- Skylights to the top floor and louver windows have been provided where possible.
- A letterbox will be provided at the main entry.
- One bulk bin will be available for recycling, and the other for general waste.
- The proposed colours will have shades varied to provide further modulation of the facades.

The proposed boarding house is required to comply with the requirements of BASIX in regard to the managers residence only. The remainder of the building is Class 3 therefore does not trigger BASIX with Section J of the NCC applying to the building. The items identified under Resource, Energy and Water Efficiency are to be considered at the Construction Certificate stage.

Residential Flat Design Code

The Residential Flat Design Code is a resource used to improve the design of residential flat development. The Design Code provides additional detail and guidance for applying the design quality principles outlined in SEPP 65 to a specific locality. It deals with the location, size and scale, appearance and amenity of the buildings. The design of new residential flat buildings is important to provide good quality buildings and amenity to growing populations with changing needs. The Design Code provides guidelines for better design of residential

flat buildings. These guidelines have been incorporated into the design of the proposed boarding house and are evident through the successful SEPP65 Panel awarding grade of a 'B' for design and architectural merit.

c) Relevant Development Control Plans

Wyong Development Control Plan 2013

A complete assessment of the proposal was undertaken having regard to the relevant Chapters of WDCP 2013. This assessment is provided in the table below.

- Development Control Plans No.2.4 Multiple Dwelling Residential

Table 3: Wyong DCP 2013 – Compliance Table

	Proposed	Required	Compliance
Chapter 2.4 Multiple Dwelling Residential			
Residential Flat Building (Boarding House)	94 room boarding house plus manager's residence.	Proposal under ARHSEPP, DCP considered where SEPP and WLEP silent.	No – setbacks and building height noncompliant with DCP.

Development Control Plan Chapter 2.4 – Multiple Dwelling Residential

The application has been submitted under the provisions of the ARHSEPP which prevails over Council's DCP. The proposal is consistent with the aims and objectives of the DCP by providing variation in dwelling type that is functional and of high architectural quality. The application was reviewed against DCP Chapter 64 with those controls adopted where the ARHSEPP is silent. The proposal was not consistent with DCP64 in the following areas:

Table 4: DCP Chapter 2.4 – Non-Compliance Table

Requirement	Proposed	Complies?
Buildings in R1 zone generally only two storeys and a maximum height of 7m from ground level to the upper floor ceiling.	Proposal is four storeys with a height of 11.4m to section of building designed as the fourth level.	No. Variation sought.
Front setback to be 7.5m.	Proposal is 6.0m.	No. Variation sought.
Side & Rear setbacks: 6.0m	Proposal has a minimum 3.0m side setback; and 1.25m rear setback.	No. Variation sought to side setback. Variation not supported for rear setback – to be amended by deferred commencement conditions.
Garbage chute system required.	No garbage chute provided, garbage area outside	No. Variation sought.

In regard to the building height, the DCP refers to buildings generally not being greater than two storeys. The proposed boarding house is a four storey development with the third and fourth storeys being staggered to alleviate bulk and scale. The number of storeys is considered to be reasonable at this location due to the topography of the area and the adjoining land uses to the east and north being commercial. While the shops adjacent to the east are single level, the increased height behind the shops does not create an adverse impact. The sites to the north contain a two storey development and a single dwelling used for commercial purposes. The adjoining commercial zone has the potential to be redeveloped with multistorey commercial buildings.

The reduced setbacks are considered reasonable in this instance due to their location and adjoining land uses. The reduced side setback is adjoining the former 3(a) Business Centre zone and the current B2 Local Centre zone of the Ourimbah village shops and the professional premises located at the rear in King Street. The reduced setbacks are unlikely to have an adverse impact on these adjoining properties however the rear setback reduction is not supported and will be increased as a condition of the deferred commencement approval.

The front setback is at 6.0m which is within the required 7.5m. The reduced setback is considered reasonable given that the building presents two storeys to the Glen Road frontage. The reduced front setback does not create an adverse impact to the surrounding streetscape or the amenity of adjoining properties.

No garbage chute has been identified within the proposed building. The building does not incorporate a basement; the inclusion of a garbage chute to a garbage collection area would use a considerable amount of floor area within the building. The garbage collection area located in the carpark is considered reasonable and not an onerous impost on occupants to utilise. Waste bins for re-cycling are capable of being placed on each level of the building and will be required to do so as a condition of consent.

The variations identified do not adversely impact on the functionality of the building or the adjoining properties. It is therefore considered reasonable to allow the variations given the negligible impacts.

Wyang Development Control Plan 2005

The application has also been assessed against the provisions of Wyong DCP 2005. The application is considered to be consistent with the objectives DCP Chapter 64 with similarities exhibited between the 2005 and 2013 versions.

Wyang Shire Settlement Strategy

The Wyong Shire Settlement Strategy lays out the strategic direction and framework for land use and development activities in the Wyong LGA, taking into account State, regional and local planning objectives. It is important that the future urban growth be managed sustainably so as to preserve the natural environment while providing for the housing and facilities needs of the future population.

A balance must be provided between the new urban release areas, local heritage, coastal and rural areas and the natural environment. The Strategy takes into account how the area is today and the perceived character of the future. It considers existing land uses, infrastructure, environmental values and social and economic needs. The proposed boarding house is consistent with the objectives of the Settlement Strategy by providing for the housing needs of the future population consistent with the existing and desired future needs of the Ourimbah area to provide affordable student housing.

A key consideration of the settlement strategy is to improve education and establish Wyong Shire as a centre of education excellence. Council, the University of Newcastle and TAFE NSW entered into a memorandum of understanding in 2011 in regard to the importance of the university and TAFE's contribution to the social fabric, education and research development and skill's base of the future population of the area. Council recognises the potential of the Ourimbah Town centre as an education and training precinct that supports the future expansion of the university including student accommodation. The Ourimbah Masterplan is currently being developed by Council which incorporates planning for the future growth of the Ourimbah Campus. The proposed boarding house is for student accommodation which will support the future growth of the university.

Other Legislation

Boarding Houses Act 2012

The Boarding Houses Act 2012 provides a legislative framework for the regulation of boarding houses in NSW. The Act aims to improve the standards of registered boarding houses by establishing a publicly available register of registrable boarding houses in NSW; increasing inspection powers for local councils; introducing Occupancy rights for people living in boarding houses and; modernising the laws that apply to boarding houses accommodating people with 'additional needs'. The operation of the proposal would need to comply with the provisions of the Act.

THE LIKELY IMPACTS OF THE DEVELOPMENT

a) Built Environment

Heritage

Opposite the site is Ourimbah Hall, a "Nissen" style hut listed in Council's Heritage Inventory. Historically this building is significant regionally as evidence of the spread of war-time lack of building materials and the availability of "production-time" industrial buildings. It is regionally significant for being able to provide an insight into the development of secondary and service industry in the region and state. Approval was granted for demolition (DA 889/2010) of the hut in 2010.



Figure 19: *Nissen Hut on the corner of Glen Road and Jacques Street opposite the proposed development.*

Clause 35 of WLEP 1991 requires development nearby a heritage listed item to give due regard to the likely impacts to that item. Notwithstanding that the Nissen hut is due for demolition, even in the present state with historic regard given the hut does not project any architectural values commensurate with modern residential development. In terms of space, Glen Road separates the boarding house development from the hut. In this regard the proposed development does not impose any adverse impact to the heritage building nor can

there be an expectation to transfer aesthetic values from the historical building onto the design of the boarding house.

Cut & Fill

The proposal will require some earthworks to level the site for development. The site will require approximately 1.0 metre of cut towards the rear of the site and 1.0 metre of fill towards the front. Retaining walls will be included where required along adjoining boundaries with details sought as a deferred commencement condition.

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

As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment subject to a number of deferred commencement conditions in respect to the rear setback retaining walls and operation of the boarding house.

b) Natural Environment

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

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

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

Bush fire

A portion of the site is identified as being within the bushfire bushfire buffer zone and the development proposed is integrated development requiring approval under Section 100B of the Rural Fire Act 1997. A Bush Fire Safety Authority has been issued for the development by the NSW Rural Fire Service with no specific requirements.

Flooding and drainage

The site is subject to local flooding with floor levels proposed higher than the estimated 1 in 100 year flood level.

A watercourse along the western boundary partially traverses the property extending to Glen Road.

The watercourse is formed with 'bed and bank' within both the subject site and adjoining property No 8 Glen Road. Parts of the bank have been formed out of timber sleepers, masonry and metal waste materials. This existing drainage channel conveys overland flows from an upstream catchment of approximately 12.2ha, which contains a large proportion of heavily vegetated area.

The watercourse generally follows the depression through the catchment, with a significant right hand bend towards Glen Road. The watercourse enters Council's trunk drainage system via a concrete culvert located in the Glen Road verge. Due to the elevated level of the constructed road and kerb levels in the frontage Glen Road, any major blockage of this concrete headwall would surcharge into the front setbacks of No 6 and No 8 Glen Road.

The applicant submitted a Flooding and Drainage Study revised on several occasions to reflect issues raised in the assessment of the application. The report proposes to modify the existing natural watercourse and provide an elevated car parking platform on-top. The report details that with the proposed channel widening works an increase of the capacity of the flood conveyance will be provided. The watercourse will be rock lined to prevent scour, erosion and meandering. Piers have been shown inside the property boundary and within the watercourse to support the elevated parking structure.

Stormwater from the development will be directed to the street drainage system. An on-site stormwater detention and drainage system has been designed to control the rate of runoff leaving the site. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average reoccurrence interval (ARI) design storms.

The site is considered suitable for the development for the following reasons:

- The site allows for generous separation distances to the adjoining residential property.
- The accessible location of the site to public transport and the Ourimbah Campus, shops, recreational facilities and services.
- The compatibility of the proposal within the locality.
- Utilities and services are adequate for the site.
- Close proximity to major transport infrastructure.
- Close proximity to education facilities.
- More efficient use of existing infrastructure.
- The site is reasonably level without the need for major cut and fill.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

The submissions have been addressed previously in the report.

THE PUBLIC INTEREST

The public interest is best served by the orderly and economic use of land for which it is zoned. The proposed development is permissible with consent and the development proposed in this application complies with the provisions of the ARHSEPP which override the relevant Wyong policies and controls. The proposed boarding house is consistent with the requirements of the Wyong Shire Settlement Strategy and the Memorandum of Understanding between the University, TAFE and Wyong Shire Council by providing housing for future students with the intended growth of the educational services in the area. The proposal is considered to be in the public interest by providing housing to assist with the current student accommodation shortage and the intended increase of education facilities.

The intent of the ARHSEPP is to provide housing options to address the significant shortage that currently exists in NSW. Council has also identified a need for affordable housing in the Wyong Shire. The wider interests of the public to have access to affordable housing is served through the approval of boardinghouse developments.

OTHER MATTERS FOR CONSIDERATION

Contributions

The proposed boarding house attracts a contribution payment under Section 94 of the Environmental Planning and Assessment Act 1979.

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

CONCLUSION

The proposal has been assessed using the heads of consideration in S79C of the Environmental Planning and Assessment Act 1979. It is generally considered the proposed development is suitable for approval subject to conditions (deferred commencement).

There were numerous issues of concern with regard to the original proposal. Access and parking arrangements were changed to improve traffic safety and reduce impact to the existing watercourse. Improvements were also made to the design of the building to reflect comments from the SEPP 65 panel.

There remain some issues with the proposal that have not been completely addressed and further information is requested as deferred commencement conditions. These issues alone do not warrant refusal of the development application.

The proposal is therefore recommended for approval via a Deferred Commencement consent subject to conditions in Attachment 1 to this report.

ATTACHMENTS

- 1 Deferred Commencement Draft Conditions**
- 2 DCP Chapter 2.4 Compliance Table**
- 3 Site plan**
- 4 Elevations**
- 5 Montages**
- A DCP Chapter 2.4 Compliance Table**

ATTACHMENT A DCP Chapter 2.4 Compliance Table

Requirement	Proposal	Complies?
2.0 Context		
Submission of a suitable site analysis to be provided with the development application (s2.1.1)		Yes
Contextual analysis submitted addressing economic, social, environmental and urban design context (s2.1.2)		Yes
3.0 Scale		
Building height is defined as the vertical distance between natural ground level and the highest point of the building. Compliance with building height map. (s3.1.1)	No height map.	
Ceiling height vertical distance from natural ground level at any point within a building to the top-most ceiling of the building. R1 zone shall not exceed two-storeys and 7m in height. (s3.1.2)	Building has a maximum height of 11.4m to the section of building designed as four storeys.	No
Minimum of 25% of site area to be soft landscaping. (s3.2)	25% provided	Yes
4.0 Built Form		
4.1 Construction and Appearance of Development		
Scale, function and visual appearance to be compatible with objectives of the zone and be of high architectural quality. (s4.1.1)	The proposal is of high architectural quality and complies with the objectives of the zone.	Yes
Buildings facades to be articulated in length and height, monotonous and unbroken lengths of wall >10m in length and >3m in height not permitted. Visual interest to be provided for two storey designs. (s4.1.1)	Building facades are articulated and provide visual interest with a combination of materials and design.	Yes
Garages shall not dominate the street elevation(s) or presentation of the development. (s4.1.1)	No garages associated with proposal.	N/A
Roof design to be related to the built form and size and scale of the building. (s4.1.2)	Roof design is appropriate to the built form and size and scale of buildings.	Yes
4.2 Cut and Fill		
Cut and fill considerations (s4.2)	Minimal earthworks are required.	Yes
4.3 Building Lines		
Residential Flat Buildings 3 or more storeys in height (s4.3.3)		
Front setbacks for development 7.5m with some exceptions.	Setback 6.0m.	No Variation sought
Side & rear setbacks for development First Storey: 6.0 metres Second Storey: 6.0 metres Third Storey: 6.0 metres Fourth Storey: 6.0 metres Fifth Storey: 9.0 metres Sixth storey: 9.0 metres Seventh storey: 9.0 metres Eighth storey: 9.0 metres Ninth storey & above: 12.0 metres No more than 4 floors at the same setback.	Side has a minimum of 3.0m from recreation room wall to adjoining boundary (shops). Rear has minimum of 1.25m from the stair & 3m from wall to adjoining boundary (commercial zone).	No. Variation sought. Rear variation of 1.25m not supported. A condition of deferred commencement is to increase setback to 5m.
Garages: 6.0m when direct access from road OR 7.5m for Category A roads.	No garages associated with building	N/A

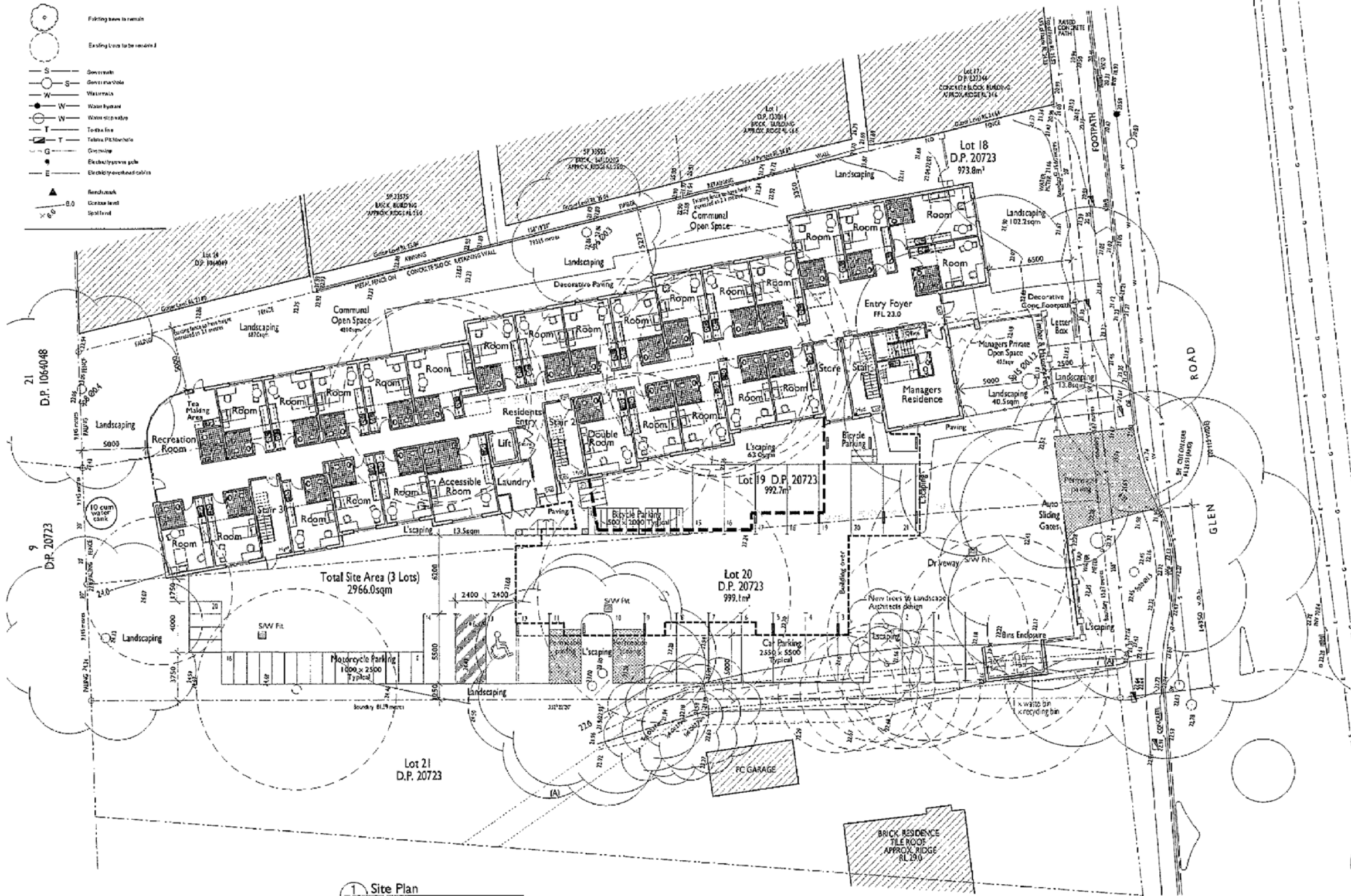
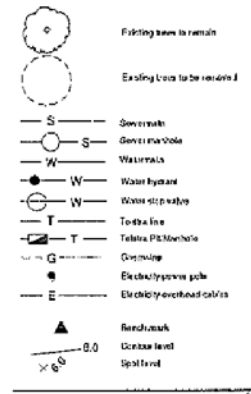
4.4 Transport Needs		
4.4.1 General Requirements		
Vehicles to enter and leave in a forward direction.	Vehicles can enter & leave in a forward direction.	Yes
4.4.2 Resident Parking		
One bedroom unit: 1 car space Two bedroom unit: 1.2 car spaces Three or more bedrooms unit: 1.5 car spaces (s4.4.2)	Under provisions of ARHSEPP	
Visitor parking: 1 space / 5 units or part thereof (s4.4.3)	Under provisions of ARHSEPP	
Bicycle facilities to be provided for RFBs rate of 1 / 3 units. (s4.4.4)	Under provisions of ARHSEPP	
4.5 Vehicular Access Design		
Driveways not to be continuous straight lines and be offset by landscaping. (s4.5.2)	Driveway is offset by landscaping and suitably aligned to provide safe access	Yes
Driveways offset from any side boundary by 2m at front of boundary and may taper back to 0.5m at the from building line.	Driveway is offset and landscaped	Yes
Impact of ground level parking to be minimised.	Parking is screened from Glen Road. Western boundary to be fenced.	Yes
Pedestrian access design see section 4.6 for requirements.	Pedestrian access suitable for proposal.	Yes
5.0 Density		
R1 not mapped 0.6:1. R3 as specified under WLEP 2013 maps	Zoned R1 therefore 0.6:1 ARHSEPP provides additional 0.5:1	Yes
6.0 Amenity		
6.1 Private Open Space		
6.1.1 General requirements		
Courtyards shall not exceed a maximum grade of 1:14.	Courtyard does not exceed 1:14	Yes
Wherever a dimension is less than the required minimum (ie 2m for balconies or 4.5m for courtyards) it shall not be counted.	Under provisions of ARHSEPP	
Ground level private open space may be provided in up to two locations for each dwelling if comply with minimum dimensions.	Under provisions of ARHSEPP	
6.1.4 RFBs		
Each dwelling to have min 10m ² with min dimension of 2m.	Under provisions of ARHSEPP	
Communal open space shall be provided in accordance with 6.2.3 below.	Under provisions of ARHSEPP	
6.2 Communal Open Space		
6.2.1 General Requirements		
Spaces to be landscaped and include facilities	Proposed spaces to be landscaped. Revised landscape plan to be submitted as deferred commencement condition.	Yes
Communal areas not to be provided in front setback without demonstrated need	Not in front setback.	Yes
Roof top open space for RFBs only where in addition to ground level requirements.	N/A	
A building for communal use should be provided.	Under provisions of ARHSEPP	
Open space shall be located to increase the potential for residential amenity.	The open space has been located to ensure the residential amenity of the neighbouring property is not impacted.	Yes
6.2.3 RFB		
Incorporate communal open space in up to 2	Under provisions of ARHSEPP	

locations at a minimum rate of 10m ² per dwelling and a minimum width of 5m.		
6.3 Solar Access		
6.3.1 General Requirements		
At least 75% of each required open space area shall receive at least 3 hours unobstructed sunlight between the hours of 9am and 3pm on June 21.	Under provisions of ARHSEPP Required solar access achievable.	Yes
Dwellings should be orientated to allow optimum solar access for internal living areas.	Dwellings will receive either morning or afternoon solar access.	Yes
Buildings shall be designed to minimise adverse impact by wind velocities, intensities and directions on the amenity of the development and surrounding areas.	Building has been designed with wind velocities considered.	Yes
A weather protected entrance shall be provided to each dwelling.	Weather protected areas available	Yes
Consideration should be given to the provision of natural light and ventilation for excavated car parking areas.	N/A	
6.3.3 RFB		
RFBs that utilise the provisions of SEPP Affordable Rental Housing and Housing for Seniors or People with a Disability shall provide living rooms and private open spaces where a minimum of 70% of dwellings shall receive a minimum of 3 hrs unobstructed sunlight between 9am-3pm on June 21.	Application is under the provisions of ARHSEPP and is consistent with the solar access requirements.	Yes
The number of units within the development with a southerly aspect (SW-SE) is to be a maximum of 10% of the dwellings proposed.	All units have either east or west aspect.	Yes
Developments proposed on lots with an E-W aspect shall have a minimum width of 24m at the building line and a minimum site area of 1500m ² , in order to minimise shadow impacts on adjacent lands.	The site has a minimum width of 27.435m and an area of 2966m ²	Yes
6.3.4 Shadow Diagrams		
Developments that are 2 storeys in height or greater shall provide shadow diagrams based on a survey of the site and adjoining development, showing shadow casting at 9 am, 12 noon and 3 pm on June 21 (winter solstice). The shadow diagrams must show the impact of shadowing from the proposed development, fencing, cut and fill as well as existing development, on the proposed development and adjoining properties.	Shadow diagrams provided.	Yes
In assessing the impact of shadow on an adjoining property, Council shall have regard for the standards stated above in Section 6.3.1.	Minimal overshadowing on adjoining properties	Yes
6.4 Privacy		
6.4.1 Visual Privacy		
Direct overlooking of internal living areas and private open space to surrounding dwellings shall be minimised.	Upper levels have potential to overlook adjoining properties. However, given the separation distance between the proposed building and those properties affected, any views would diminish and be visual clarity reduced.	
Refer to table 5 of s6.4.1 for recommended building separation distances.	The building is greater than the minimum distances recommended for adequate	Yes

	separation.	
6.4.2 Acoustic Privacy		
Site layout should separate active recreational areas, parking areas, vehicle access ways and service equipment areas from bedroom areas of dwellings.	No view loss	
Development adjacent to high levels of uncontrollable external noise shall minimise the entry of that noise through building design and external wall treatment.		
6.5 Views		
Developments should be designed to minimise view loss from adjoining and adjacent properties.	No view loss	Yes
8.0 Stormwater Management		
Concept stormwater management plan to be submitted with application.		Yes
9.0 Landscape		
9.1 General requirements		
A Landscape plan prepared by an approved consultant to be submitted with the development application. (s8.1.1)	A revised landscape plan is required to be submitted as a condition of deferred commencement.	No
9.1.2 Deep Soil Zones		
A minimum 121/2% of required soft landscape area at ground level shall be a deep soil zone	Capable of achieving	Yes
9.1.4 Street Trees		
Two semi-advanced trees per 15 metre frontage to be provided, details to be provided as part of landscape plan.	Additional street trees deemed not necessary due to proposed on-site landscaping and existing trees.	
10.1 Waste Management		
10.1.1 General Requirements		
Developments to include suitably screened bin storage area.	Bin enclosure to be suitably screened.	Yes
Where waste bins collected from a point within the site, adequate space shall be provided to accommodate a rear-loading collection vehicle.	Space is available	Yes
10.1.2 RFB 3 or more storeys in height		
Garbage chute systems required if exceeding 3 storeys or a lift.	No garbage chute.	No Variation sought
10.1.3 Ongoing Management		
Ongoing management must be addressed in waste management plan.		
11.0 Safety and Security		
Pedestrian access shall be clearly defined.	Pedestrian access defined.	Yes
CPTED principles should be taken into account (s10.1)	CPTED principles have been considered	Yes
> 20 dwellings a formal Crime Risk Assessment may be required (s10.1)	The application was referred to the NSW Police Local Command who provided a crime risk assessment.	
13.0 Fencing		
Details of material, height, type and extent of all proposed fencing shall be shown on development application plans.	Details have been provided during the assessment process	Yes
Fences contribute to the amenity, beauty and useability of private open spaces through incorporating design features.	Front fence is decorative and will contribute to the streetscape in a positive manner.	Yes
Courtyard fencing is to be of a decorative nature and 1.8m in height.	Courtyard fence is decorative	Yes
Courtyard fencing in front setbacks may only	Proposed front courtyard fence is to be	Yes

be provided: <ul style="list-style-type: none">• On category A roads for noise attenuation.• On category B roads for solar access.• No closer than 1.5m from front boundary alignment, and setback to be suitably landscaped.	setback 2.5m from front boundary.	
Decorative fencing may be provided along the front boundary with a maximum height of 1.2m.	Proposed fencing is at 2.0m and 2.5 m from front boundary, therefore acceptable.	Yes

Site Legend



Site Statistics

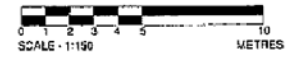
Site Zoning	2(b) Multiple Dwelling		
Total Site Area	2966.0sqm		
Number of Units	37		
Managers Residence	1		
Ground Floor Level Units	27		
Level 1 Units	37		
Level 2 Units	36		
Total Units	101		
Gross Floor Areas			
Ground Floor Level	837.0 sqm		
Level 1	1050.0 sqm		
Level 2	1034.5 sqm		
Total Gross Floor Area	2976.5sqm		
Open Space	439.0 sqm		
Recreation Area	439.0 sqm		
Total Footprint Area	1375.5 sqm		
Site Coverage	46.4%		
Floor Space Ratio (if 1 person)	1.903:1		
Item	Required	Provided	
Landscaping	928.6sqm	25.0%	31.8%
Parking			
Cars-100 units @ 1 space per 5 units	20	20	
Managers Parking	1	1	
Motorcycles-100 units @ 1 space per 5 units	20	20	
Bicycles-100 units @ 1 space per 5 units	20	20	

NCC - BCA Section J Notes

- Roof Construction:
Solar absorbance between 0.4 and 0.6
- Outdoor air film @ 7m/s velocity
Colorbond metal
Ceiling airspace
R3.75 foil backed insulation blanket
Internal ceiling lining
Indoor air film - still
- Cladded wall:
Outdoor air film @ 7m/s velocity
Fibre-cement
100mm styropanel (R-Value 2.93)
Internal fibre cement lining
Indoor air film - still
- Masonry Wall:
Outdoor air film @ 7m/s velocity
Masonry brick
Glass fibre insulation (R-Value 2.5)
Plasterboard
Indoor air film - still
- Weatherboard Wall:
Outdoor air film @ 7m/s velocity
Fibre-cement
Glass fibre insulation (R-Value 2.55)
Plasterboard
Indoor air film - still
- The wall separating the Glass 3 section of the development from the residential area is based on the following thermal construction:
Outdoor air film @ 7m/s velocity
Fibre-cement
100mm styropanel (R-Value 2.93)
Internal fibre cement lining
Indoor air film - still

Development Application

1 Site Plan

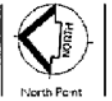


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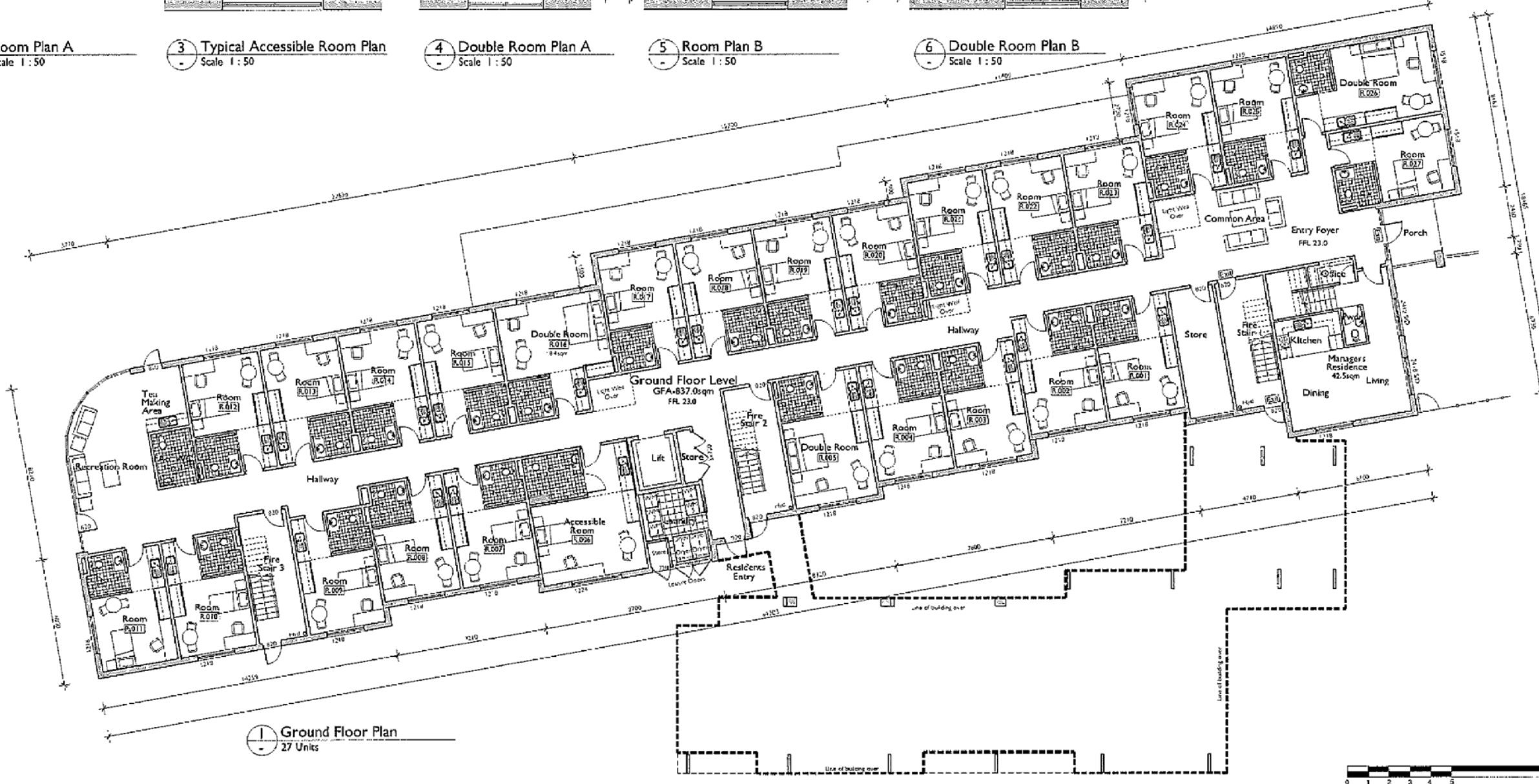
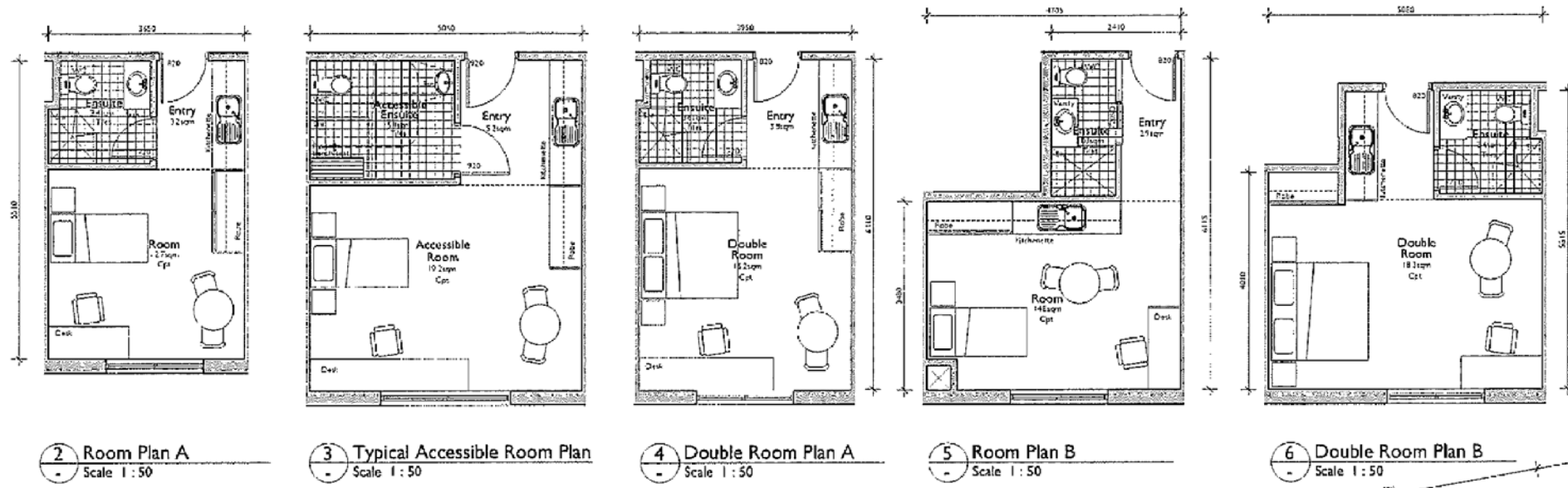
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Scale 1:150

Draw No. DA03
Job No 10219
Issue F



Ground Floor Plan
27 Units

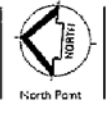
Development Application



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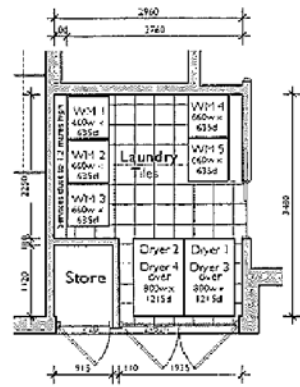
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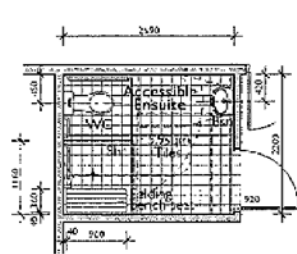


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 Checked: GM
 Scale: 1:100

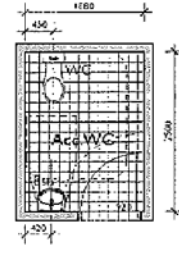
Doc No: DA06
 Job No: 10219
 Title: E



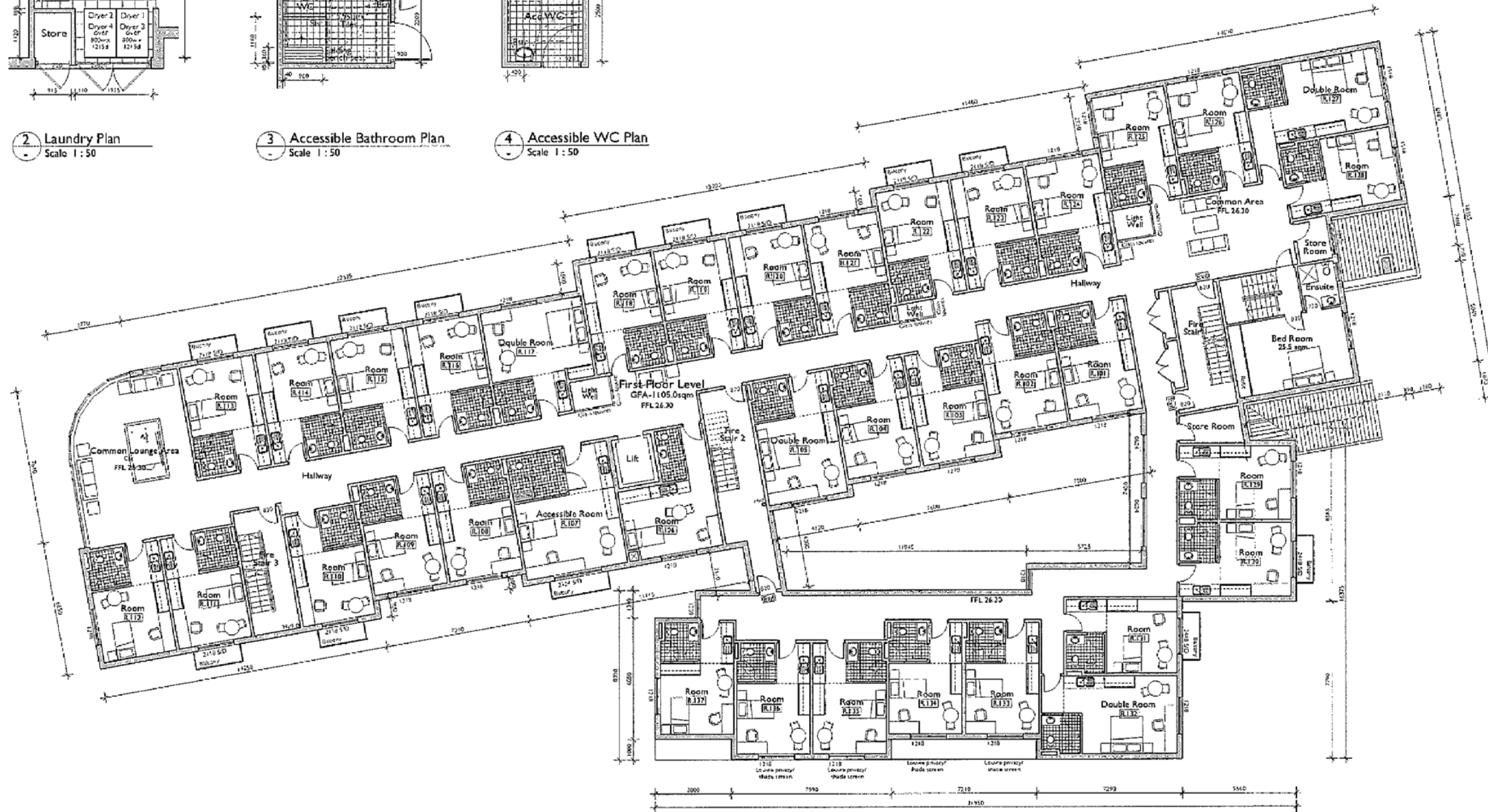
2 Laundry Plan
Scale 1 : 50



3 Accessible Bathroom Plan
Scale 1 : 50



4 Accessible WC Plan
Scale 1 : 50



1 Level I Plan
37 Units

Development Application



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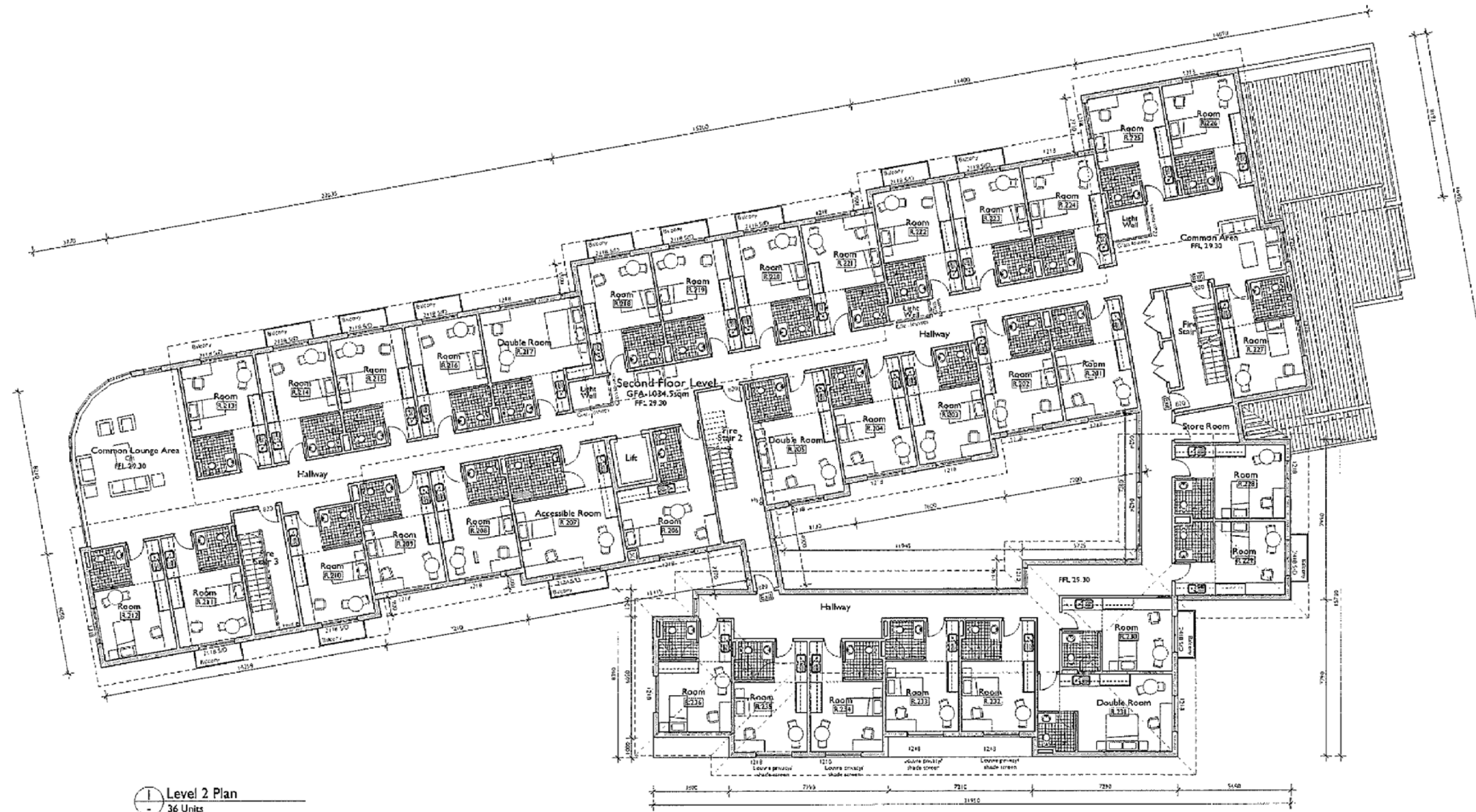
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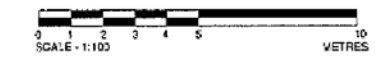
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DA07
10219
E



Level 2 Plan
36 Units

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Streetscape Elevation
Glen Road



Development Application

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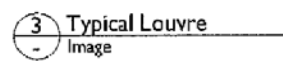
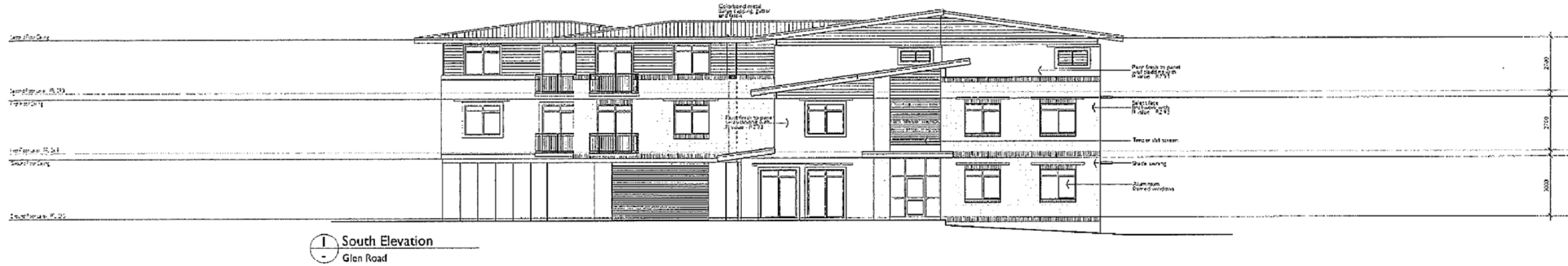
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North Point

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Draw No: DA09
Job No: 10219
Issue: E



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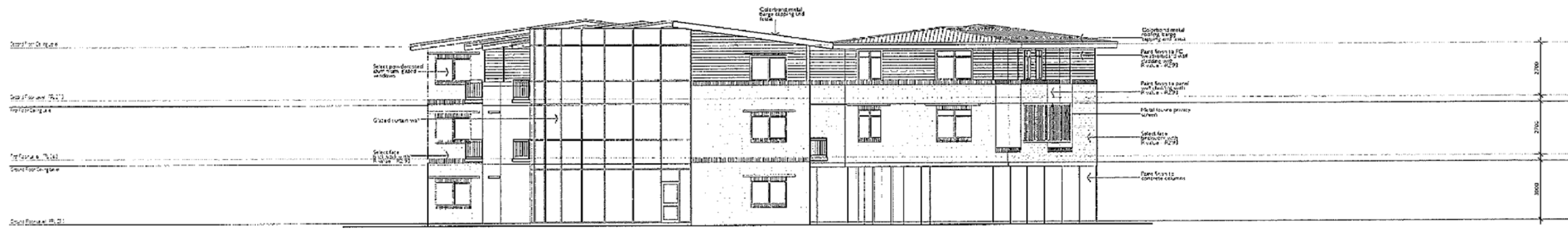
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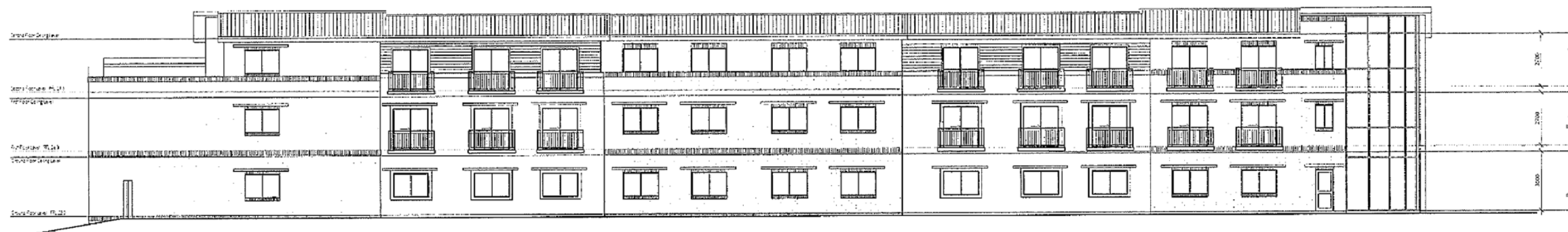
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 Date: 1.1.15
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 Issue: E



1 North Elevation



2 East Elevation

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 Job No: 10219
 Issue: E



1 Photomontage
View from Pacific Hwy at Rail Station

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Draw No: **DA00**
Job No: **10219** | Issue: **A**



1 Photomontage
 - View from Cnr Glen Rd & Pacific Hwy

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 team: B
 DA01



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2 Photomontage


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3.1 Local Government NSW Annual Conference 2015

TRIM REFERENCE: F2004/06351 - D11944360

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

The Local Government NSW Annual Conference will be held between 11 and 23 October 2015.

RECOMMENDATION

- 1 That Council authorise those interested Councillors and the General Manager to attend the Local Government NSW Annual Conference 2015.**
- 2 That Council pay reasonable expenses incurred in Councillors attending the conference in accordance with the Policy for Facilities and Expenses for Councillors.**
- 3 That Council note the change in voting arrangements for the 2015 Conference.**
- 4 That Council note the deadline for any motions to be submitted for inclusion on the business paper is Monday 14 September 2015.**

BACKGROUND

The Conference will be held at Rosehill, Sydney between 11 and 13 October 2015.

Voting procedures have been changed for the 2015 conference as follows:

“Voting

This year the Conference will involve two types of voting.

Our rules mean that we will develop two rolls of voters, one for voting in the elections for Officer Bearers and the Board, and a separate roll for voters for voting on motions.

Separate from Conference registration, members will need to nominate the names of their voting delegates for voting on motions and, where applicable, the names of their voting delegates for voting in the elections for Office Bearers and the Board. The Association will notify members of the number of both types of voting delegates that they are entitled to send to the Conference in approximately July 2015.”

CURRENT STATUS

Councils are entitled to nominate voting delegates on a population basis. Council is entitled to nominate seven voting delegates.

THE PROPOSAL

It is proposed that Councillors indicate whether they will be attending the Local Government NSW Annual Conference.

In accordance with the Facilities and Expenses Policy for Councillors, Council may authorise the attendance and reimbursement of expenses for Councillors attending the conference.

OPTIONS

- 1 To authorise Councillor attendance to this Conference.
- 2 Not authorise Councillor attendance to this Conference.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Principal Activity 1 – Community & Education	Attendance at this Conference would increase Councillor awareness and knowledge relating to issues of concern from other elected representatives throughout NSW	Councillors Professional Development	Nil impact

Contribution of Proposal to the Principal Activity

Councillors are encouraged to attend conferences, seminars and external training sessions that will support their professional development as a Councillor. The NSW Local Government Association Conference is an opportunity for Councillors to extend their understanding of local government and to learn about views and opinions on modernising its operation.

Long term Financial Strategy

Nil impact.

Asset Management Strategy

Nil impact.

Workforce Management Strategy

Nil impact.

Link to Community Strategic Plan (2030)

Nil impact.

Budget Impact

The table below indicates the approximate cost for attendance at the 2015 Conference and associated travel expenses per Councillor:

2015 Local Government NSW Annual Conference	Partner Fees	Councillor Fees
Registration <ul style="list-style-type: none"> • Early bird regos close 31/8/2015 • Full registration 	N/A	\$ 899 \$999
Official Events for Partners: <ul style="list-style-type: none"> • President’s Welcome Reception • Conference Gala Dinner • ALGWA Breakfast 	\$ 99.00 \$ 154.00 \$60.50	\$60.50
Travel	N/A	\$ 156
Accommodation (18 – 22 October 2014)	N/A	\$ 500
Sustenance	N/A	\$ 450
Total - estimate	\$ 313.50	\$ 2,165.50

CONSULTATION

This submission complies with Council’s adopted Facilities and Expenses Policy for Councillors.

GOVERNANCE AND POLICY IMPLICATIONS

Clauses D11, D12, D13, D17, D18, D19 and D20 of the Facilities and Expenses Policy for Councillors are relevant in this instance.

“Attendance at Conferences, Workshops, Seminars, Professional Development and Training Courses

D11 Council will reimburse expenses for attendance at conferences, workshops and seminars as follows:

- Each event must be authorised by Council resolution
- Each event must relate to the business of the Council
- A combined total of six attendances, per Councillor, per year
- The limit of six will only include those events occurring over one or more consecutive days unless otherwise approved by Council

- Total reimbursement of attendance cost per conference, per Councillor is limited to \$5,000 with a maximum total cost for conferences per year of \$12,000, subject to a total expenditure limit for all Councillors of \$100,000 per year
- The maximum number of Councillors authorised to attend an event is 3 with the exception of the Local Government NSW annual conference and National General Assembly of Local Government or as resolved by Council. These conferences are not included in the cost threshold
- Where Council has incurred costs and a replacement is not nominated by the Mayor/Deputy Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by Council will be charged to the elected member
- Before requesting attendance Councillors must satisfy themselves:
 1. that the program is likely of benefit to Council, the Community and/or to his/her professional development as an elected member
 2. that he/she is able to commit the time necessary to attend the conference sessions in the terms of this policy

With respect to Professional Development and Training Courses:

- Each event must be authorised by Council resolution
- Each event must be aligned with a Councillor's professional development plan
- A combined total of four professional development or training courses per Councillor, per year
- The monetary limit does not apply to the AICD Company Director's Course or the LGMA Executive Certificate for Elected Members Course
- No spouse or partner costs will be reimbursed under this section

D12 The attendance costs that will be paid up front to the event organiser or reimbursed to the Councillor under this section are identified as follows:

- Registration costs – costs charged by organisers including official luncheons dinners and tours which are relevant to the interests of this Council.
- Travel costs (actual costs as detailed in the travel section of this policy)
- Accommodation (actual costs for accommodation as detailed in the accommodation section of this policy)
- Sustenance (food and beverage) limit of \$150.00 per day per Councillor and verified by receipts
- Out of pocket expenses such as Internet and phone access, laundry limit of \$50.00 per day per Councillor and verified by receipts.
- Cost of mandatory textbooks or other supporting documentation if separate to course fees limit \$500 per course
- Spouse and Partner Costs (as detailed in the Spouse and Partner Section of this Policy).

D13 A Councillor may choose to extend the stay at the place where the conference is held for personal pursuits. Council will not be responsible for any costs associated with the extended stay (for example additional flights and accommodation) and any return trip will be calculated from the original conference venue."

“Spouses, Partners, Carer and Accompanying Persons

D17 Council will pay the cost as further described in this section, for a spouse or partners or carer or one accompanying person per Councillor and children under 18 years in attending the following events as per the table below:

Event	Registration	Ticket	Accommodation	Sustenance	Partner Tours	Travel	Carer
Official Council functions that are formal or ceremonial in nature (eg Citizenship,	NA	Yes	Yes. If staying in same room as Councillor	Yes if part of ticket cost. No additional meals and beverages included	NA	Yes. If travelling In company of Councillor	Yes
The Local Government NSW Annual Conference or the National General Assembly of Local Government.	Yes	Yes	Yes. If staying in same room as Councillor	Yes if for official conference events. (eg formal dinner, welcome drinks) No additional meals and beverages included	No	Yes. If travelling In company of Councillor in same vehicle No additional air or other travel fares included)	Yes
Other Council approved conferences and events	No	No	Yes. If staying in same room as Councillor	Yes if for official conference events. (eg formal dinner, welcome drinks) No additional meals and beverages included	No	Yes. If travelling In company of Councillor in same vehicle No additional air or other travel	Yes

3.1 Local Government NSW Annual Conference 2015 (contd)

Event	Registration	Ticket	Accommodation	Sustenance	Partner Tours	Travel	Carer
						fares included)	
Professional development or training courses (6 per Councillor, per year)	No	No	Yes. If staying in same room as Councillor	No	No	No	Yes

D18 Peripheral expenses such as grooming, special clothing and transport are not considered reimbursable expenses.

D19 Additional travel and accommodation costs, partner tours, sustenance (other than official function dinners) and incidental costs (eg bar fridge items and movie hire) will not be paid by Council.

D20 In this section, reference to an "accompanying person" is a person who has a close personal relationship with the Councillor and/or provides carer support for the Councillor."

MATERIAL RISKS AND ISSUES

Nil impact.

CONCLUSION

The Conference is an opportunity for Council to ensure issues of concern are debated widely and for Councillors to network with other elected representatives from throughout New South Wales.

Attendance by Councillor(s) would be necessary if motions are submitted to the Conference for consideration.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Mayor - All Councillors - Local Government NSW Annual conference 2015 - 11-13 October 2015 Rosehill | D11937844 |
| 2 | Draft Program - Annual LGNSW Conference 2015 | D11944383 |



Our ref:R14/0020 Out:23602
(Adam Dansie)

4 May 2015

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

Dear Mr Whittaker

Local Government NSW Annual Conference 2015

The purpose of this letter is to provide members with important information about the Local Government NSW Annual Conference 2015 (Conference), including requirements arising under the rules of the Local Government and Shires Association of New South Wales ("the rules").

The Conference will take place from **Sunday 11 – Tuesday 13 October 2015** at Rosehill Gardens Racecourse, James Ruse Drive, Rosehill.

Details about the Conference, including information about the venue, sponsorship and accommodation options will be published on the Association's website as they become available. This will include specifics about the Gala Dinner, President's Opening Reception, Conference business sessions, voting, partners programs, and Early Bird pricing.

All attendees must register and online registration will open in early July on the LGNSW website.

Voting

This year the Conference will involve two types of voting.

Our rules mean that we will develop two rolls of voters, one for voting in the elections for Office Bearers and the Board, and a separate roll of voters for voting on motions.

Separate from Conference registration, members will need to nominate the names of their voting delegates for voting on motions and, where applicable, the names of their voting delegates for voting in the elections for Office Bearers and the Board. The Association will notify members of the number of both types of voting delegates that they are entitled to send to the Conference in approximately July 2015.

LOCAL GOVERNMENT NSW
GPO BOX 7003 SYDNEY NSW 2001
L8, 28 MARGARET ST SYDNEY NSW 2000
T 02 9242 4000 F 02 9242 4111
LGNSW.ORG.AU LGNSW@LGNSW.ORG.AU
ABN 49 853 913 882

Ordinary members will need to nominate the names of their delegate(s) for both types of voting (i.e. voting for the Board and voting on policy motions). Associate members will need to nominate the names of their delegate(s) for voting on motions. Forms for nominating the names of each member's delegate(s) will be made available on the Association's website in due course.

Each member must nominate its delegate(s) to the Conference by 18 September 2015.

Nominations received after the closing date will not be accepted, however a member may substitute the name(s) of its delegate(s) at any time, in accordance with Rule 34 of the Association's Rules.

Voting for Office Bearers and the Board

Ordinary members of the Association who are financial can vote in the elections for Office Bearers and the Board of the Association.

The Australian Electoral Commission (AEC) will be conducting the elections for the Office Bearers and Board of the Association.

To be eligible to vote in the elections for Office Bearers and the Board, Ordinary members must be "financial on the seventh (7th) day prior to the date upon which the Returning Officer calls for nominations for the elections". The precise date, which will be determined by the AEC, is expected to be approximately eight (8) weeks prior to the first business day of the Conference (i.e. approximately mid-August).

Voting on motions

Ordinary members and Associate members of the Association who are financial can vote on policy motions that require consideration by the Conference.

Motions

Councils will be able to submit motions for consideration of Conference online. This online facility will be made available on the Association's website.

The Board has resolved that motions will be included in the Business Paper for the Conference where they:

1. are consistent with the objects of the Association (see Rule 4 of the Association's rules);
2. relate to Local Government in NSW and/or across Australia;
3. concern or are likely to concern Local Government as a sector;
4. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;

5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature; and
7. do not express preference for one or several members over one or several other members.

Further, for a motion to be included in the Business Paper for the Conference the submitting member needs to provide accompanying evidence of its support for the motion to be included. Such evidence may include an extract of the minutes of the meeting at which the member resolved to submit the motion for consideration by the Conference.

To allow printing and distribution of the business paper, members are strongly encouraged to submit their motions by **24 August 2015**. The absolute closing date for submitting motions for inclusion in the Business Paper for the Conference is 14 September 2015.

Business Papers

It is our aim that a full Conference Business Paper be made available on the Association's website and forwarded to members approximately two weeks prior to the Conference. The Association's financial reports will be made available to members at least 21 days before the Conference.

Accommodation

We encourage attendees to pre-book accommodation listed on the website prior to registering online as you need to indicate where you are staying in order to book transfers in the registration process. These transfers will be priced at \$9.90 each way. There is plenty of parking at the Conference main venue for those wishing to drive instead.

Outstanding Service Awards

The Outstanding Service Awards will be presented at the Gala Dinner during the Conference. For information about the Awards, including where to apply and eligibility, please visit the Association's website at: www.lqnsw.org.au/member-services/long-service-awards.

Registration

Delegates, partners and attendees will be able to collect their voting cards and other Conference material at Rosehill Gardens Racecourse from the Conference registration desk on Sunday 11 October between 3.00pm – 7.00pm. The registration desk will be open during the President's Opening Reception which runs from 5.00pm to 7.00pm and on Monday 12 October from 7:30am.

Privacy Statement

The Association, which is regulated by the *Privacy Act 1988* (Cth), collects private information about registered attendees to the Conference such as names, addresses, telephone numbers, credit card information and email addresses. We use the private information you give us to process your registration and to send you information in relation to the Conference. If you choose not to provide some or all of the private information that we have sought, LGNSW may be unable to process your registration or it may result in you being unable to vote at the Conference. Further information about how LGNSW collects, holds and uses private information is contained in LGNSW's *Privacy Policy* which is available on the website at the following web address: <http://www.lgnsw.org.au/privacy>

I very much look forward to seeing you at the Conference in October.

Yours sincerely



Cr Keith Rhoades AFSM
President



Local Government NSW Annual Conference 2015

DRAFT PROGRAM Sunday 11 – Tuesday 13 October, 2015 (as of 2 May 2015)

Main conference venue is Rosehill Gardens Racecourse, Grand Pavilion, James Ruse Drive, Rosehill 2142

This program is correct at the time of printing; speakers and program details may have changed due to unforeseen circumstances.

Sunday 11 October

- 11.00am - 3.00pm Bump in sponsors to Grand Pavilion Level 1
- 3.00pm – 7.00pm Registration opens in the Grand Pavilion Level 1
- 4.30pm – 5.00pm Prebooked local Transfer buses
- 5.00pm – 7.00pm President's Opening Reception in the Grand Pavilion Level 1
- Welcome To Country
 - Welcome from Lord Mayor of Parramatta, Cr Scott Lloyd
 - Opening from **Cr Keith Rhoades AFSM, President, LGNSW**
 - **Premier Sponsor's speech**
- 7.00pm Prebooked local Transfer buses

Monday 12 October

Business Session Day 1 - chaired by Cr Keith Rhoades AFSM, Grand Pavilion Level 2

- 8.00am – 5.00pm Registration opens in Ground Floor in the Grand Pavilion Level 1. Distribution of voting materials and electronic handsets
- Trade Exhibition opens in Grand Pavilion Level 1.
- Prebooked local Transfer buses
- 8.00am – 10.00am Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors (voting for all positions at the one time)
- 9.15am – 9.45am Address from **The Hon Mike Baird MP, Premier of New South Wales**
- 9.45am – 10.00am Address from **Cr Keith Rhoades AFSM, President LGNSW.**
- 10.00am – 11.00am Opening and closing of the Federal Conference, Opening of the State Conference and start of the Business session, Adoption of Standing Orders. Demonstration of voting units and Consideration of Motions chaired by **Cr Keith Rhoades AFSM.** (1 hour)
- 11.00am – 11.30am Morning tea in Trade Exhibition sponsored by TBC.
Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors (voting for all positions at the one time)
- 11.30am – 1.00pm Consideration of Conference business continued chaired by the President. (1.5 hours)
- 1.00pm – 2.00pm Lunch in Trade Exhibition sponsored by TBC.
Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors (voting for all positions at the one time)
- 2.00pm – 3.30pm Consideration of Conference Business continued, chaired by the President. (1.5 hours)

- 3.30 – 4.00pm Afternoon tea in Trade Exhibition sponsored by TBC
Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors
(voting for all positions at the one time)
- 4.00pm – 5.30pm Consideration of Conference Business continued, chaired by the President (1.5
hours)
Collection of all electronic handsets and voting cards
- 5.30pm – 6.30pm Delegate networking function and afternoon tea in Trade Exhibition sponsored by
TBC.
Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors
(voting for all positions at the one time)
- 6.30pm Trade Exhibition Closes.
- 5.30pm – 6.30pm Prebooked local Transfer buses

Free night for all delegates

Tuesday 13 October**Business Session Day 2 - chaired by Cr Keith Rhoades AFSM, Grand Pavilion Level 2**

- 8.00am – 5.00pm Registration opens in Grand Pavilion Level 1

Prebooked local Transfer buses
- 8.15am – 5.30pm Trade Exhibition opens in Grand Pavilion Level 1
- 9.00am – 9.05am Introduction by Master of Ceremonies, **Ellen Fanning**
- 9.05am – 10.45am **Ellen Fanning** presents Reform Q and A Debate: **Hon Paul Toole MP**, Minister
for Local Government (invited), **Hon Peter Primrose MP** (invited), Shadow
Minister for Local Government, **Professor Brian Dollery** (invited), University of
New England Business School, **Professor Percy Allan AM**, Principal, Percy Allan
& Associates (invited)
- 10.45am – 11.15am Morning tea in Trade Exhibition sponsored by TBC
- 11.15am – 11.45pm Address: **Hon Paul Toole MP**, Minister for Local Government
- 11.45am – 12.00am Presentation of the AR Bluett Awards
- 12.00 – 12.30pm Address: **Hon Peter Primrose MP**, Shadow Minister for Local Government
- 12.30pm – 1.00pm Messages from Elite and Distinguished Sponsors
- 1.00pm – 2.00pm Lunch sponsored by TBC
- 2.00pm – 3.30pm Federation and Constitutional Issues with **David de Carvalho**, First Assistant
Secretary, Federalism White Paper Taskforce at Department of the Prime Minister
and Cabinet (invited), **Assistant Professor Tracy Beck Fenwick**, Director of the
Australian Centre for Federalism at ANU, **Tim Gartrell**, Campaign Director,
RECOGNISE (invited)
- 3.30pm - 3.45pm Address on Association Business from **Cr Keith Rhoades AFSM, President,
LGNSW**
- 3.45pm – 4.00pm Presentation of the Treasurer's Report

- 4.00pm – 5.30pm Association Business chaired by **Cr Keith Rhoades AFSM, President, LGNSW**
- 4.30pm – 5.30pm Afternoon tea and Delegate Networking Function in Trade Exhibition sponsored by TBC
- Prebooked local Transfer buses
- Cloak room facilities for those not returning home to change for dinner

Conference Dinner

- 7.00pm Arrival drinks on the outside terrace of the Exhibition Building
Prebooked local Transfer buses
- 7.45pm Delegates seated and entrée served
- 8.00pm President introduces Elite Sponsor
- 8.10pm President and Elite Sponsor present the Outstanding Service Awards
Announcement of Incoming LGNSW Board
- 8.30pm Main Course served
- 9.00pm Entertainment and dancing
- 10.00pm First Prebooked local Transfer buses
- 11.00pm Function finishes, final transfer buses
- Close of Conference.

3.2 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2015/01723 - D11996667

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Lisa Martin; Administration Assistant

SUMMARY

Councillors propose the following allocation of funds for expenditure from Councillors' Community Improvement Grants (CCIG).

RECOMMENDATION

*That Council **allocate** an amount of \$7,100 from the 2014-15 Councillors' Community Improvement Grants as follows:*

<i>Take 3 Ltd (\$4,000) (\$900 already allocated)</i>	<i>Associated running costs of the Whale Dreamers Festival - 2015</i>	<i>3,100</i>
<i>The Trustee for Southern Cross Austereo Community Ancillary Fund (\$4,000)</i>	<i>Raising money for 'Give Me 5 for Kids' which will go towards purchasing equipment for Wyong Hospital and will benefit the Wyong Shire.</i>	<i>4,000</i>

BACKGROUND

Provision has been made in Council's Annual Plan for each Councillor to recommend to Council the donation of funds to individuals, local service, charitable or community organisations that operate in the Shire or provide a benefit specifically to the residents of the Shire.

Funds may also be allocated for emergency assistance in the event of natural disasters such as bushfires, flood or drought anywhere in Australia, subject to CCIG Policy. The funds are granted subject to approval of the Council as a whole.

THE PROPOSAL

Under Council's Policy, all proposed allocations are subject to the approval of the Council as a whole.

Each Councillor is allocated a one tenth share of a total amount identified annually in Council's Annual Plan.

The amount allocated in the 2014-15 Annual Plan is \$130,000 with a reallocation by Council of additional \$20,000 at its meeting held on 24 July 2013. The total amount allocated for 2014/2015 is \$150,000.

3.2 Proposed Councillors' Community Improvement Grants (contd)

The proposed allocations are listed below:

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	<i>Best</i>	<i>Eaton</i>	<i>Graham</i>	<i>Greenwald</i>	<i>Matthews</i>	<i>Nayna</i>	<i>Taylor</i>	<i>Troy</i>	<i>Vincent</i>	<i>Webster</i>	SUB TOTAL	
<i>Allocation 01/07/2014 - 30/06/2015</i>	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000	
<i>Expenditure up to and including Ordinary Council Meeting of 8 July 2015</i>	9,840	10,103	9,380	8,513	11,843	6,863	4,584	10,860	14,100	10,725	96,812	
<i>Available allocation as at 8 July 2015</i>	5,160	4,897	5,620	6,487	3,157	8,137	10,416	4,140	900	4,275	53,188	
8 July 2015												
Take 3 Ltd (\$4000) (\$900 already allocated)		200	800			500	600	500			500	3,100
The Trustee for Southern Cross Austereo Community Ancillary Fund (\$4000)		400	1,100	500		500		500			1,000	4,000
<i>Total Proposed Allocations for 8 July 2015</i>	<i>600</i>	<i>1,900</i>	<i>500</i>	<i>0</i>	<i>1,000</i>	<i>600</i>	<i>1,000</i>	<i>0</i>	<i>0</i>	<i>1,500</i>	<i>7,100</i>	
<i>Total Accumulated Allocations as at 8 July 2015</i>	<i>10,440</i>	<i>12,003</i>	<i>9,880</i>	<i>8,513</i>	<i>12,843</i>	<i>7,463</i>	<i>5,584</i>	<i>10,860</i>	<i>14,100</i>	<i>12,225</i>	<i>103,912</i>	
<i>Balance Uncommitted as at 30 June 2015</i>	<i>4,560</i>	<i>2,997</i>	<i>5,120</i>	<i>6,487</i>	<i>2,157</i>	<i>7,537</i>	<i>9,416</i>	<i>4,140</i>	<i>900</i>	<i>2,775</i>	<i>46,088</i>	

In April 2015 Council reviewed the Councillor Community Improvement Grant Policy in relation to the number of applications a group may be permitted to submit across all WSC grant programs in one financial year. The amended policy (Clause D15) requires that should a group submit two or more applications for any of Council's grant programs within the same financial year, then Council must consider the public benefit that would arise prior to approving the funding recommended for the second or subsequent application.

Staff have commenced applying this clause from 27 April 2015 and reviewed the list of applications not yet fully allocated.

OPTIONS

- 1 Approval of applications as submitted will provide a community benefit to residents of the Shire.
- 2 Non approval could result in assistance not being provided to the community.

STRATEGIC LINKS

Annual Plan

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	Enhance the quality of life of the Shire's residents	1.1.11 – Community Financial Support

Contribution of Proposal to the Principal Activity

The Councillors' Community Improvement Grants were developed to help charitable community groups and in doing so helping the broader community.

Link to Shire Strategic Vision

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.

Principles of Sustainability

The CCIG program is aligned with the principles of sustainability in that it would:

- Improve and maintain safety, wellbeing and sense of community
- Use locally available resources to increase our self-reliance
- Support local and regional economic prosperity
- Build and strengthen partnerships and alliances

CONSULTATION

Applications that met the criteria were distributed to Councillors for their consideration.

GOVERNANCE

All expenditure recommended is permissible under Section 24 and 356(1) of the Local Government Act 1993.

It is noted that due to timing that emergency approval has been granted by the Acting General Manager, however it is submitted to Council for ratification.

CORPORATE RISKS

Nil Impact.

CONCLUSION

The proposed allocations contained in this report are permissible under the Council's policy on Councillors' Community Improvement Grants. The process has been correct and Council may confirm the grants at its option.

ATTACHMENTS

Nil.

4.1 Disclosure of Interest Returns - 1 April to 30 June 2015

TRIM REFERENCE: F2014/00652 - D11912299

AUTHOR: Jade Maskiewicz; Councillor Services Officer

MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

The Local Government Act, 1993 requires Disclosure of Interest (DOI) Returns for Councillors and Designated Persons to be lodged with the General Manager who, in turn is required to keep a register of the Disclosure of Interest Returns.

The Act further requires the DOI Returns lodged with the General Manager to be tabled at a meeting of Council.

RECOMMENDATION

That Council receive the report on Disclosure of Interest Returns 1 April to 30 June 2015.

BACKGROUND

Section 449 of the *Local Government Act 1993* requires that Councillors, the General Manager and designated staff are required to lodge a disclosure of interest return by 30 September in each year or within 3 three months of appointment. Councillors and designated staff are also encouraged to submit an amended return if circumstances change during the year.

Section 450A of the *Local Government Act 1993* requires the General Manager to table before the Council disclosure of interest returns received by him, within prescribed time periods. The returns for the period 1 April 2015 to 30 June 2015 are now tabled.

ATTACHMENTS

- 1 List of Disclosures of Interest Returns 1 April to 30 June 2015 D11912280

**List of Disclosures of Interest Returns
1 April to 30 June 2015**

Staff

Baverstock S
Foster S (amended)
Ham P
Minter R
Trotman J
Walters T

Councillors

Nil

4.2 Road Capital Works Program

TRIM REFERENCE: F2011/00879 - D11972669

MANAGER: Peter Murray, Manager

AUTHOR: Stuart Baverstock; Construction Manager

SUMMARY

Council's 2014/15 Strategic Plan commits Council to a road pavement renewal, upgrade and resealing rolling works program with the objective of improving the overall pavement network condition and corresponding levels of service. The following report summarises the timing of projects planned for the following 12 month period.

RECOMMENDATION

That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

BACKGROUND

Council's 2014/15 Strategic Plan has committed \$26.24M to road related asset capital works. The majority of these funds (\$17.0M) are committed to road pavement upgrade, or road drainage works (\$5.4M). The remaining \$3.84M is allocated to shared pathways, footpath, kerb & gutter, bridges and road safety improvement projects.

The target volume output for 2014/15 is:

- Pavement resealing = 43.6 km 44.5 km achieved to date.
- Road upgrade / renewal = 13.5 km 10.2 km achieved to date
- Footpath = 3.2 km 4.3 km achieved to date

Council continues to operate an advanced Pavement Management System which is used to measure and model network condition and to develop optimised works programs. The allocation of funding is consistent with the strategically developed optimised works program that continues to see an overall improvement in network condition towards the 2014/15 target Pavement Condition Index (PCI) of 7.1.

The attached table provides a listing and timing of proposed works for the remainder of this financial year, sorted by suburb.

In June 2015 the following major achievements in the Road Capital Works program were achieved:

- Replacement of an ageing timber bridge on Palmdale Road, Palmdale with a raised, piped crossing to provide a flood free crossing in up to 100 year flood,
- Continuation of the sealed section of Dickson Road, Jilliby, with a further 1.0km of road receiving new concrete table drains and a sealed wearing course,

4.2 Road Capital Works Program (contd)

- Completion of a new road pavement to service existing and future dwellings at Vincent Close, Buff Point,
- Ongoing drainage construction works as part of the next stage of upgrade works along Goorama Avenue San Remo,
- Completion of a major road upgrade along Johnson Road Tuggerah including new drainage, kerb and guttering and deep asphalt pavement,
- Commencement of upgrade works along Kanangra Drive Crangan Bay, from the Pacific Highway to Summerland Road,
- Road pavement asphalt works were completed on the following roads;
 - Panorama Ave, Charmhaven,
 - Bay Rd, The Entrance,
 - Catalina Ave, San Remo,
 - Hope St, Wyong,
 - Rotherham St, Bateau Bay,
 - Johnson Rd, Tuggerah,
 - Campbell Avenue, The Entrance.

With the works scheduled to be completed in June 2015 it is anticipated that the target volume outputs for 2014/15 will be exceeded except for “road upgrade / renewal” where than the desired target of 13.5km was not achieved. This is the result of delays in commencing a number of road renewal projects. However these works will commence in early 2015/16.

ATTACHMENTS

- 1 CAPEX and Resealing Programme Report D11980134

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Bateau Bay	Footpath Construction	MARLOWE ROAD Footpath Programme													✓
	Local Roads Rehab Works/Road Pavement Renewals	GERMAINE AVENUE. Road Pavement Renewal													✓
		NEPEAN STREET. Road Pavement Renewal													✓
		VISTA PARADE. Road Pavement Renewal													✓
		PAPALA AVENUE. Road Pavement Renewal													✓
	Reseals Local Roads General	BURRAWONG ST : From Bateau Bay Rd to Reserve Dr													✓
		CURZON AVE : From Cresthaven Ave to Promenade Ave													✓
		CURZON AVE : From Promenade Ave to Margherita Ave													✓
		MARLOWE RD : From Change Of Seal to Shakespear Ave													✓
		MOSSMAN AVE : From Mr 336 The Entrance Rd to Valley View Rd													✓
		RICKARD ST : From Bateau Bay Rd to Change Of Width													✓
		RICKARD ST : From Change Of Width to Pasadena Ave													✓
		RICKARD ST : From Pasadena Ave to Change Of Seal													✓
		ROTHERHAM ST : From Sherry St to Debra Anne Dr													✓
		STEPHENSON RD : From Kipling Dr to Dead End													✓
VALLEY VIEW RD : From Lumby Rd to Berne St													✓		
WOODSIDE CT : From Cresthaven Ave to Dead End													✓		
YARUGA ST : From Hilltop St to Reserve Dr													✓		
Roads To Recovery Program	CRESTHAVEN AVENUE. Road Pavement Renewal (Roads to Recovery)													✓	
Berkeley Vale	Capital Local Roads Rehab - General/Roads Upgrade	BERKELEY ROAD. Road Upgrade												✓	
		BLENHIEM AVENUE, BUCKINGHAM ROAD, ST JAMES AVENUE, WINDSOR STREET. Road upgrades (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)													
	Footpath Construction	JUBILEE PARADE – Footpath Programme												✓	
Reseals Local Roads General	TAROONA AVE : From Chetwynd Ave to Dead End												✓		

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Suburb Location	Capital RC Name	Published Project Description														
Blue Bay	Capital Local Roads Rehab - General/Roads Upgrade	BAY ROAD. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)														
	Footpath Construction	BAY ROAD. Footpath Programme													✓	
Blue Haven	Reseals Local Roads General	BIRDWOOD DR : From Penguin Rd to Local Boundary No 101\103													✓	
		BIRDWOOD DR : From Local Boundary No 101\103 to Penguin Rd													✓	
Budgewoi	Capital Local Roads Rehab - General/Roads Upgrade	33 SUNRISE AVENUE														
	Reseals Local Roads General	DELIA AVE : From Lukela Ave to Ulana Ave														✓
		DELIA AVE : From Natuna Ave to Lukela Ave														✓
		DELIA AVE : From Ulana Ave to Lilo Ave														✓
		DELIA AVE : From Woolana Ave to Natuna Ave														✓
		KAILUA AVE : From Change Of Width to Diamond Head Dr														✓
		KAILUA AVE : From Diamond Head Dr (West) to Change Of Width														✓
	Shared Pathways	KAILUA AVE : From Change Of Width to Change Of Width (Left)														✓
LAKES BEACH TO BUDGEWOI – shared Pathway Programme (renewal)															✓	
Buff Point	Capital Local Roads Rehab - General/Roads Upgrade	ELOUERA AVENUE. - Road Upgrade with Stormwater drainage upgrade														
	Footpath Construction	NICOLI CLOSE – Footpath Programme													✓	
	Reseals Local Roads General	MOOLA RD : From Bruce Rd to Matumba Rd														✓
		MOOLA RD : From Buff Point Ave to Dead End														✓
	MOOLA RD : From Matumba Rd to Buff Point Ave														✓	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Suburb Location	Capital RC Name	Published Project Description														
Charmhaven	Capital Local Roads Rehab - General/Roads Upgrade	PANORAMA AVENUE/HOBSON AVENUE. Road Upgrade													✓	
	Footpath Construction	MOALA PARADE. Footpath Programme													✓	
		UNA AVENUE TO PACIFIC HWY. Footpath Programme													✓	
	Local Roads Rehab Works/Road Pavement Renewals	LOWANA AVENUE. Road Pavement Renewal														
	Reseals Local Roads General	RESTLEA AVE : From Alan Ave to Panorama Pde WYREEMA AVE : From Sh 10 Pacific Hwy to Panorama Ave													✓ ✓	
Chittaway Bay	Reseals Local Roads General	SOVEREIGN CR : From James Watt Dr to Sophia Jane St THOMAS WALKER DR : From Kinsey Cr to Platypus Rd THOMAS WALKER DR : From Lakedge Ave to Kinsey Cr SOVEREIGN CR : From Sovereign to Dead End													✓ ✓ ✓ ✓	
	Chittaway Point	Local Roads Rehab Works/Road Pavement Renewals	GEOFFREY ROAD. Road Pavement Renewal													✓
		Reseals Local Roads General	GEOFFREY RD : From Change Of Seal to Change Of Seal GEOFFREY RD : From Ansell Cl to Local Boundary 98/100 GEOFFREY RD : From Change Of Seal to Local Boundary 79/81 GEOFFREY RD : From Local Boundary 116/118 to Change Of Seal GEOFFREY RD : From Local Boundary 117/119 to Ansell Cl GEOFFREY RD : From Local Boundary 79/81 to Local Boundary 117/119 GEOFFREY RD : From Local Boundary 98/100 to Local Boundary 116/118													✓ ✓ ✓ ✓ ✓ ✓ ✓

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Dooralong	Roads Rehab Minor Rolling Works	YAMBO ROAD. Road upgrade (seal)													✓
		PHIL TUNKS LANE. Road upgrade (seal)													✓
Doyalson	Roads Rehab Minor Rolling Works	WYEE ROAD. Road upgrade (seal)													✓
Durren Durren	Roads Rehab Minor Rolling Works	DICKSONS ROAD. Road upgrade (seal)													
		SMITHS ROAD @ DURREN DURREN ROAD. Road upgrade (seal)													
Fountaindale	Reseals Local Roads General	HEATHCLIFF CL : From Manns Rd to Dead End													✓
		JENNY LNE : From Change Of Seal to Dead End													✓
		OLD CHITTAWAY RD : From Enterprise Dr to Station St East													✓
		OLD CHITTAWAY RD : From Power Pole Bv329 to Enterprise Dr													✓
		OLD CHITTAWAY RD : From Station St East to Power Pole Bv329													✓
		OLD CHITTAWAY (LANE)RD : From Old Chittaway Rd to Dead End													✓
Glenning Valley	Reseals Local Roads General	VALERIE CL : From Heathcliff to Dead End													✓
		BOWER BIRD CL : From Glenning Rd to Dead End													✓
		CORONA LNE : From Berkeley Rd to Power Pole Bv1489													✓
		CORONA LNE : From Change Of Seal to Dead End													✓
		CORONA LNE : From Power Pole Bv1489 to Change Of Seal													✓
		ROXBURGH CL : From Rutherford Dr to Dead End													✓
RUTHERFORD DR : From Corona Ln to Dead End													✓		

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Suburb Location	Capital RC Name	Published Project Description													
Gorokan	Capital Local Roads Rehab - General/Roads Upgrade	GASCOIGNE AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)													
	Footpath Construction	ROBSON AVENUE - Footpath Programme								■					✓
		GILBERT AVENUE. Footpath Programme					■								✓
		SUNCREST AVENUE. Footpath Programme								■					✓
	Reseals Local Roads General	BRENNON RD : From Change Of Seal to Power Pole T0681								■					✓
		BRENNON RD : From Power Pole T0681 to Leichhardt Rd								■					✓
		ESSEX ST : From Change Of Width to Middlesex St								■					✓
		ESSEX ST : From Cornwall Ave to Change Of Width								■					✓
		GRANDVIEW PDE : From Mr 509 Wallarah Rd to Ruby St								■					✓
		GRANDVIEW PDE : From Ruby St to Glendale St								■					✓
		MARY ST : From Western End to Lakeview St								■					✓
		MAXWELL AVE : From Clucas Ave to Ocean View St										■			✓
	SPRING VALLEY AVE : From Dudley St to Malvina Pde									■				✓	
Gwandalan	Capital Local Roads Rehab - General/Roads Upgrade	QUINALUP STREET (IMGA STREET). Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)							■						✓
	Reseals Local Roads General	COLLENDINA RD : From Aldinga Rd to Pinaroo Rd								■					✓
		NOAMUNGA CR : From Koowong Rd to Orana Rd								■					✓
		NOAMUNGA CR : From Murraba Pde to Dead End								■					✓
		NOAMUNGA CR : From Orana Rd to Murraba Pde								■					✓
	YILLEEN ST : From Parraweena Rd to Dulkara Rd								■					✓	
Halekulani	Reseals Local Roads General	LILO AVE : From Woolana Ave to Sunrise Ave								■					✓
Jiliby	Reseals Local Roads General	HUE HUE RD : From Bushells Ridge Rd to Woods Rd										■			✓
		HUE HUE RD : From Culvert to Bushells Ridge Rd										■			✓
		HUE HUE RD : From Kiar Ridge Rd to Culvert										■			✓

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Kangy Angy	Reseals Local Roads General	OLD MAITLAND (NORTH)RD : From End Of Gravel to Cobbs Rd													✓
		OLD PACIFIC HWY: Carpark													✓
Kanwal	Reseals Local Roads General	PEARCE RD : From Craigie Ave to Hopetown Rd													✓
		PEARCE RD : From Hopetown Rd to Wairoonga Rd													✓
		ROLFE AVE : From Craigie Ave to Stephen St													✓
Killarney Vale	Capital Local Roads Rehab - General/Roads Upgrade	HUME BOULEVARD. Road Upgrade													
	Local Roads Rehab Works/Road Pavement Renewals	ARMSTRONG AVENUE. Road Pavement Renewal													
		CORNISH AVENUE. Road Pavement Renewal													✓
		GEORGE HELY CRESCENT. Road Pavement Renewal													✓
		HINEMOA AVENUE . Road Pavement Renewal													✓
	Reseals Local Roads General	TURANA AVE : From Yimbala St (Southern Entry) to Yimbala St													✓
		WARRATTA RD : From Cornish Ave to Power Pole Bv2766													✓
		WARRATTA RD : From Power Pole Bv2766 to Adelaide St													✓
Kingfisher Shores	Reseals Local Roads General	KARoola AVE : From Tall Timbers Rd to Lakeshore Ave												✓	
Lake Haven	Footpath Construction	METRO CINEMAS – Footpath Programme													✓
	Local Roads Rehab Works/Road Pavement Renewals	GOOBARABAH AVENUE. Road Pavement Renewal													✓
Lake Munmorah	Footpath Construction	ANITA AVENUE. Footpath Programme													
	Shared Pathways	PACIFIC HIGHWAY - Shared Pathway (New Construction)													

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																	
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed		
Suburb Location	Capital RC Name	Published Project Description															
Lemon Tree	Roads Rehab Minor Rolling Works	DOORALONG ROAD. Road upgrade (gravel)													✓		
Long Jetty	Local Roads Rehab Works/Road Pavement Renewals	TUGGERAH PARADE. Road Pavement Renewal													✓		
	Reseals Local Roads General	ALFRED ST : From Nirvana St to Dead End														✓	
		ALFRED ST : From Watkins St to Nirvana St														✓	
		BONNIEVIEW ST : From Bellevue St to Grandview St														✓	
		BONNIEVIEW ST : From Lindsay St to Lord St														✓	
		BONNIEVIEW ST : From Lord St to Bellevue St														✓	
		BONNIEVIEW ST : From Mayfair St to Lindsay St														✓	
		BONNIEVIEW ST : From Western End to Mayfair St														✓	
		CAPTAIN COOK CR : From Bonnieview St to Endeavour Dr														✓	
		ELOORA RD : From Toowoan Bay Rd to Anzac Rd															✓
		ELOORA RD : From Anzac Rd to Boomerang St															✓
		MINTO AVE : From Mr 336 The Entrance Rd to Tuggerah Pde															✓
		REDMYRE ST : From Shelly Beach Rd															✓
		SHELLY BEACH RD : From Local Boundary 60 to Local Boundary 65															✓
SHELLY BEACH RD : From Local Boundary 65 to Golf Club Entry															✓		
WATKINS ST : From Toowoan Bay Rd to Local Boundary No 18 - 20															✓		
Magenta	Shared Pathways	MAGENTA – shared pathway construction (subject to external matching funding being secured)															
Manning park	Reseals Local Roads General	GYMEA CR : From Barclay Ave to Barclay Ave													✓		
		GYMEA CR : From Vales Rd to Barclay Ave													✓		

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Mardi	Reseals Local Roads General	COBBS RD : From Mr 335 Wyong Rd to Dead End													✓	
		COLLIES LNE : From Bridge Abutment to Power Pole WY3080													✓	
		COLLIES LNE : From Power Pole Wy3080 to Dead End													✓	
		LAMONTCL : From Mardi to Dead End													✓	
		COLLIES LNE : From Old Maitland Rd to Bridge Abutment													✓	
Norah Head	Local Roads Rehab Works/Road Pavement Renewals	DENISON STREET. Road Pavement Renewal													✓	
Noraville	Local Roads Rehab Works/Road Pavement Renewals	HAMMOND ROAD. Road Pavement Renewal													✓	
	Reseals Local Roads General	PANDORA PDE : From Change Of Width to Birrigast														✓
PANDORA PDE : From Mr 509 Main Rd to Change Of Width															✓	
Ourimbah	Footpath Construction	COACHWOOD DRIVE. Footpath Programme													✓	
	Reseals Local Roads General	OURIMBAH CREEK RD : From Driveway 604 to Driveway 668														✓
		OURIMBAH CREEK RD : From Driveway 668 to Power Pole Ou715														✓
		RESERVOIR RD : From Change Of Width to Dead End														✓
		RESERVOIR RD : From Glen Rd to Change Of Width														✓
Roads Rehab Minor Rolling Works	TURPENTINE RD : From Enterprise Dr to Ourimbah Rd														✓	
	OLD FOOTES ROAD. Road upgrade (seal)														✓	
Ravensdale	Reseals Local Roads General	RAVENSDALE RD : From Power Pole 11101 to End Of Seal													✓	
		RAVENSDALE RD : From Power Pole Ka190 to Power Pole 11101														✓

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Suburb Location	Capital RC Name	Published Project Description													
San Remo	Capital Local Roads Rehab - General/Roads Upgrade	GOORAMA AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)													
	Reseals Local Roads General	CLARIDGE CR : From Dead End (South) to Dead End													✓
		LIAMENA AVE : From Iluka Ave to Richardson Rd													✓
		LIAMENA AVE : From Kallaroo Rd to Iluka Ave													✓
		LIAMENA AVE : From Richardson Rd to Highview St													✓
		RICHARDSON RD : From Eyre Cr to Wills Rd													✓
		RICHARDSON RD : From Goorama Ave to Eyre Cr													✓
	ALPINE AVE : From Wills Rd to Claridge Cr													✓	
Shelly Beach	Reseals Local Roads General	BELLEVUE ST : From Bonnieview St to Liddell St													✓
		BELLEVUE ST : From Liddell St to Swadling St													✓
		BELLEVUE ST : From Shelly Beach Rd to Bonnieview St													✓
Shire Wide	Footpath Construction	FOOTPATH renewal Programme													
	Shared Pathways	SHARED PATHWAY PROGRAMME – new construction dependent on grant funding													
Summerland Point	Footpath Construction	CAMS BOULEVARD. (Nth). Footpath Programme													✓
Tacoma	Footpath Construction	BRAITHWAITE /HILLCREST. Footpath programme													✓
	Local Roads Rehab Works/Road Pavement Renewals	JENSEN ROAD. Road Pavement Renewal													✓
Tacoma South	Reseals Local Roads General	KINGSLAND CL : From South Tacoma Rd to Dead End													✓
		RAYMOND ST : From South Tacoma Rd to Dead End													✓

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
The Entrance	Capital Local Roads Rehab - General/Roads Upgrade	ASHTON AVENUE. Road upgrade (separate project for stormwater drainage upgrade, projects will be delivered in conjunction for efficiencies)													✓
		LAKESIDE PARADE. Road Upgrade													
	Footpath Construction	CORAL STREET - Footpath Renewal													✓
	Local Roads Rehab Works/Road Pavement Renewals	VICTORIA STREET. Road Pavement Renewal													✓
	Roads To Recovery Program	GOSFORD AVENUE. Road Pavement Renewal (Roads to Recovery)													✓
Shared Pathways	PICNIC POINT - shared Pathway Programme (new)													✓	
The Entrance North	Reseals Local Roads General	SIMPSON ST : From Hutton Rd to Dead End													✓
Toowoong Bay	Footpath Construction	TOOWOON BAY – Car park access road. Footpath Programme													✓
		TOOWOON BAY BOARDWALK													
Toukley	Footpath Construction	HOLMES AVENUE. Footpath Programme – renewal													
		VICTORIA AVENUE. Footpath Programme – renewal													
	Local Roads Rehab Works/Road Pavement Renewals	FRAVENT STREET. Road Pavement Renewal													✓
	Reseals Local Roads General	CROSS ST : From Main Rd to Dead End													✓
		CROSS ST : From Southern End to Main Rd													✓
		EVANS RD : From Oleander St to Belbowrie St													✓
		ROWLAND TCE : From Peel St to Dead End													✓
		SEVENTH AVE : From Fravent St to Change Of Seal													✓
		SEVENTH AVE : From Leonard Ave to Fravent St													✓
	SEVENTH AVE : From Western End to Leonard Ave													✓	
	TAMAR AVE : From Mr 509 Main Rd to Dunleigh St													✓	

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Tuggerah	Reseals Local Roads General	FOWLER RD : From Change Of Seal to Bridge Abutment													✓
	Roads To Recovery Program	JOHNSON ROAD. Road Pavement Renewal (Roads to Recovery)													
Tuggerawong	Reseals Local Roads General	THURSDAY ST : From Cadonia Rd to Tuggerawong Rd													✓
		THURSDAY ST : From Tuggerawong Rd to Dead End													✓
Tumbi Umbi	Capital Local Roads Rehab - General/Roads Upgrade	THE RIDGEWAY. Road Upgrade													✓
	Local Roads Rehab Works/Road Pavement Renewals	FLORENCE AVENUE. Road Pavement Renewal													✓
	Reseals Local Roads General	BERTRAM RD : From Eastern Rd to Northumbland St													✓
		CAROL ANNE CL : From Bertram Rd to Dead End													✓
		KARENA ST : From The Avenue to Highview St													✓
Warnervale	Capital Local Roads Rehab - General/Roads Upgrade	FEDERATION WAY - Rehab/upgrade - emergency works													✓
Watanobbi	Reseals Local Roads General	CASEY DR : From Hasluck Dr to Somers Dr													✓
		COWAN ST : From De L'Isle Dr to Stonehaven Ave													✓
Woongarah	Local Roads Rehab Works/Road Pavement Renewals	HIAWATHA ROAD. Road Pavement Renewal													✓

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects													
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Wyang	Local Roads Rehab Works/Road Pavement Renewals	PETERS LANE. Road Pavement Renewal													✓
		POLLOCK AVENUE. Road Pavement Renewal													✓
	Reseals Local Roads General	BOYCE AVE : From Mcdonagh Rd to Riverview Dr													✓
		BOYCE AVE : From Panonia Rd to Mcdonagh Rd													✓
		BOYCE AVE : From Riverview Dr to Dead End													✓
		NORTHCOTT AVE : From Cutler Dr to Partridge Ave													✓
		NORTHCOTT AVE : From Partridge Ave to Casey Dr													✓
		RIVERVIEW DR : From Boyce Ave to Change Of Width													✓
	Shared Pathways	RIVERVIEW DR : From Change Of Width to Boyce Ave													✓
RIVER RD - shared Pathway Programme (new)														✓	
Wyang Creek	Roads Rehab Minor Rolling Works	LAUFFS LANE. Road upgrade (seal)												✓	

4.3 Annual Water Supply and Sewerage Performance Reporting

TRIM REFERENCE: F2004/06842 - D11974936

MANAGER: Greg Cashin, Commercial Manager Water and Sewerage

AUTHOR: Ian Johnson; Regulatory Services Engineer

SUMMARY

The NSW Office of Water (NOW) has released its annual report on the performance of Councils Water Supply and Sewerage operations for 2013-14. An overview of that report is provided.

RECOMMENDATION

That Council receive the report on Annual Water Supply and Sewerage Performance Reporting.

BACKGROUND

The NSW Office of Water (NOW) compiles and publishes annual reports on the performance of the water supply and sewerage operations of 105 regional and local water utilities in NSW.

Councils provide a range of information to NOW generally in October of each year, covering operations and financial data for the previous financial year. NOW uses that data to prepare an Annual Report.

The NOW Annual Report is distributed to each utility and comprises two components:

- 1 A comprehensive report "NSW Water Supply and Sewerage Performance Monitoring Report" covering all Councils / Utilities. This report is issued to all utilities and gives a broad overview of state-wide performance. This particular report is available on file.
- 2 NOW issues to each Council an individual Summary Triple Bottom Line (TBL) Report detailing the performance of that particular Council in relation to a number of key performance indicators.

The TBL report (Attachments 1 & 2) provides specific water and sewerage performance and ranking information which enables each Council to compare its performance against the state-wide median.

The TBL report also rates the performance of each Council using a system of five performance bands, with Band 1 being the highest performing band and Band 5 being the lowest performing band.

The NOW TBL Summary Report for Wyong Shire Council for 2013/2014, and the NOW "Guide for Councillors" to assist in interpreting the TBL Summary Reports are attached.

4.3 Annual Water Supply and Sewerage Performance Reporting (contd)

The following comments are made in relation to this report.

- 1 The State Government views performance monitoring as a means to achieve improvement in the quality and efficiency of services provided by water utilities. Performance monitoring is required under National Competition Policy and the National Water Initiative as it is considered important for public accountability to the community.
- 2 NOW in the preamble to the Triple Bottom Line reports for water supply and sewerage have provided an overview and description of Council's facilities and some brief commentary on some of the key elements of Council's performance.
- 3 Council's continuing high level of performance in the implementation and compliance with State Government "Best Practice Management" Guidelines is particularly highlighted. These Guidelines are designed to promote business and environmental sustainability in areas such as;
 - pricing (achieving full cost recovery and removal of cross subsidies)
 - water conservation and drought management practices
 - holistic management of the water cycle
 - cost reflective developer charges
 - management of liquid trade waste discharge to sewerage system.

Council's 2013/14 performance in relation to "Best Practice" compliance is summarised below:

	COMPLIANCE WITH BEST PRACTICE MANAGEMENT GUIDELINES (WATER SUPPLY)	2013/14
(1)	Complete Current Strategic Business Plan & Financial Plan	YES
(2)	(2a) Pricing – Full Cost Recovery, without significant cross subsidies	YES
	(2b) & (2c) Pricing – Appropriate Residential Charges	YES
	(2d) Pricing – Appropriate Non-residential Charges	YES
	(2e) Pricing – DSP with Commercial Developer Charges	YES
(3)	Sound water conservation implemented	YES
(4)	Sound drought management implemented	YES
(5)	Complete performance reporting (by 15 September)	YES
(6)	Integrated water cycle management strategy	YES
	IMPLEMENTATION OF ALL REQUIREMENTS	100%

	COMPLIANCE WITH BEST PRACTICE MANAGEMENT GUIDELINES (SEWERAGE)	2013/14
(1)	Complete Current Strategic Business Plan & Financial Plan	YES
(2)	(2a) Pricing – Full Cost Recovery, without significant cross subsidies	YES
	(2b) Pricing – Appropriate Residential Charges	YES
	(2c) Pricing – Appropriate Non-residential Charges	YES
	(2d) Pricing – Appropriate Trade Waste Fees and Charges	YES
	(2e) Pricing – DSP with Commercial Developer Charges	YES
	(2f) Pricing – Liquid Trade Waste Approvals and Policy	YES
(3)	Complete performance reporting (by 15 September)	YES
(4)	Integrated water cycle management strategy	YES
	IMPLEMENTATION OF ALL REQUIREMENTS	100%

The State Government places a high priority on water utilities implementing "Best Practice".

4.3 Annual Water Supply and Sewerage Performance Reporting (contd)

4 Comments on other areas of Council's performance are provided below:

a) Typical Residential Bill (Water Supply Item 14)

This is based on the 2013/14 Average Annual Residential Water Consumption (Water Supply Item 33) and applied to the appropriate residential service and usage charges.

Other than promoting water efficiency which can impact consumption Council has little influence over this bill as Council does not determine its charges. IPART sets Council's charges.

b) Physical, Chemical and Microbiological Water Quality Compliance (Water Supply Items 19-20)

Council treats and reticulates filtered water in accordance with the current Australian Drinking Guidelines as promulgated by the National Health and Medical Research Council.

c) Average Annual Residential Water Consumption (Water Supply Item 33)

Given that average consumption in the early 2000's (pre drought) was over 200 KL per annum the current average consumption reflects Council's continuing emphasis on water conservation and demand management programs and a general customer awareness of water issues.

d) Percentage of sewage treated that complied (Sewerage Item 18)

Performance ranking reflects the high level of Council's treatment processes and treated effluent quality.

e) Total Recycled Water Supplied (Sewerage Item 26a)

Reflects Council's initiatives in establishing recycled water programs in order to reduce use of filtered water for non-potable uses by substituting highly treated effluent.

f) Biosolids Reuse (Sewerage Item 28)

Reflects Council's program to reuse sludge (waste material from the sewage treatment process) for beneficial purposes such as composting.

g) Compliance with Effluent Discharge Licence (Sewerage Items 34 and 35)

Performance ranking reflects the high level of sewage treatment processing undertaken before discharge to the ocean at Norah Head and Wonga Point.

h) Financial Indicator (Water Supply Item 47b)

Performance ranking for this criteria is considered reflective of inadequate cost recovery due to insufficient prices

The borrowing program with high debt repayments also continues to negatively impact Council's financial position and reflected in "Net Profit After Tax".

4.3 Annual Water Supply and Sewerage Performance Reporting (contd)

- i) Financial indicators (Sewerage Item 48b)

Similar comments to Water Supply Financial Indicators.

- l) Typical Developer Charges (Water Supply Item 15 and Sewerage Item 13)

The “Typical Developer Charge” regime applied by Wyong has been classified by NOW into a lower or apparent “poorer” performance band even though lower charges would be seen by the wider community as advantageous.

In this regard developer charges in Wyong are calculated in accordance with the methodology prescribed by the Independent Pricing and Regulatory Tribunal (IPART). As IPART is Council’s pricing regulator Council is mandated to use the specified methodology.

ATTACHMENTS

1	WATER TBL 2013/14	D11973113
2	SEWERAGE TBL 2013/14	D11973110
3	TBL Attachment 2013-14	D11973120
4	Water Supply Action Plan 2013-14	D11973131
5	Sewerage Action Plan 2013-14	D11973125

Wyong Shire Council TBL Water Supply Performance 2013-14

WATER SUPPLY SYSTEM - Wyong Shire Council serves a population of 153,700 (61,430 connected properties). Supply is provided by the Gosford-Wyong Joint Water Supply. Water is drawn from the Wyong River, Ourimbah Creek, Mangrove Creek, Mooney Mooney Creek and from Hunter Water. Mangrove Creek Dam (190,000 ML) is the key storage followed by Mardi Dam (7,400ML) and Mooney Mooney Dam (4,600 ML). The water supply network comprises 1 direct filtration water treatment works (160 ML/d), 22 service reservoirs (186 ML), 24 pumping stations, 160 ML/d delivery capacity into the distribution system, 198 km of transfer and trunk mains and 984 km of reticulation. The water supply is fully treated.

PERFORMANCE - Wyong Shire Council achieved 100% implementation of the NSW BPM requirements. The 2014-15 typical residential bill was \$523 which was less than the statewide median of \$592 (Indicator 14). The economic real rate of return was similar to the statewide median (indicator 43). The operating cost (OMA) per property was \$319 which was less than the statewide median of \$400 (Indicator 49). Water quality complaints were above the statewide median of 3 (Indicator 25). Compliance was achieved for microbiological water quality (100% of the population, 1 of 1 zones compliant), chemical water quality and physical water quality. There were no failures of the chlorination system or the treatment system. Wyong Shire Council reported no water supply public health incidents. Current replacement cost of system assets was \$1304M (\$20,600 per assessment). Cash and investments were \$23M, debt was \$172M and revenue was \$48M (excluding capital works grants). Net debt to equity (WS & Sge) was 10%.

IMPLEMENTATION OF REQUIREMENTS OF NSW BEST PRACTICE MANAGEMENT (BPM) FRAMEWORK

(1) Complete Current Strategic Business Plan & Financial Plan	YES ¹²	(3) Sound water conservation implemented	YES
(2) (2a) Pricing - Full Cost Recovery, without significant cross subsidies	Yes	(4) Sound drought management implemented	YES
(2b,2c) Pricing - Appropriate Residential Charges	Yes	(5) Complete performance reporting (by 15 September)	YES
(2d) Pricing - Appropriate Non-residential Charges	Yes	(6) Integrated water cycle management strategy	YES ¹²
(2e) Pricing - DSP with Commercial Developer Charges	Yes	IMPLEMENTATION OF ALL REQUIREMENTS	100%

TRIPLE BOTTOM LINE (TBL) PERFORMANCE INDICATORS

Category	Indicator	Description	Unit	LWU RESULT	RANKING		MEDIANS	
					>10,000 properties	All LWUs	Statewide	National
				Col 1	Col 2	Col 3	Col 4	Col 5
UTILITY	CHARACTERISTICS	C1 1 Population served:	153700					
		C4 2 Number of connected properties:	61430	Number of assessments: 63370				
		3 Residential connected properties (% of total)	%	96				91
		4 New residences connected to water supply (%)	%	0.3	5	5		0.9
		A3 5 Properties served per kilometre of water main	Prop/km	52				32 35
		6 Rainfall (% of median annual rainfall)	%	76	3	4		77
		W11 7 Total urban water supplied at master meters (ML)	ML	14,800				6,800 10,280
		8 Peak week to average consumption (%)	%	120	1	1		152
		9 Renewals expenditure (% of current replacement cost of system assets)	%	1.3	1	1		0.5
		10 Employees per 1000 properties	per 1,000 prop	1.3	2	1		1.5
SOCIAL	CHARGES & BILLS	P1 Residential tariff structure for 2014-15: two part, independent of land value; access charge \$172.33						
		P1.3 12a Residential water usage charge for 2013-14 all usage (c/kL)	c/kL (2013-14)	217	3	2	208 185	
		12 Residential water usage charge for 2014-15 all usage (c/kL)	c/kL (2014-15)	223	3	2	213	
		F3 14a Typical residential bill for 2013-14 (\$/assessment)	\$ (2013-14)	518	2	1	550 567	
		14 Typical residential bill for 2014-15 (\$/assessment)	\$ (2014-15)	523	2	1	582	
		15 Typical developer charge for 2014-15 (\$/equivalent tenement)	\$ (2014-15)	3,600	4	4	5,500	
		F4 16 Residential revenue from usage charges (% of residential bills)	%	67	4	3	73 68	
		F5 17 Revenue per property - water (\$/property)	\$/prop	790	4	4	795 649	
		HEALTH	H6 18 Water Supply Coverage (% of Urban Population with reticulated WS)	% of population	99.9	1	1	99.6
			18a Risk based drinking water quality plan?	Yes	1	1		
			19 Physical compliance achieved? Note 10	Yes	1	1		
			19a Chemical compliance achieved? Note 10	Yes	1	1		
			H4 19b % population with chemical compliance	%	100	1	1	100
		SERVICE LEVELS	H3 20 Microbiological (E. coli) compliance achieved? Note 10	Yes	1	1		
			20a % population with microbiological compliance	% of population	100	1	1	100 100
			C9 25 Water quality complaints per 1000 properties	per 1,000 prop	5	4	4	3 2
			C10 26 Water service complaints per 1000 properties	per 1,000 prop	5	4	2	6 1
C17 27 Incidence of unplanned interruptions per 1000 properties	per 1,000 prop		70	4	5	50 96		
ENVIRONMENTAL	NATURAL RESOURCE MANAGEMENT	C15 28 Average duration of interruption (min)	min	200	5	5	150 113	
		A8 30 Number of water main breaks per 100 km of water main	per 100km	17	5	4	10 13	
		31 Drought water restrictions (% of time)	% of time	100	4	5	0	
		32 Total days lost (%)	%	0.5	2	3	2.9	
		W12 33 Average annual residential water supplied - STATEWIDE (kL/property)	kL/prop	158	2	1	173 185	
		33a Average annual residential water supplied - COASTAL LWUs (kL/property)	kL/prop	158	3	3	157	
ECONOMIC	FINANCE	33b Average annual residential water supplied - INLAND LWUs (kL/property)	kL/prop				263	
		A10 34 Real losses (leakage) (L/service connection/day)	L/connection/day	30	1	1	70 79	
		35 Energy consumption per Megalitre (kiloWatt hours)	kWh	695	4	4	620	
		36 Renewable energy consumption (% of total energy consumption)	%				0	
		E12 36a Net greenhouse gas emissions - WS & Sge (net tonnes CO2 - equivalents per 1000 properties)	t CO2	440	4	4	370 390	
		42 Current replacement cost per assessment (\$)	\$	20,600	1	1	16,500	
		F17 43 Economic real rate of return - Water (%)	%	1.4	3	2	1.2 1.9	
		44 Return on assets - Water (%)	%	0.0	4	4	1.1	
		F22 45 Net Debt to equity - WS&Sge (%)	%	10	2	1	1 11	
		F23 46 Interest cover - WS&Sge		1	3	3	4 2	
EFFICIENCY	EFFICIENCY	47 Loan payment per property - Water (\$)	\$	367	1	1	64	
		F24 47b Net profit after tax - WS & Sge (\$'000)	\$'000	-5,220	5	5	1180 5345	
		48 Operating cost (OMA) per 100km of main (\$'000)	\$'000	1,650	4	4	1,290	
		F11 49 Operating cost (OMA) per property (\$/prop) Note 8	\$/prop	319	1	1	400 439	
		50 Operating cost (OMA) per kilolitre (cents)	c/kL	117	3	3	126	
		51 Management cost (\$/prop)	\$/prop	95	1	1	140	
		52 Treatment cost (\$/prop)	\$/prop	58	3	2	58	
		53 Pumping cost (\$/prop)	\$/prop	33	3	2	43	
		54 Energy cost (\$/prop)	\$/prop	15	2	2	25	
		55 Water main cost (\$/prop)	\$/prop	109	5	4	74	
F26 56 Capital Expenditure (\$/prop)	\$/prop	323	1	1	181 175			

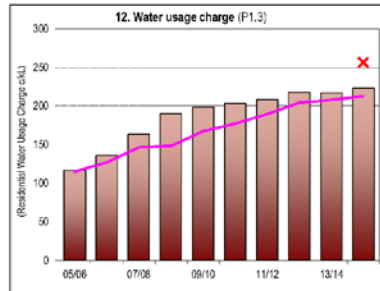
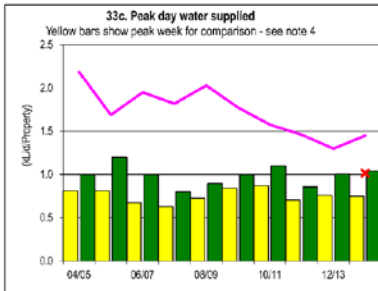
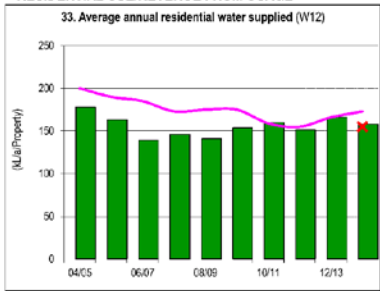
NOTES :

- Col 2 rankings are on a % of LWUs basis - best reveals performance compared to similar sized LWUs (ie. Col 1 is compared with LWUs with >10,000 properties).
- Col 3 rankings are on a % of LWUs basis - best reveals performance compared to all LWUs (ie. Col 1 is compared with all LWUs).
- Col 4 (Statewide Median) is on a % of connected properties basis- best reveals statewide performance (gives due weight to larger LWUs & reduces effect of smaller LWUs).
- Col 5 (National Median) is the median value for the 67 utilities reporting water supply performance in the National Performance Report 2013-14 (www.bom.gov.au).
- LWUs are required to annually review key projections & actions in the later of their IWCW Strategy and financial plan and their Strategic Business Plan and to annually 'roll forward', review and update their 30-year total asset management plan (TAMP) and 30-year financial plan.
- 2014-15 Non-residential Tariff: Access Charge based on Service Connection Size (40mm: \$599.47), Two Part Tariff, Usage Charge 223c/kL.
- Non-residential water supplied was 26% of potable water supplied excluding non-revenue water. Revenue from non-residential customers was not reported.
- The operating cost (OMA) per property was \$319. Components were: management (\$95), operation (\$105), maintenance (\$92), energy (\$15) & chemical (\$10).
- Rehabilitations included 0.1% of water mains, 0.94% of service connections and 20.8% of water meters. Renewals expenditure was \$1456,000/100km of main.
- Compliance with ADWG 2011 for drinking water quality is shown as "Yes" if compliance has been achieved (indicators 19, 19a & 20).
- Wyong Shire Council has 3 fully qualified water treatment operators who meet the requirements of the National Certification Framework.
- As Wyong Shire Council's strategic business plan and financial plan are over 4 years old, it needs to prepare a 30-year IWCW Strategy and financial plan in accordance with the July 2014 IWCW Check List (www.water.nsw.gov.au).

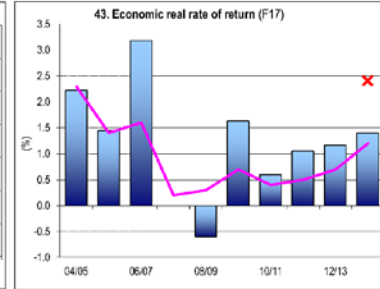
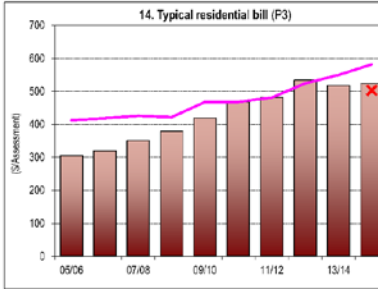
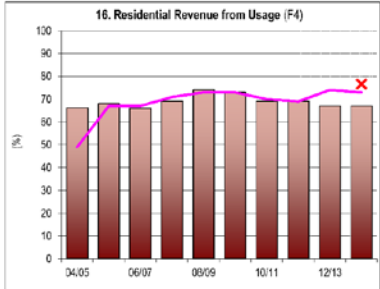
Wyong Shire Council TBL Water Supply Performance (page 2) 2013-14

(Results shown for 10 years together with 2013-14 Statewide Median and Top 20%)

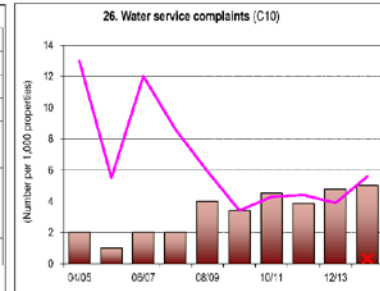
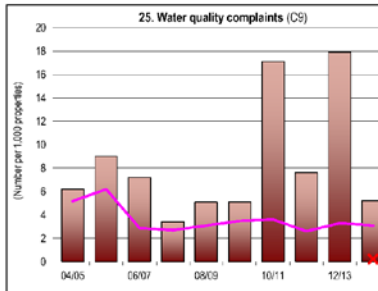
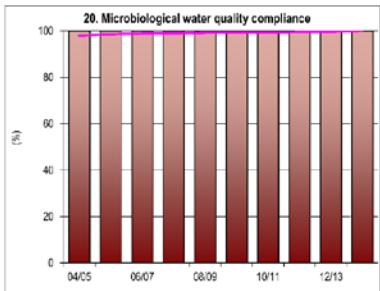
RESIDENTIAL USE/REVENUE FROM USAGE



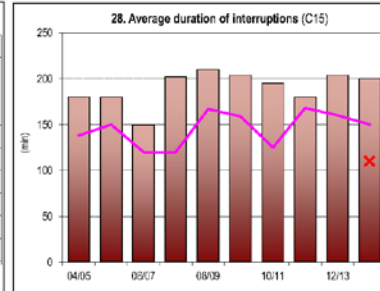
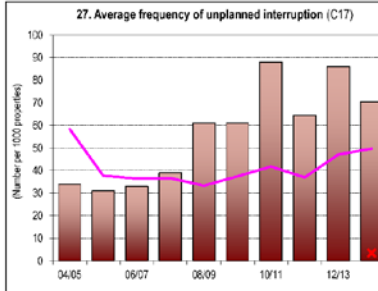
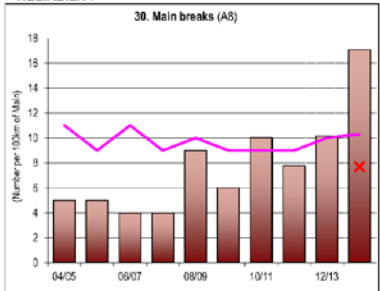
COST RECOVERY



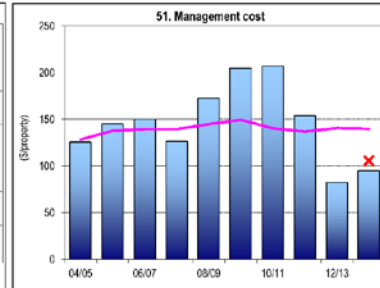
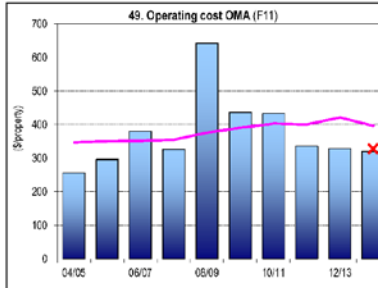
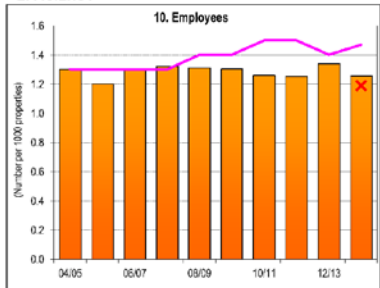
WATER QUALITY/CUSTOMER SERVICE



RELIABILITY



EFFICIENCY



NOTES:

- Costs are in Jan 2014\$ except for graphs 12 and 14, which are in Jan 2015\$.
- Microbiological water quality compliance 1999-00 to 2003-04 was on the basis of 1996 NHMRC/ARMCANZ Australian Drinking Water Guidelines for E. coli; from 2004-05 to 2010-11 compliance was on the basis of the 2004 NHMRC/NRMMC Australian Drinking Water Guidelines (ADWG) and for 2011-12 to 2013-14 compliance was on the basis of the 2011 ADWG.
- Indicators 33 and 33c - Green shading of bars shows % of time Drought Water Restrictions applied in each year: 0 - 30% 30-50% >50% of time
- Indicator 33c - Yellow bars show Peak Week Water Supplied for comparison with Peak Day Water Supplied shown in green.

LEGEND
State Median for all years —
Top 20% for 2013-14 X

0 - 30% 30-50% >50% of time

Wyong Shire Council TBL Sewerage Performance 2013-14

SEWERAGE SYSTEM - Wyong Shire Council serves a population of 151,700 (60,320 connected properties) and has 6 sewage treatment works providing secondary treatment. The system comprises 211,500 EP treatment capacity (Intermittent Extended Aeration (Activated Sludge) and Trickling Filter), 142 pumping stations (530 ML/d), 140 km of rising mains and 1072 km of gravity trunk mains and reticulation. 6% of effluent was recycled (Indicator 27).

PERFORMANCE - Residential growth for 2013-14 was 0.5% which is lower than the statewide median. Wyong Shire Council achieved 100% implementation of the NSW BPM requirements. The 2014-15 typical residential bill was \$471 which was 23% below the statewide median of \$669 (Indicator 12). However, the economic real rate of return was negative (Indicator 46). The operating cost per property (OMA) was \$354 which was less than the statewide median of \$430 (Indicator 50). Sewage odour complaints were above the statewide median of 1 (Indicator 21). Wyong Council reported 26 Category 2 (limited impact) environmental incidents and 26 Category 2 (limited impact) public health incidents. Council complied with the requirements of the environmental regulator for effluent discharge. The current replacement cost of system assets was \$1032M (\$16,700 per assessment), cash and investments were \$39M, debt was \$24M and revenue was \$31.7M (excluding capital works grants). Net debt to equity (WS & Sge) was 10%.

IMPLEMENTATION OF REQUIREMENTS OF NSW BEST-PRACTICE MANAGEMENT (BPM) FRAMEWORK

(1) Complete current strategic business plan & financial plan	YES ¹¹	(2e) Pricing - DSP with commercial developer charges	Yes
(2) (2a) Pricing - Full Cost Recovery without significant cross subsidies	Yes	(2f) Pricing - Liquid trade waste approvals & policy	Yes
(2b) Pricing - Appropriate Residential Charges	Yes	(3) Complete performance reporting (by 15 September)	YES
(2c) Pricing - Appropriate Non-Residential Charges	Yes	(4) Integrated water cycle management strategy	YESC ¹¹
(2d) Pricing - Appropriate Trade Waste Fees and Charges	Yes	IMPLEMENTATION OF ALL REQUIREMENTS	100%

TRIPLE BOTTOM LINE (TBL) PERFORMANCE INDICATORS

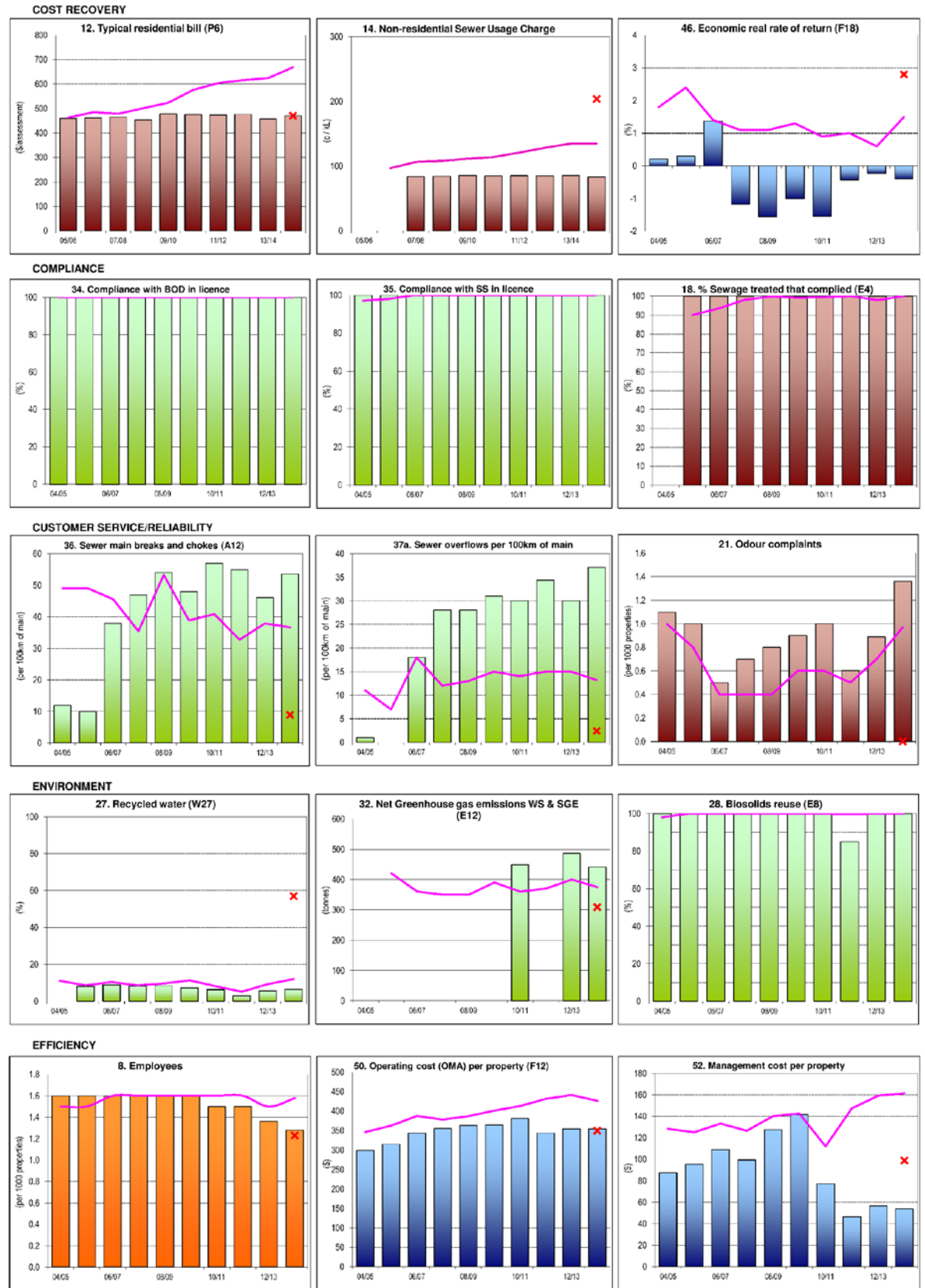
Category	Indicator	Description	Unit	Value	RANKING			MEDIANS		
					Col 1	Col 2	Col 3	Statewide	National	
UTILITY	C5	1 Population served: 151,700								
	C8	2 Number of connected properties: 60,320								
	C6	3 Number of residential connected properties: 57,620								
		4 New residences connected to sewerage (%)		%	0.5	5	4	1.0		
	A6	5 Properties served per kilometre of main		Prop/km	50			38	41	
	W18	6 Volume of sewage collected (ML)		ML	14,835			4,600	5,723	
		7 Renewals expenditure (% of current replacement cost of system assets)		%	0.5	2	3	0.5		
		8 Employees per 1000 properties		per 1,000 prop	1.3	2	2	1.6		
SOCIAL	P4	Description of residential tariff structure: access charge/prop; independent of land value								
	P4.1	11a Residential access charge for 2013-14 (\$/assessment)		\$ 2013-14	516	1	3	625	573	
		11 Residential access charge for 2014-15 (\$/assessment)		\$ 2014-15	471	1	2	669		
	P6	12a Typical residential bill for 2013-14 (\$/assessment)		\$ 2013-14	458	1	2	625	683	
		12 Typical residential bill for 2014-15 (\$/assessment)		\$ 2014-15	471	1	2	669		
		13 Typical developer charge for 2014-15 (\$/equivalent tenement)		\$ 2014-15	4,990	3	2	5,100		
		14 Non-residential sewer usage charge (c/kL)		c/kL	83	5	5	136		
	F6	15 Revenue per property - Sge (\$)		\$	530	5	4	846	938	
		16 Sewerage Coverage (% of Urban Population with Reticulated Sge Service)		%	99.9	1	1	97.9		
	E3	17 Percent of sewage treated to a tertiary level (%)		%	6	5	5	98	91	
	E4	18 Percent of sewage volume treated that was compliant (%)		%	100	1	1	100	100	
	E5	19 Number of sewage treatment works compliant at all times			6 of 6					
		21 Odour complaints per 1000 properties		per 1,000 prop	1.4	4	4	1.0		
	C11	22 Service complaints - sewerage per 1000 properties		per 1,000 prop	12	4	3	8	1	
	C16	23a Average sewerage interruption (minutes)		min	152	5	5	109	105	
		25 Total days lost (%)		%	0.5	2	3	2.9		
	ENVIRONMENTAL	W19	26 Volume of sewage collected per property (kL)		kL	246	5	5	221	204
		W26	26a Total recycled water supplied (ML)		ML	960	3	1	630	1,638
		W27	27 Recycled water (% of effluent recycled)		%	6	4	4	12	17
E8		28 Biosolids reuse (%)		%	100	1	1	100	100	
		30 Energy consumption - sewerage (kWh/ML)		kWh	764	2	3	770		
		31 Renewable energy consumption (% of total energy consumption)		%	0	1	1	0		
E12		32 Net greenhouse gas emissions - WS & Sge (net tonnes CO2 equivalents per 1000 properties)			440	4	4	370	390	
		33 90 th Percentile licence limits for effluent discharge: SS 50 mg/L								
		34 Compliance with BOD in licence (%)		%	100	1	1	100		
		35 Compliance with SS in licence (%)		%	100	1	1	100		
A14		36 Sewer main breaks and chokes (per 100 km of main)		per 100km main	54	4	4	37	20	
	37a Sewer overflows (per 100 km of main)		per 100km main	37	5	5	13			
E13	37b Sewer overflows reported to environmental regulator (per 100km of main)		per 100km main	2.1	5	5	0.8	0.4		
	39 Non res & trade waste % of total sge volume		%	25	3	2	21			
ECONOMIC		43 Revenue from non-residential plus trade waste charges (% of total revenue)		%	12	5	4	18		
		44 Revenue from trade waste charges (% of total revenue)		%	2.9	2	2	2.0		
	F18	46 Economic real rate of return - Sge (%)		%	-0.4	5	5	1.5	2.6	
		46a Return on assets - Sge (%)		%	-0.3	5	5	1.3		
		48a Loan payment per property - Sge (\$)		\$	44	5	3	90		
	F24	48b Net profit after tax - WS & Sge (\$'000)		\$'000	-5,219	5	5	1180	5,345	
		49 Operating cost (OMA) per 100 km of main (\$'000)		\$'000	1,770	3	4	1,730		
	F12	50 Operating cost (OMA) per property (\$) (Note 9)		\$	354	1	2	430	405	
		51 Operating cost (OMA) per kL (cents)		c/kL	144	1	2	206		
		52 Management cost per property (\$)		\$	54	1	1	161		
		53 Treatment cost per property (\$)		\$	131	1	2	155		
		54 Pumping cost per property (\$)		\$	107	5	5	68		
		55 Energy cost per property (\$)		\$	42	3	4	42		
	56 Sewer main cost per property (\$)		\$	57	3	4	47			
F29	57 Capital Expenditure per property - Sewerage (\$)		\$	110	5	3	193	227		

NOTES:

- Col 2 rankings are on a % of LWUs basis - best reveals performance compared to similar sized LWUs (ie. Col 1 is compared with LWUs with >10,000 properties).
- Col 3 rankings are on a % of LWUs basis - best reveals performance compared to all LWUs (ie. Col 1 is compared with all LWUs). - see attachment.
- Col 4 (Statewide Median) is on a % of connected properties basis- best reveals statewide performance (gives due weight to larger LWUs & reduces effect of smaller LWUs).
- Col 5 (National Median) is the median value for the 66 utilities reporting sewerage performance in the National Performance Report 2013-14 (www.bom.gov.au).
- LWUs are required to annually review key projections & actions in the later of their IWCM Strategy and financial plan and their Strategic Business Plan and to annually 'roll forward', review and update their 30-year total asset management plan (TAMP) and 30-year financial plan.
- Non-residential access charge - \$471, proportional to square of meter size. Sewer usage charge - 83 c/kL.
- Non-residential and trade waste volume was 25% of total sewage collected.
- Non-residential revenue was 12% of revenue from access, usage & trade waste charges, indicating fair pricing of services between the residential and non-residential sectors.
- Compliance with Total N in Licence was 100%. Compliance with Total P in Licence was 100%.
- Operating cost (OMA)/property was \$354. Components were: management (\$54), operation (\$157), maintenance (\$99), energy (\$42) and chemical (\$2).
- Wyong Shire Council rehabilitations included 0.5% of its sewerage mains. Renewals expenditure was \$430,000/100km of main.
- As Wyong Shire Council's strategic business plan and financial plan are over 4 years old, it needs to prepare a 30-year IWCM Strategy and financial plan in accordance with the July 2014 IWCM Check List (www.water.nsw.gov.au).

Wyong Shire Council TBL Sewerage Performance (page 2) 2013-14

(Results shown for 10 years together with 2013-14 Statewide Median and Top 20%)



NOTES:

1. Costs are in Jan 2014\$ except for graphs 12 and 14, which are in Jan 2015\$.

LEGEND
 State Median for all years ———
 Top 20% for 2013-14 X

ATTACHMENT¹

TBL Performance Reports and Action Plans –

- Understanding and Using Your Report and
- Preparing your Action Plan (page 5)

1. Introduction

This appendix has been prepared to assist Councillors with their Council's **final 2013-14 Triple Bottom Line (TBL) Performance Reports** for water supply and sewerage. It will also help the Water and Sewerage Manager prepare a sound Action Plan to Council. A sample Action Plan is shown on page 80 of the *2013-14 NSW Water Supply and Sewerage Performance Monitoring Report*². The NSW Office of Water prepares the annual TBL report for each Local Water Utility's water supply business and for its sewerage business together with an Action Plan template for completion by the Water and Sewerage Manager. A copy of the TBL report is also provided to IPART.

The steps involved in preparing an Action Plan are shown on page 28 of the 2013-14 NSW Performance Monitoring Report, which is reproduced on page 5 of this Attachment.

The TBL reports show your LWU's key performance indicators (column 1), your ranking compared to other LWUs in your size range (column 2) and your ranking relative to all NSW LWUs (column 3). **Column 4** shows the **Statewide medians** which are calculated from the 50 percentile result for all connected properties (statewide). This best reveals Statewide performance by giving due weight to larger LWUs and reducing the effect of smaller LWUs.

There are four size ranges: > 10,000, 3,000 to 10,000, 1,500 to 3,000 and 200 to 1,500 connected properties. Rankings shown in Columns 2 and 3 of the TBL Report are based on the top 20% of LWUs for each indicator being ranked 1 and the bottom 20% being ranked 5 (LWUs in the range 40% to 60% are ranked 3).

2. Factors Impacting on Performance

When comparing reported performance with other utilities, LWUs should take account of the wide range of factors which can impact on effectiveness and efficiency of a business. An indicator with a low ranking may not necessarily imply **poor** performance, for example, business efficiencies and effectiveness are functions of:

- **Number of connected properties** - there are significant economies of scale for large LWUs,
- **Type of services provided** - eg. whether the LWU provides a full water supply system or whether is a reticulator or bulk supplier,
- **Provision of bulk storage and/or long transfer systems** - these costs are not incurred by LWUs relying on groundwater or those receiving a regulated supply from a Water NSW (previously State Water) dam.
- **Regional topography and soil types** affects pumping costs, frequency of main breaks and useful life,

¹ This attachment is an update of Appendix G of the *NSW Water and Sewerage Strategic Business Planning Guidelines*, July 2011 (available at http://www.water.nsw.gov.au/ArticleDocuments/36/utilities_nsw_water_sewerage_strategic_planning_guidelines.pdf.aspx).

² The *2013-14 NSW Water Supply and Sewerage Performance Monitoring Report* is available at <http://www.water.nsw.gov.au/urban-water/country-town-water/best-practice-management/performance-monitoring>.

- **Regional rainfall and evaporation,**
- **Water quality at the source** – for example, a good quality groundwater will require minimal water treatment,
- **Standard of nutrient removal facilities** at the sewage treatment works,

An understanding of such factors is essential for valid interpretation of performance data. Utilities are encouraged to compare and contrast their performance with other LWUs having similar characteristics. Further factors to assist your LWU in its assessment of performance are listed below.

2.1 UTILITY CHARACTERISTICS

- **Properties served per km** – lower density of urban development significantly increases the infrastructure cost, particularly for those LWUs with very low densities (ie. < 20 properties per km).
- **Renewals** – each LWU should ensure that its Typical Residential Bill (see below) is adequate and consistent with the projection in its 30 year strategic business plan to ensure it is raising sufficient revenue for developing, maintaining and renewing the required infrastructure. It should also examine its total asset management policy and ensure that the necessary funds are directed to maintenance and renewals.
- **Employees per 1000 properties** – this is a good indicator of operating and management costs. As noted on page 30 of the *2013-14 NSW Water Supply and Sewerage Benchmarking Report* (www.water.nsw.gov.au), the number of employees per 1,000 properties is a good indicator of operating and management costs. However, it is important to note that a higher number of employees per 1,000 properties is needed for small non-contiguous water supply systems and for small water or sewage treatment works.

2.2 SOCIAL FACTORS – Bills and Charges

- **Typical Residential Bill (TRB)** – is the **principal indicator of the overall cost** of a water supply or sewerage system (it is the annual bill paid by a residential customer using the utility's average annual residential water supplied). The main element of the TRB is the operating cost (OMA – operation, maintenance and administration). The TRB should be consistent with the projection in your LWU's 30 year strategic business plan.

Review and comparison of the 2014-15 Typical Residential Bill (Indicator 14) with the projection in your Strategic Business Plan is **mandatory**. In addition, if both the economic real rate of return and the return on assets (indicators 43 and 44 for water supply and indicators 46 and 46a for sewerage) are negative, you must report your proposed 2015-16 typical residential bill to achieve full cost recovery.

- **Residential Water Usage Charge (c/kL)** – Highest charges are automatically ranked "1" and lowest charges as "5". These rankings however, should be compared with your TRB and whether your LWU is achieving full cost recovery, and the required residential revenue from water usage charges, in which case a low water usage charge may be a good result.

Please note that Circular LWU 11 of March 2011 has removed the need for LWUs to use inclining block tariffs. In addition, the **NSW Government encourages LWUs to use a two-part tariff with a uniform water usage charge** per kL for all water use (see page 6 of the *2013-14 NSW Performance Monitoring Report*).

- **Residential revenue from usage charges (%)** – The *Best Practice Management Guidelines 2007* require LWUs with 4,000 or more properties to raise at least 75% of residential revenue from water usage charges, while LWUs with under 4,000 properties, including LWUs with a dual supply must raise at least 50% of residential revenue from usage charges. The strategic

benefits of providing such **strong pricing signals** are highlighted on page 5 of the *2013-14 NSW Performance Monitoring Report*.

2.3 SOCIAL FACTORS - Health

- **Risk based drinking water management system** – each LWU should develop and implement such a drinking water management system on a priority basis (assistance is available from the NSW Office of Water - see pages 7 and 8 of the *2013-14 NSW Performance Monitoring Report*).
- **Microbiological water quality compliance** is a **high priority** for each NSW LWU – This is the most important water supply **health indicator** and all LWUs should aim for a value of 100%. LWUs with less than 98% do not comply with the *Australian Drinking Water Guidelines, 2011* and must develop and implement a corrective strategy (see page 7 of the *2013-14 NSW Performance Monitoring Report*). If your LWU failed to achieve microbiological compliance in either of the last 2 financial years, the corrective action implemented and whether it was successful must be reported in your LWU's annual Action Plan to Council.
- **'Boil water alerts'** – if your LWU has issued any 'boil water alerts' in the last 18 months, the corrective action implemented and whether it was successful must be reported in your LWU's annual Action Plan to Council.

Assistance is available to your LWU from your NSW Office of Water Regional Water and Sewerage Treatment Officer (page 36 of the *2013-14 NSW Benchmarking Report*).

2.4 SOCIAL FACTORS - Customer Service

- **Water quality complaints** – water quality may depend for example, on whether the supply is unfiltered, good quality groundwater or whether a fully treated supply is provided.
- **Odour complaints** – This is an important indicator of the effectiveness of sewage treatment and transfer. LWUs with a high number of complaints (ranking of 5) should investigate the reasons for the complaints, including past performance, as indicated in page two of their TBL Report.
- **Number of water main breaks** – water mains with a high incidence of breaks (say over 30 per 100km of main) may indicate that renewals are warranted. Assistance is available for such utilities from the NSW Office of Water (Dilip Dutta 02 9842 8499).

2.5 ENVIRONMENTAL FACTORS

- **Average annual residential water supplied** – is influenced by the number of connected properties, geographic location, climate, strength of the utility's pricing signals (NWI Indicator F4 – percent of residential revenue from usage charges – see 2.6 below) and the presence of drought water restrictions. Inland LWUs have significantly higher residential water supplied due to their hotter and drier climate and the use of evaporative air coolers. The weighted median value for inland LWUs was 263kL/connected property (percentage of connected properties basis). The weighted median for coastal LWUs was 157kL/property.
- **Sewer main chokes and collapses** – sections of sewer main with a high incidence of chokes and collapses (say treble the statewide median) require close attention.
- **Sewer overflows to the environment** – are untreated sewage spills and may increase during wet weather due to infiltration of sewage mains and flooding. They do not include discharges or overflows contained within emergency storages.

2.6 ECONOMIC FACTORS - Financial

- **Economic real rate of return (ERRR)** – reflects the rate of return from operating activities (ie. excluding interest income, grants for acquisition of assets and gain/loss on disposal of assets). Water and sewerage charges should be sufficiently high to achieve full cost recovery. All LWUs should aim to achieve a positive ERRR. LWUs which have met all the Best-Practice Management requirements are strongly encouraged to pay an 'efficiency dividend' from the surplus of their water and sewerage businesses to the Council's general revenue (see page 13 of the *2013-14 NSW Performance Monitoring Report*). Refer also to Circular LWU 11 of March 2011 (available by logging in to the NSW Performance Monitoring System).
- **Net Debt to equity** – LWUs facing significant capital investment are encouraged to make greater use of borrowings to reduce their TRB. This avoids unfairly burdening existing customers and facilitates **inter-generational equity** (see page 13 of the *2013-14 NSW Performance Monitoring Report*).
- **Loan payment (\$/property)** – A high loan payment per property indicates a relatively high capital cost per property, recent construction of significant capital works or use of short-term loans. 20-year loans are generally optimal (see page 14 of the *2013-14 NSW Performance Monitoring Report*).
- **Interest cover** – this ratio provides an indicator of the LWU's ability to meet interest commitments. The interest cover is nil for a business incurring a loss. As a general guide, an interest cover >2 is a good interest cover position. This should be considered in conjunction with the comment on making greater use of borrowings for capital investment.
- **Net profit after tax (NPAT) ratio** – this is NPAT divided by the revenue. LWUs should have a positive NPAT ratio. LWUs facing major capital expenditure for expanding system capacity may need a relatively high value for this indicator in order to help fund this investment.

2.7 ECONOMIC FACTORS - Efficiency

Operating cost (OMA – operation, maintenance and administration) per property is a prime indicator of the performance of an LWU. The **components of operating cost** are:

- **Management cost** – includes administration, engineering and supervision and is typically almost 40% of the total operating cost. The number of employees per 1,000 properties can be a useful indicator of the operating and management costs and hence the efficiency of an LWU. LWUs with a number of separate water supply schemes and those with smaller water or sewage treatment works will need a higher level of employees per 1000 properties in order to effectively manage their systems.
- **Treatment cost (water)** – is dependent on the type and quality of the water source and the types of treatment used. In addition, there are great economies of scale for the operation of larger water treatment works (ie. facilities involving at least filtration and disinfection).
- **Treatment cost (sewage)** – is dependent on type of treatment and discharge requirements. Where the discharge licence conditions are stringent involving for example, a low level of phosphorus, treatment costs will be high. There are significant economies of scale for operation of larger treatment works.
- **Pumping cost (water)** – is influenced by topography and distance to the water source. For example, Essential Energy and Goldenfields Water have a high pumping cost due to the distance required to pump from the water source, while Fish River Water Supply is almost a fully gravitational supply, with negligible pumping costs. For water supply, there are significant economies of scale in pumping cost per connected property.

PREPARATION OF AN ACTION PLAN

The steps that each LWU should follow to review performance and prepare an annual action plan are:

1. **Check level of implementation of BPF** and highlight requirements which have not been implemented. Any such requirements must be addressed as a priority in order to achieve sound planning, pricing and regulation of services by each LWU.
2. **Review performance** using the indicators shown on the first page of the TBL performance report for each of water supply and sewerage (example TBL report on pages 82 and 83). Particular note should be taken of indicators that appear to be less than satisfactory i.e. with a ranking of 4 or 5.
 - **DWMS** - review your DWMS (page 7) and document any required corrective action.
 - **Section 61 Reports** – include any required corrective action from the NSW Office of Water Section 61 Reports in the Action Plan if the work has not yet been completed.
3. **Identify any trends** over the past ten years in the selected performance indicators shown on the second page of the TBL performance report, and compare the latest values with the Statewide median values and the top 20%. In undertaking a review of indicators and trends in performance, LWUs should take note of the many factors that may contribute to the apparent under-performance (section 5.3 on page 30).
4. **Update Financial Plan** Annually 'roll forward', review and update your 30-year total asset management plan for projects completed, modified or deferred and input the results, together with your latest annual financial statements to prepare an update of your 30-year financial plan (pages 24, 107 and 111). Include any warranted corrective action in your Action Plan.
5. **Prepare Action Plan** Use the Action Plan template provided to your LWU together with your TBL reports. Example review and Action Plan is provided on pages 80 and 81 as the basis for your Action Plan. Consider any emerging issues and address areas of under-performance and document remedial actions (with target dates). Review targets set out in the later of your IWCM Strategy and financial plan and Strategic Business Plan (SBP) (particularly whether this year's **TRB** is consistent with your projection and any corrective action required from the above update of your 30-year financial plan (section 5.1 on page 27) and document appropriate actions. Include corrective action required from the review of your DWMS & any Section 61 Reports. Refer also to the box on page 7.

Examples of 'emerging issues' which should be addressed in your utility's IWCM Strategy include:

- What is your secure yield based on the "5/10/10 rule" (NSW Security of Supply Basis)?
- What is the impact of climate variability on water supply secure yield (section 4.4 on page 26)?
- Has your IWCM Strategy addressed 'liveability'³?

If further analysis is warranted (e.g. if the ranking of the performance indicator is low and remains unexplained or other factors suggest apparent under-performance), then steps 6 and 7 below may also be required.

6. Compare selected performance indicators with those of similar utilities in a similar size range using the Figures showing performance trends for four utility size ranges over the past six years in the Benchmarking Report (provided on the Office of Water website www.water.nsw.gov.au). Where in-depth investigation is warranted for selected indicators, the LWU can also undertake process benchmarking.
7. Process benchmarking for selected indicators for areas of apparent under-performance, e.g. where the LWU has a low ranking (ie. 4 or 5) relative to LWUs with similar characteristics.

³ Water supply, sewerage and stormwater systems can contribute to the 'liveability' of towns and cities, including watering of parks, gardens and playing fields and the use of water sensitive urban design to encourage the greening of urban areas and healthy urban creeks and waterways. Appropriate financial contributions from the beneficiaries of such 'broader solutions' (eg. a large water user or Council's Planning, Parks & Gardens, Stormwater &/or Roads functions) should be included in the IWCM Strategy.

Refer also to Recommendation 10 of the National Water Commission's report on *Urban Water in Australia Future Directions 2011* (www.nwc.gov.au).

Wyong Shire Council Water Supply – Action Plan Page 1

Summary

In 2013-14, Wyong Shire Council implemented all the water supply requirements of the *NSW Best-Practice Management Framework* and its performance has been [to be completed by Council].

Key actions from Council's Strategic Business Plan:

- Insert achievements for Key Action 1 here for Wyong Shire Council
- Insert achievements for Key Action 2 here for Wyong Shire Council

INDICATOR		RESULT ²		COMMENT/DRIVERS	ACTION
	Best-Practice Management Framework	Implemented all the Best-Practice Requirements ¹	Very good	Implementation of the requirements demonstrates effectiveness and sustainability of water supply business. 100% implementation is required for eligibility to pay an 'efficiency dividend'.	Prepare a new 30-year IWCM Strategy, Financial Plan & Report in accordance with the July 2014 IWCM Check List (www.water.nsw.gov.au) as the existing Strategic Business Plan is over 4 years old.
CHARACTERISTICS					
5	Connected property density	52 per km of main Highest ranking (1, 1)		A connected property density below 30 can significantly increase the cost per property of providing services, as will also a high number of small discrete water supply schemes.	
9	Renewals expenditure	1.3% Highest ranking (1, 1)	Very good	Adequate funds must be programmed for works outlined in the Asset Management Plan – page 3 of the 2013-14 NSW Performance Monitoring Report.	FOR INDICATORS 9 to 56 Where ranking is low, investigate reasons including past performance and trends, develop remedial action plan and summarise in this column.
10	Employees	1.3 per 1,000 props High ranking (2, 1)	Good		
SOCIAL - CHARGES					
12	Residential water usage charge	223 c/kL Median ranking (3, 2)			
13	Residential access charges	\$172 per assessment Highest ranking (1, 1)			
14	Typical residential bill ³ (TRB)	\$523 per assessment High ranking (2, 1)			
15	Typical developer charges	\$3600 per ET Low ranking (4, 4)			
16	Residential revenue from usage charges	67% of residential bills Low ranking (4, 3)			
SOCIAL – HEALTH					
19	Physical quality compliance	Yes Highest ranking (1, 1)	Very good		
19 a	Chemical quality compliance	Yes Highest ranking (1, 1)	Very good		
20	Microbiological compliance ⁴	Yes Highest ranking (1, 1)	Very good	Critical indicator. LWUs should annually review their DWMS in accordance with NSW guidelines ⁴ .	

1. Council needs to annually 'roll forward', review and update its 30-year total asset management plan (TAMP) and 30-year financial plan, review Council's TBL Performance Report and prepare an **Action Plan** to Council. The Action Plan is to include any actions identified in Council's annual review of its DWMS (Indicator 20) and any section 61 Reports from the NSW Office of Water. Refer to pages 27, 28, 107 and 111 of the 2013-14 NSW Water Supply and Sewerage Performance Monitoring Report.
2. The ranking relative to similar size LWUs is shown first (Col. 2 of TBL Report) followed by the ranking relative to all LWUs (Col. 3 of TBL Report).
3. Review and comparison of the 2014-15 **Typical Residential Bill (Indicator 14)** with the projection in the later of your IWCM Strategy and financial plan and your Strategic Business Plan is **mandatory**.
In addition, if both indicators 43 and 44 are negative, you must report your proposed 2015-16 typical residential bill to achieve full cost recovery.
4. **Microbiological compliance (Indicator 20)** is a **high priority** for each NSW LWU. Corrective action for non-compliance (≤97%), or any 'boil water alerts' must be reported in your Action Plan. Refer to pages 7, 8 and 28 of the 2013-14 NSW Water Supply and Sewerage Performance Monitoring Report (www.water.nsw.gov.au) and NSW Guidelines for drinking water quality management systems, NSW Health and NSW Office of Water, 2013.

Wyong Shire Council Water Supply – Action Plan Page 2

INDICATOR	RESULT	COMMENT/DRIVERS	ACTION	
SOCIAL – LEVELS OF SERVICE				
25	Water quality complaints 5.2 per 1,000 props Low ranking (4, 4)	May require review	Critical indicator of customer service.	
26	Service complaints 5.8 per 1,000 props Low ranking (4, 2)	May require review	Key indicator of customer service.	
27	Average frequency of unplanned interruptions 70 per 1,000 props Low ranking (4, 5)	May require review	Key indicator of customer service, condition of network and effectiveness of operation.	
30	Number of main breaks 17 per 100km of main Lowest ranking (5, 4)	May require review	Drivers – condition and age of water mains, ground conditions.	Monitor breaks, including past performance and trends.
32	Total Days Lost 0.5% High ranking (2, 3)	Good		
ENVIRONMENTAL				
33	Average annual residential water supplied 158 kL per prop High ranking (2, 1)	Good	Drivers – available water supply, climate, location (Inland or coastal), pricing signals (Indicator 3), restrictions.	
34	Real losses (leakage) 30 L/c/d Highest ranking (1, 1)	Very good	Loss reduction is important where an LWU is facing drought water restrictions or the need to augment its water supply system.	
ECONOMIC				
43	Economic Real Rate of Return (ERRR) 1.4% Median ranking (3, 2)	Satisfactory	Reflects the rate of return generated from operating activities (excluding interest income and grants). An ERRR or ROA of ≥ 0% is required for full cost recovery.	
44	Return on assets (ROA) 0% Low ranking (4, 4)		See 43.	
45	Net debt to equity 10% High ranking (2, 1)	Good	LWUs facing significant capital investment are encouraged to make greater use of borrowings – page 14 of the 2013-14 NSW Performance Monitoring Report.	
46	Interest cover 1 Median ranking (3, 3)	Satisfactory	Drivers – in general, an interest cover > 2 is satisfactory.	
47	Loan payment \$367 per prop Highest ranking (1, 1)	Very good	The component of TRB required to meet debt payments. Drivers – expenditure on capital works, short term loans.	
49	Operating cost (OMA) \$319 per prop Highest ranking (1, 1)	Very good	Prime indicator of the financial performance of an LWU. Drivers – development density, level of treatment, management cost, topography, number of discrete schemes and economies of scale.	Review components carefully to ensure efficient operating cost.
51	Management cost \$95 per prop Highest ranking (1, 1)	Very good	Typically about 40% of the OMA. Drivers – No. of employees. No. of small discrete water schemes.	
52	Treatment cost \$58 per prop Median ranking (3, 2)	Satisfactory	Drivers – type and quality of water source. Size of treatment works	
53	Pumping cost \$33 per prop Median ranking (3, 2)	Satisfactory	Drivers – topography, development density and location of water source.	
55	Water main cost \$109 per prop Lowest ranking (5, 4)	May require review	Drivers – age and condition of mains. Ground conditions. Development density.	
56	Capital expenditure \$323 per prop Highest ranking (1, 1)	Very good	An indicator of the level of investment in the business. Drivers – age and condition of assets, asset life cycle and water source.	

Wyong Shire Council Sewerage – Action Plan Page 1

Summary

In 2013-14, Wyong Shire Council implemented all the sewerage requirements of the *NSW Best-Practice Management Framework* and its performance has been [to be completed by Council].

Key actions from Council's Strategic Business Plan:

- Insert achievements for Key Action 1 here for Wyong Shire Council
- Insert achievements for Key Action 2 here for Wyong Shire Council

INDICATOR		RESULT ²		COMMENT/DRIVERS	ACTION
	Best-Practice Management Framework	Implemented all the Best Practice Requirements ¹	Very good	Implementation demonstrates effectiveness and sustainability of water supply and sewerage business. 100% implementation is required for eligibility to pay an 'efficiency dividend'.	Prepare a new 30-year IWCM Strategy, Financial Plan & Report in accordance with the July 2014 IWCM Check List (www.water.nsw.gov.au) as the existing Strategic Business Plan is over 4 years old.
CHARACTERISTICS					
5	Connected property density	50 per km of main	Higher than the statewide median of 38	A connected property density below about 30 can significantly increase the cost per property of providing services.	
7	Renewals expenditure	0.5% High ranking (2, 3)	Good	Adequate funds must be programmed for works outlined in the Asset Management Plan – page 3 of the 2013-14 NSW Performance Monitoring Report.	FOR INDICATORS 7 to 57 Where ranking is low, investigate reasons including past performance and trends, develop remedial action plan and summarise in this column.
8	Employees	1.3 per 1,000 props High ranking (2, 2)	Good		
SOCIAL – CHARGES					
12	Typical residential bill ³ (TRB)	\$471 per assessment Highest ranking (1, 2)	Review	TRB should be consistent with projection in the financial plan, and should achieve full cost recovery. Drivers – OMA Management Cost and Capital Expenditure.	See 46.
13	Typical Developer Charges	\$4990 per ET Median ranking (3, 2)	Good		
14	Non-residential sewer usage charge	83c/kL Lowest ranking (5, 5)	Review		
SOCIAL - HEALTH					
16	Sewerage coverage	99.9% Highest ranking (1, 1)	Very good		
17	Percent sewage treated to tertiary level	6% Lowest ranking (5, 5)	May require review		
18	Percent of sewage volume that complied	100% Highest ranking (1, 1)	Very good	Key indicator of compliance with regulator.	
19	Sewage treatment works compliant at all times	6 of 6		Key indicator of compliance with regulator.	
SOCIAL – LEVELS OF SERVICE					
21	Odour Complaints	1.4 per 1,000 props Low ranking (4, 4)	May require review	Critical indicator of customer service and operation of treatment works.	
22	Service complaints	12 per 1,000 props Low ranking (4, 3)	May require review	Key indicator of customer service.	
23 a	Average Duration of Interruption	152 minutes Lowest ranking (5, 5)	May require review	Key indicator of customer service, condition of network and effectiveness of operation.	
25	Total Days Lost	0.5% High ranking (2, 3)	Good		

1. Council needs to annually 'roll forward', review and update its 30-year total asset management plan (TAMP) and 30-year financial plan, review Council's TBL Performance Report and prepare an **Action Plan** to Council. The Action Plan is to include any actions identified in Council's annual review of its DWMS (Indicator 20) and any section 61 Reports from the NSW Office of Water. Refer to pages 27, 28, 107 and 111 of the 2013-14 NSW Water Supply and Sewerage Performance Monitoring Report.

Wyong Shire Council Sewerage – Action Plan Page 2

INDICATOR	RESULT	COMMENT/DRIVERS	ACTION
ENVIRONMENTAL			
26	Volume of sewage collected per property 246 kL Lowest ranking (5, 5)	Compare sewage collected to water supplied.	
27	Percentage effluent recycled 6% Low ranking (4, 4)	May require review Key environmental indicator. Drivers – availability of potable water, demand, proximity to customers, environment.	
28	Biosolids reuse 100% Highest ranking (1, 1)	Very good Key environmental indicator.	
32	Net Greenhouse gas emissions (WS & Sge) 440 t CO2/1000 props Low ranking (4, 4)	May require review Drivers – gravity vs pumped networks, topography, extent of treatment.	
34	Compliance with BOD in licence 100% Highest ranking (1, 1)	Very good Key indicator of compliance with regulator requirements.	
35	Compliance with SS in licence 100% Highest ranking (1, 1)	Very good Drivers – algae in maturation ponds, impact of drought.	
36	Sewer main breaks and chokes 54 per 100km of main Low ranking (4, 4)	May require review Drivers – condition and age of assets, ground conditions.	
37 a	Sewer overflows to the environment 37 per 100km of main Lowest ranking (5, 5)	May require review Drivers – condition of assets, wet weather and flooding.	
39	Non-residential percentage of sewage collected 25% Median ranking (3, 2)	For non-residential, compare % of sewage collected to indicator 43 (% of revenue).	
ECONOMIC			
43	Non-residential revenue 12% Lowest ranking (5, 4)	May require review See 39 above.	
46	Economic Real Rate of Return (ERRR) -0.4% Lowest ranking (5, 5)	Review Reflects the rate of return generated from operating activities (excluding interest income and grants). An ERRR or ROA of ≥ 0% is required for full cost recovery.	
46 a	Return on assets -0.3% Lowest ranking (5, 5)	See 46.	
47	Net debt to equity 10% High ranking (2, 1)	Good LWUs facing significant capital investment are encouraged to make greater use of borrowings – page 14 of the 2013-14 NSW Performance Monitoring Report.	
48	Interest cover 1 Median ranking (3, 3)	Satisfactory Drivers – in general, an interest cover of > 2 is satisfactory.	
48 a	Loan payment \$44 per prop Lowest ranking (5, 3)	The component of TRB required to meet debt payments. Drivers – expenditure on capital works, short term loans.	
50	Operating cost (OMA) \$354 per prop Highest ranking (1, 2)	Very good Prime indicator of the financial performance of an LWU. Drivers – development density, level of treatment, management cost, topography, number of discrete schemes and economies of scale.	Review carefully to ensure efficient operating cost.
52	Management cost \$54 per prop Highest ranking (1, 1)	Very good Drivers – number of discrete schemes, number of employees. Typically about 40% of OMA.	
53	Treatment cost \$131 per prop Highest ranking (1, 2)	Very good Drivers – type and level of treatment, economies of scale.	
54	Pumping cost \$107 per prop Lowest ranking (5, 5)	May require review Drivers – topography, development density, effluent recycling.	
56	Sewer main cost \$57 per prop Median ranking (3, 4)	Satisfactory Drivers – topography, development density, effluent recycling.	
57	Capital expenditure \$110 per prop Lowest ranking (5, 3)	An indicator of the level of investment in the business. Drivers – age and condition of assets, asset life cycle.	

2. The ranking relative to similar size LWUs is shown first (Col. 2 of TBL Report) followed by the ranking relative to all LWUs (Col. 3 of TBL Report).
3. Review and comparison of the 2014-15 **Typical Residential Bill (Indicator 12)** with the projection in your Strategic Business Plan is **mandatory**.

4.4 Quarterly Risk Management Report - June 2015

TRIM REFERENCE: F2004/07245 - D11985505

MANAGER: Brian Glendenning, General Counsel

AUTHOR: Stephen Bignill; Senior Project Executive

SUMMARY

Quarterly Risk Management Report for June 2015.

RECOMMENDATION

That Council receive the report on Quarterly Risk Management Report - June 2015.

BACKGROUND

This report of Wyong Shire Councils (WSC) risk profile is undertaken to:

- Provide an understanding of the risk exposure of the organisation as a whole;
- To identify risk trends within the organisation;
- To provide risk information to stakeholders;
- To provide an overview of the WSCs risk profile;
- To provide information as to the effectiveness of risk management within the organisation.

Risk management is an ongoing activity within WSCs. Risks are identified and managed by risk owners and risk managers on a regular basis.

The following provides a summary of the risk management within WSC as at 31st May 2015 and is to be read in conjunction with the May 2015 Corporate Risk Report.

1) Controlling Risks

Identifying, implementing and maintaining effective controls over risks reduces the likelihood of those risks occurring.

The controls for the top twenty (20) risks are proving effective with the reduction from twenty (20) uncontrolled Extreme and High risks with an average risk rating of 4.25 reduced to an average controlled risk rating of 11.12.

Across council there are currently 139 open corporate risks. Since July 2014 effective risk control management has reduced all uncontrolled risks with an Extreme rating to a maximum rating of High.

2) Consequent Identification

The difference in the risk rating between the risk with no controls in place and the risk with controls in place is significantly affected by the Likelihood of the risk occurring. The implementation of controls reduces the Likelihood of the risk; which reduces the overall risk rating.

The potential impact of the consequence of a risk remains even after effective controls are in place.

For WSC the categories where there are high consequences if the risk was realised are Financial, Regulation and Compliance and Work Health and Safety.

In total there are twenty three (23) risks across council that have Extreme or High consequences in the above categories after controls are in place.

3) Risk Distribution

The Controlled Risk Conditions Chart shows that the concentration of risks for WSC lay within the Likelihood areas of Possible/Unlikely with Moderate to Minor consequences. In total eighty three (83) of the current one hundred and thirty nine (139) or 60% of corporate risks lay in this area.

This relatively low level risk concentration distribution is consistent with WSCs overall level of Risk Appetite.

4) Risk Impact

WSC risks are allocated to different operational categories. Each risk falls into the category that it has the greatest ability to impact:

- **Asset** -The risk has an impact directly on the WSC asset base.
- **Business** - The most significant impact of the risk is on WSC obtaining its business objectives (includes Project Management)
- **Governance** - The direct result of failure to follow the relevant legislation;
- **HR** – The risk is directly related to corporate staff issues;
- **IM**- The risk is the result of or has the most significant impact on Information Management;
- **Legal** – Legal activity that WSC are involved which are not related to specific breaches of legislation;
- **Operational** - The risk is the result of or has the most significant impact on operational activities (includes WHS and Environmental)

The areas that carry the greatest risk impact for WSC are Business related risks and Operational related risks. This is consistent with the overall strategic and operational focus of WSC.

There are also twenty (20) Asset related risks currently on the risk register that reflect in part recognition of the ageing infrastructure of WSC and the controls in place to address this.

5) Corporate Risk Register Management and Monitoring

There are two dominant elements of corporate risk management that are focussed on:

a) The total number of risks in each Service Unit against the number that are reviewed.

Over March and April 2015 a meeting was held with every Service Unit Manager and all risks were reviewed and updated. This has resulted in a strong focus on improving the identification and management of risks.

b) Management of Future Controls

Some risks have Future Controls entered. These controls are ones that are planned to be implemented at a nominated date in the future to further control the risk in a cost effective manner.

The monitoring of the timely actioning of future controls ensures risk owners are actively controlling their risks.

In July 2014 there were forty one (41) outstanding further controls with risks that needed actioned. As at the 31st May 2015 there were two (2).

ATTACHMENTS

1 May 2015 Corporate Risk Report Council D11985506



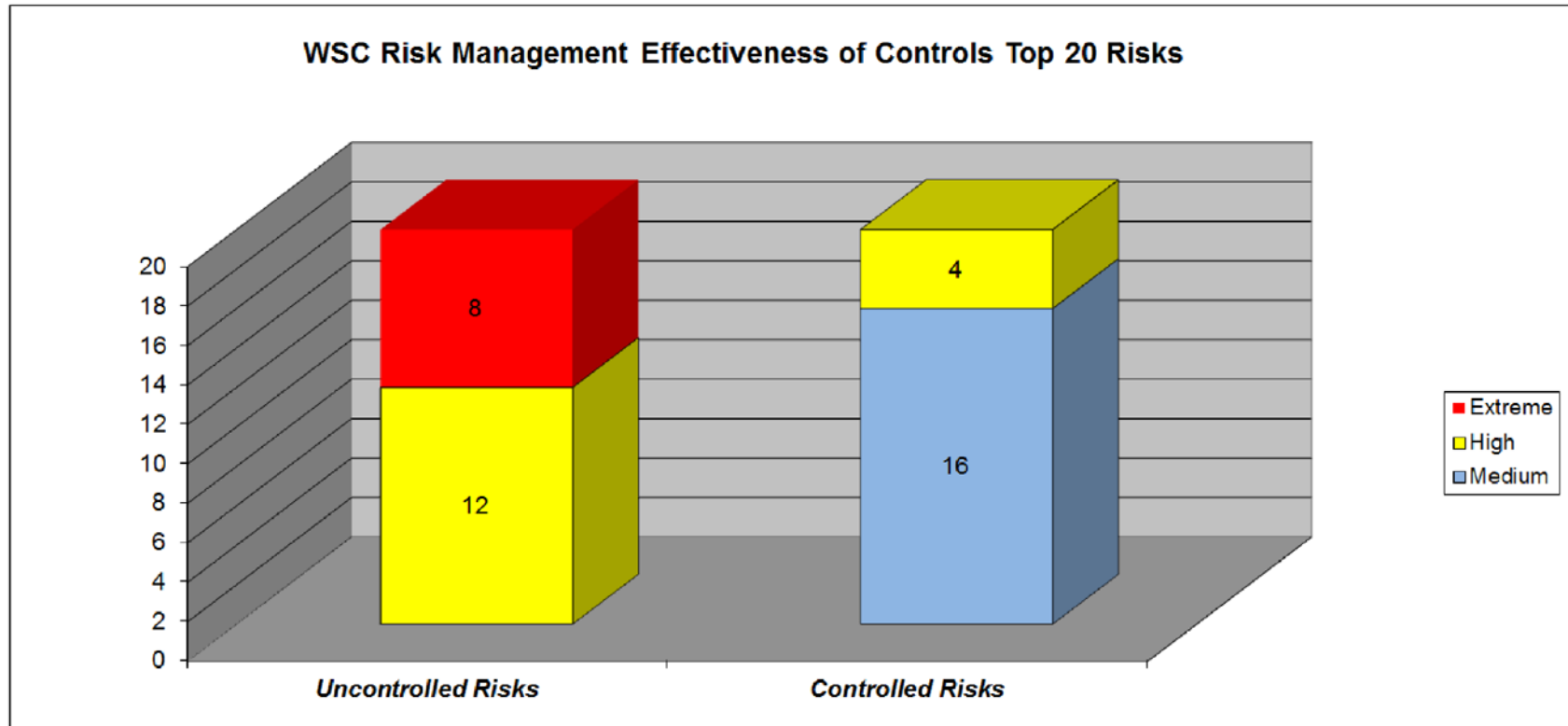
Wyong Shire Council Corporate Risk Report, May 2015

WSC Risk Management Summary

Total Estimated Exposure \$43,717,000	equal to or greater than	\$178,170,000
	Total number of open risks	139
	Total number of high/extreme risks	4
	Number of risks added in May 2015	0
	Number of risks removed in May 2015	0

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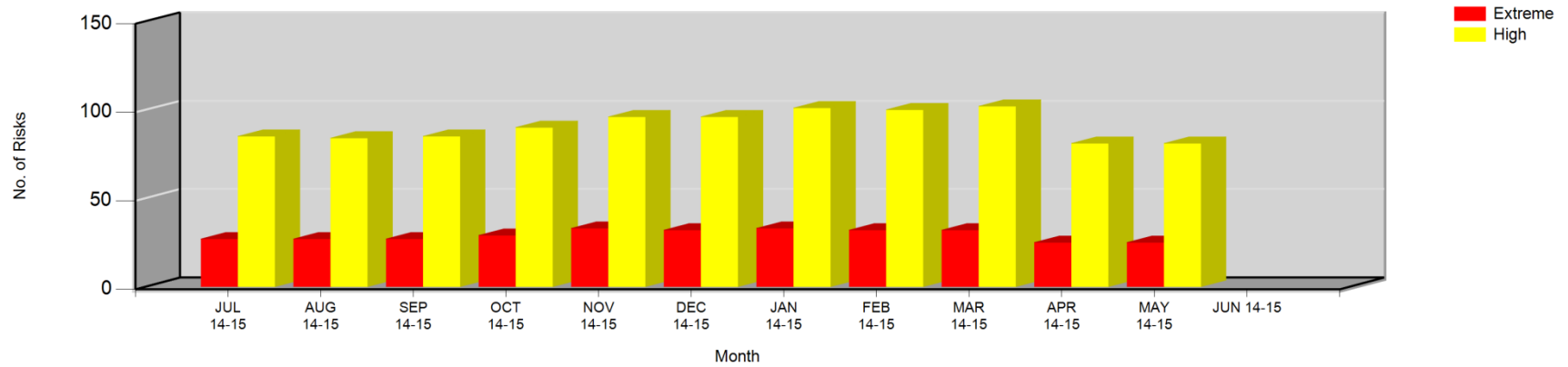


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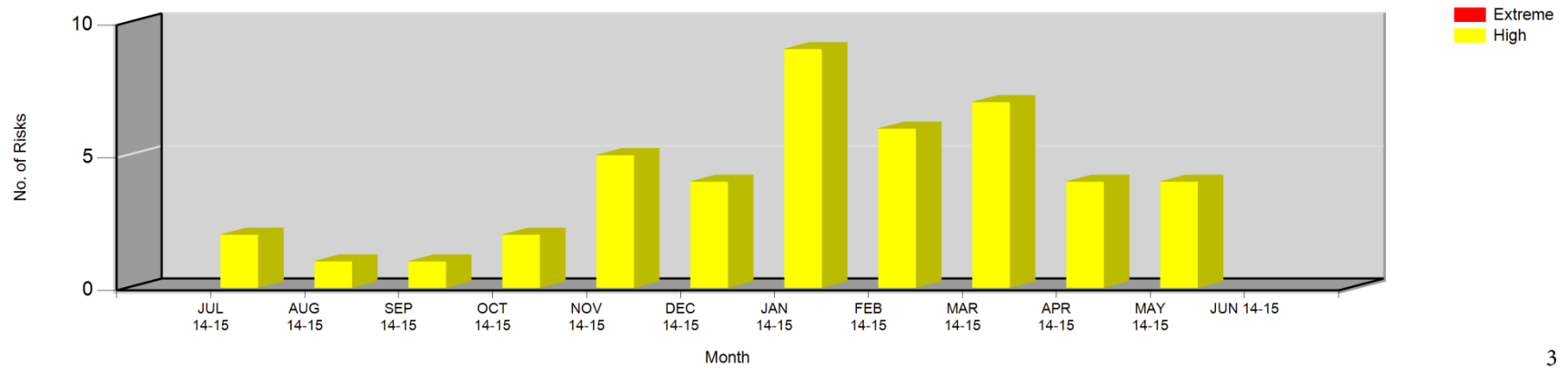
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Uncontrolled Risks

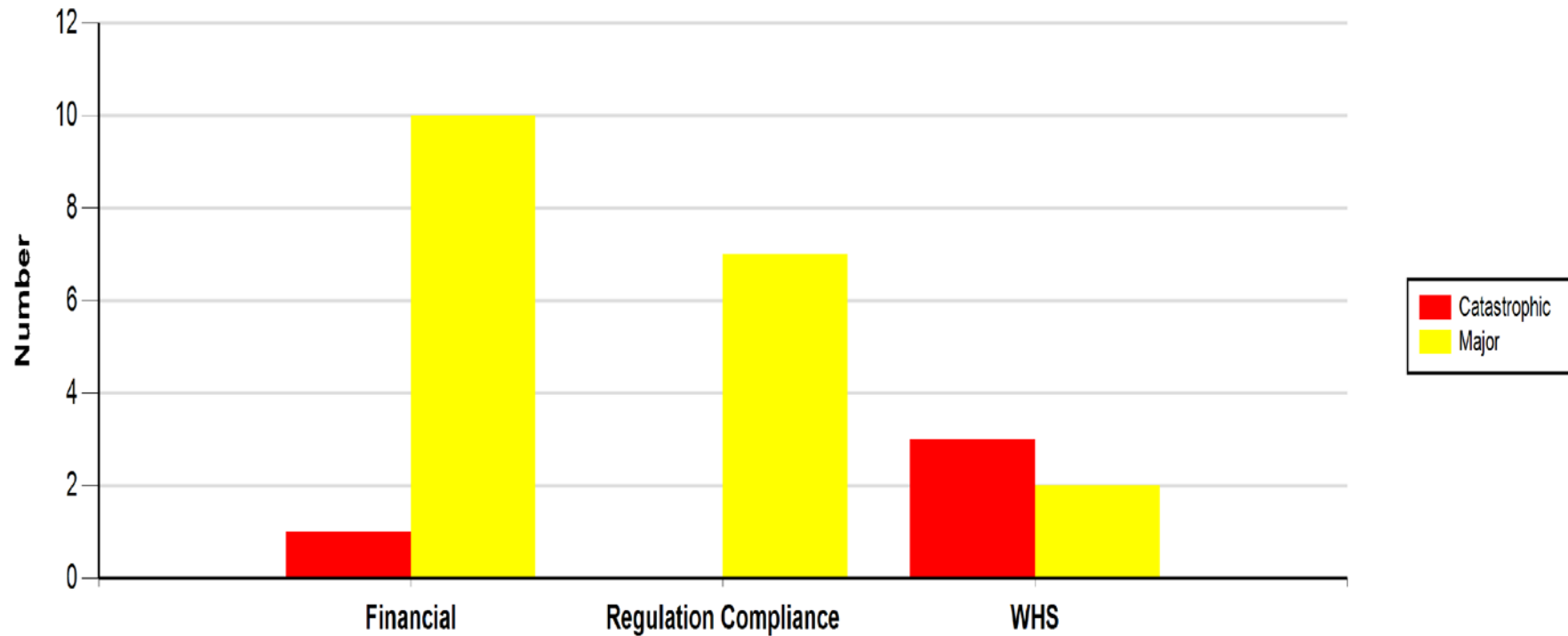


Controlled Risks





High Level Consequence by Category



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Controlled Risk Conditions Chart

LIKELIHOOD	Catastrophic	Major	Moderate	Minor	Insignificant
Almost Certain	0	0	0	0	1
Likely	0	0	2	6	1
Possible	0	2	15	22	1
Unlikely	0	7	20	26	4
Rare	3	6	9	10	4

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Controlled Risk Conditions Chart By Department

Community and Recreation Services

LIKELIHOOD	CONSEQUENCE				
	Catastrophic	Major	Moderate	Minor	Insignificant
Almost Certain	0	0	0	0	1
Likely	0	0	0	3	0
Possible	0	0	1	2	0
Unlikely	0	1	2	7	0
Rare	2	0	5	2	0

Development and Building

LIKELIHOOD	CONSEQUENCE				
	Catastrophic	Major	Moderate	Minor	Insignificant
Almost Certain	0	0	0	0	0
Likely	0	0	0	1	1
Possible	0	0	1	1	0
Unlikely	0	0	5	4	0
Rare	0	1	0	0	2

General Services

LIKELIHOOD	CONSEQUENCE				
	Catastrophic	Major	Moderate	Minor	Insignificant
Almost Certain	0	0	0	0	0
Likely	0	0	0	1	0
Possible	0	0	8	7	1
Unlikely	0	3	5	4	0
Rare	0	5	3	0	0

Property and Economic Development

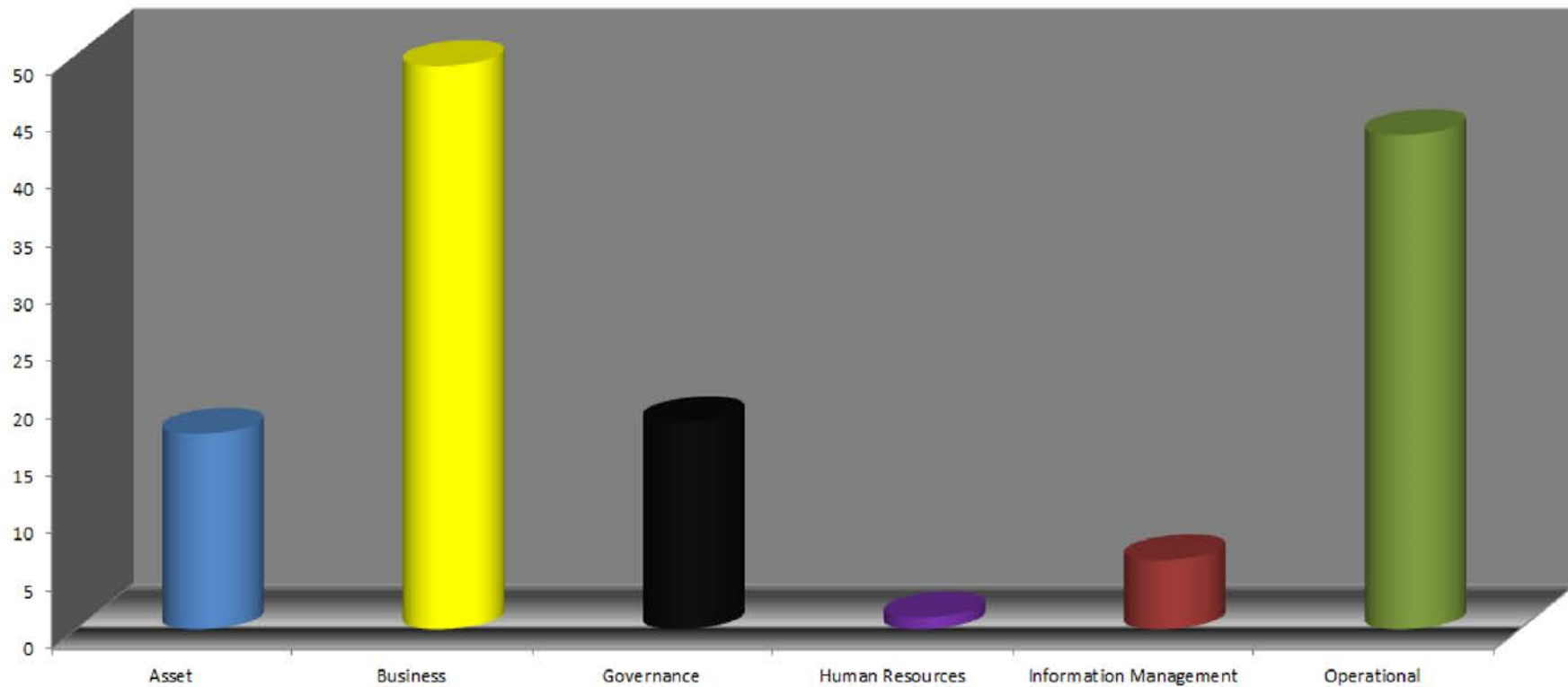
LIKELIHOOD	CONSEQUENCE				
	Catastrophic	Major	Moderate	Minor	Insignificant
Almost Certain	0	0	0	0	0
Likely	0	0	1	1	0
Possible	0	2	3	7	0
Unlikely	0	1	5	7	2
Rare	0	0	0	5	1

General Manager

LIKELIHOOD	CONSEQUENCE				
	Catastrophic	Major	Moderate	Minor	Insignificant
Almost Certain	0	0	0	0	0
Likely	0	0	1	0	0
Possible	0	0	2	5	0
Unlikely	0	2	3	4	2
Rare	1	0	1	3	1



Risks by Type



7

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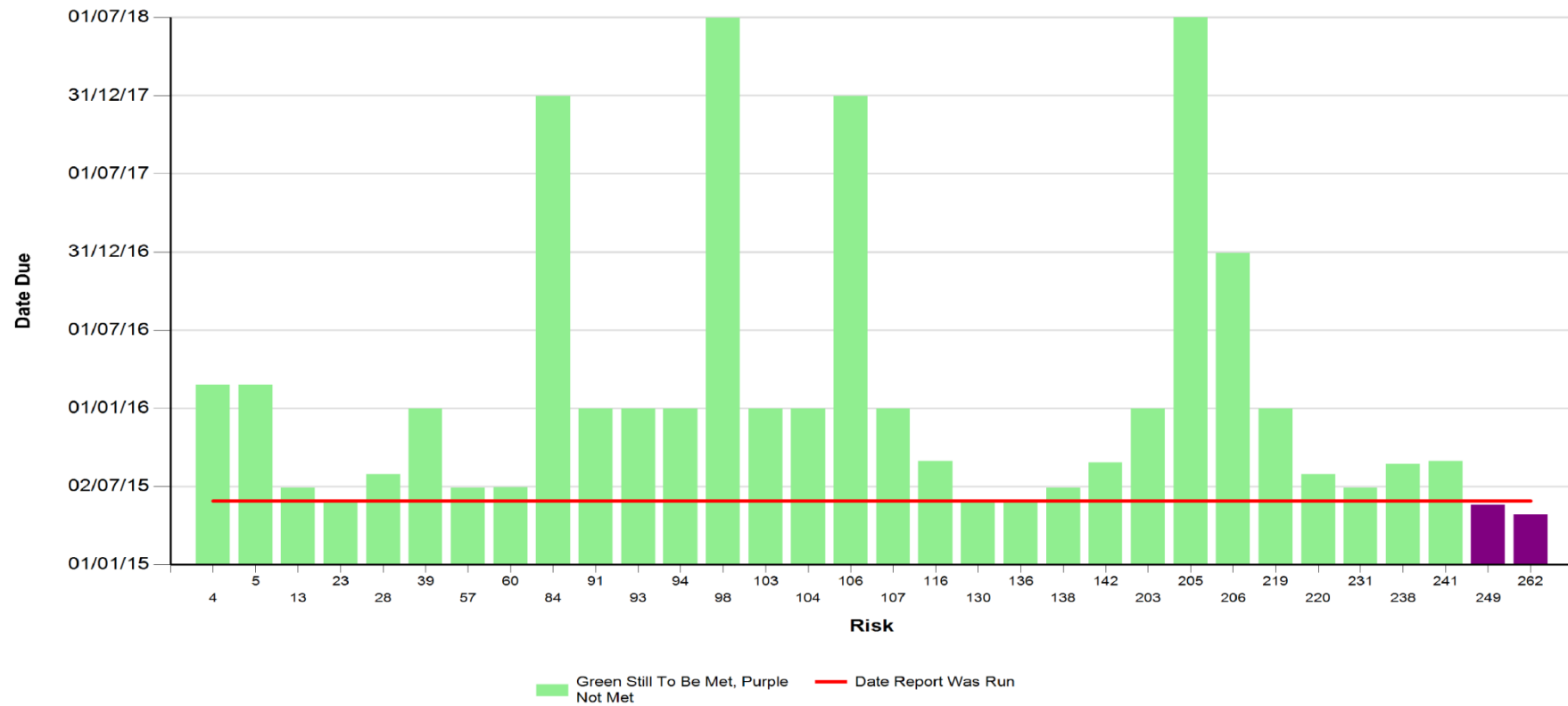


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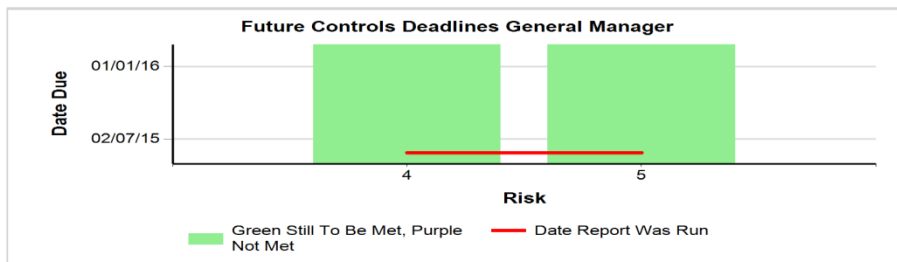
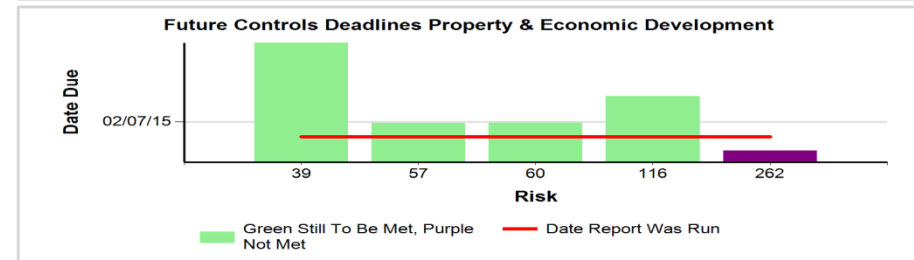
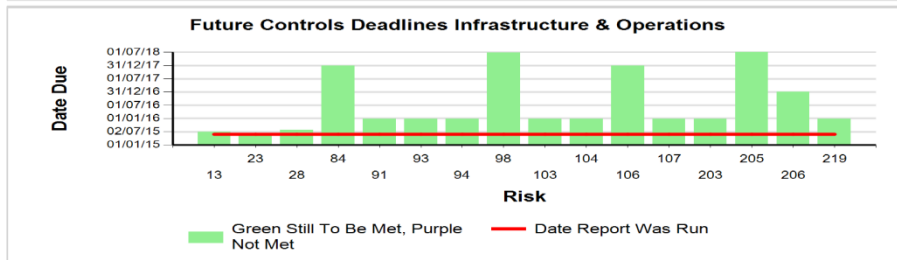
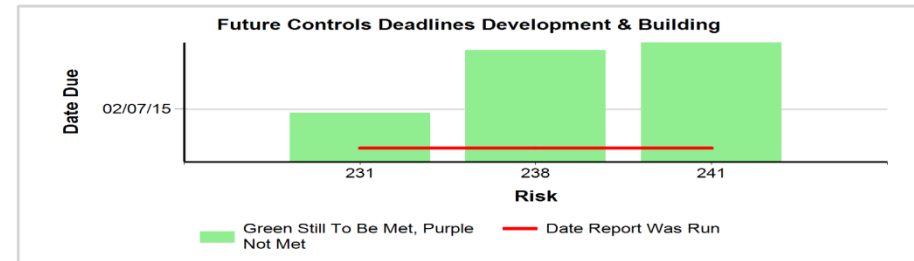
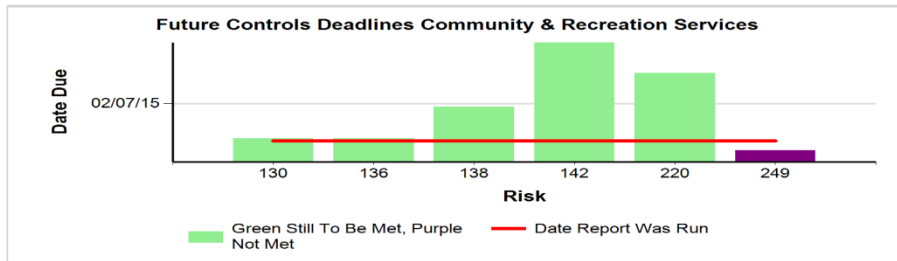


Future Controls Deadlines



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4.5 Temporary Economic Stimulus Plan

TRIM REFERENCE: F2004/00552 - D11955549

MANAGER: Mike Dowling, Director

AUTHOR: David Kitson; Senior Contributions Officer

SUMMARY

The performance criteria for the Temporary Economic Stimulus Plan (TESP), initiated by Council in 2013, was required to be met by 30 June 2015 in order to access the discounted Section 94 Contribution rates.

This report is intended to provide Council with information on those developments that have met the TESP criteria and those developments that have commenced, but which have missed the TESP compliance deadline.

RECOMMENDATION

That Council extend the deadline for the Temporary Economic Stimulus Plan until 30 September 2015.

BACKGROUND

Council resolved at its Ordinary Meeting of 24 April 2013 in response to a notice of motion (Item 9.1) to reduce the section 94 contributions that apply to developments in the Wadalba, Woongarra and Hamlyn Terrace area for a limited period to encourage development. This action was initiated by Council and undertaken in the context of concern about escalating unemployment, particularly around the construction industry, as well as a desire by Council to be part of the national economic stimulus initiative.

The policy became known as the Temporary Economic Stimulus Plan (TESP) and was originally designed to be administered via a planning agreement with each developer. The TESP was amended a number of times to address a range of specific issues, such as the:

- Discounted rate for residential units,
- Inclusion of the Warnervale Town Centre,
- Means for determining the value of credits for works-in-kind
- Exclusion of "the addition to the Wadalba Corridor" contribution
- Precise terms of the performance criteria.
- Application of the TESP via a condition of consent as an alternative to a VPA

The final form of the TESP was adopted by Council on 9 April 2014, at which time Council was provided with a list of the developments that had made application under the TESP. Council amended the policy at this time to permit the application of the TESP via a condition of consent as well as via a planning agreement (VPA).

4.5 Temporary Economic Stimulus Plan (contd)

Council received 14 applications under the TESP prior to the 30 March 2014 deadline for applications.

The key performance criteria for these 14 eligible developments under the TESP are:

- In respect of subdivision, the lots must be part of a subdivision plan issued by Council prior to 30 June 2015.
- In respect of medium density development, residential units must be substantially commenced (completion of foundation and flooring) by 30 June 2015.

CURRENT STATUS

A summary Table provided details the 14 eligible TESP developments, including the contributions payable under the TESP and the progress of these Developments.

The table also indicates the relativity between the contributions payable under the:

- Existing consents (determined in accordance with the Wadalba, Woongarra & Hamlyn Terrace Contributions Plan (WWAHT Plan 2013) and the TESP.
- Recently adopted Warnervale District Contributions Plan 2015 (WDC Plan) and the TESP.

TESP Criteria Met - 5 developments have achieved the performance criteria of the TESP by the required deadline of 30 June 2015. These developments comprised 61 lots and 41 medium residential units. The S94 contributions savings to the developers based on the existing consents (calculated in accordance with the WWAHT Plan) is approximately \$635,000. However, the increase in the unfunded liability (under the subsequently adopted current WDC Plan) for these developments is lower at approximately \$457,500. The difference between what the developers have saved and the actual unfunded liability to Council is due to the lower cost base under the recently adopted current WDC Plan.

Significant Commencement but TESP Deadline not met – 4 developments have substantially commenced, however, due to varying circumstances, have not been able to comply with the TESP deadline of 30 June 2015.

No Significant Commencement

There has been no significant commencement of works made in respect of the other 5 developments that had successfully applied under the TESP.

Colour Key

TESP Criteria Met
Significant Commencement but TESP Criteria <u>not</u> Met
Insignificant Commencement

	APPLICATIONS UNDER TEMPORARY				Potential Developer Savings /Loss of Revenue relative to previous Cost Base (WWAHT Plan 2013)	Potential Developer Savings /Loss of Revenue relative to Current Cost Base (WDC Plan 2015)	PROGRESS STATUS	Liability		
	(TESP)							COMMENTS	TESP Criteria Met	Significant Commencement
	DA no.	Develop. Type	Applicant	Contributions under the TESP Mar-15					Increase in unfunded liability under Current Plan (WDC Plan 2015) May-2015	Increase in unfunded liability under Current Plan (WDC Plan 2015) May-2015
Completed VPAs	DA/374/2013	10 residential units	Ecclesia (formerly Wadalba Central Development Pty Ltd)	\$173,724	\$79,664	\$69,616	Under construction & units have passed the foundation/flooring stage. TESP rate is applicable payable prior to release of Occupation Certificate.	\$69,616		
	DA/375/2013	9 residential units	Ecclesia (formerly Rexel Pty Ltd)	\$155,330	\$70,987	\$62,012	Under construction & units have passed the foundation/flooring stage. TESP rate is applicable payable prior to release of Occupation Certificate.	\$62,012		
	DA/455/2007/C	45 Lots	Vexhart Pty Ltd	\$1,183,868	\$285,408	\$235,425	Completed - Subdivision Certificate issued. Contribution Paid at TESP rate. \$1,183,868 contributions minus offsets for works-in-kind	\$235,425		
	DA/745/2008/A	83 Lots	AV Jennings Properties Ltd				Completed - Subdivision Certificate issued. Contribution Paid at TESP rate. \$332,119 contributions minus offsets for works-in-kind	\$38,874		
		Stage 1 - 14 Lots		\$332,119	\$89,638	\$38,874	Stage 2 - Approx. 3 months to completion. VPA permits payment of contribution in accordance with subsequent Plan i.e. WDC Plan		\$36,979	
	Stage 2 - 31 Lots	\$784,505		\$149,386	\$36,979	Stage 3 - Approx. 3 months to completion. VPA permits payment of contribution in accordance with subsequent Plan i.e. WDC Plan		\$45,329		
	Stage 3 - 38 Lots	\$961,651	\$183,118	\$45,329						
Completion via Condition of Consent	DA/1082/2011/B*	105 Lots	Rexel Pty Ltd	\$2,667,259	\$15,158	Plan Rates lower than TESP rate	Under construction - stage 1, 2 & 3 (21 lots) should be complete by end of 2015.			
	DA/499/2013/A	8 Lots	Bimby Properties Pty Ltd	\$203,220	\$73,165	\$60,280	Construction Certificate issued in August 2014 (SCC/164/2013/A), but no commencement of work			
	DA/575/2013	12 residential units	N.L.Gentile Pty Ltd	\$188,281	\$84,599	\$73,777	Developer indicated poor weather has delayed the completion of slabs will not be completed until September		\$167,102	
	DA/576/2013	12 residential units	N.L.Gentile Pty Ltd	\$218,649	\$106,208	\$93,325				
	DA/601/2013	22 residential units (8 x 3 bed & 14 x 2)	Thomas Paul Property Invest Pty Ltd	\$344,875	\$109,159	\$51,537	Development Completed & Occupation Certificate issued. Contribution Paid at TESP rate - \$344,875	\$51,537		
	DA/646/2013	60 residential units	Miss Z Baldock & Mrs A P Lloyd	\$1,094,338	\$237,143	\$123,587	No Construction Certificate issued by Council - No commencement, Subdivision Construction Certificate application for external road works lodged 19 May 2015.			
	DA/876/2013	29 Lot	N.L.Gentile Pty Ltd	\$736,671	\$205,413	\$168,052	No Construction Certificate issued by Council - No commencement			
	DA/117/2014	12 lots	M. Percy	\$304,830	\$70,305	\$57,543	Subdivision works commenced 22 April 2015. Under construction completion likely by November 2015		\$57,543	
	DA/232/2014	7 lots	Thien Ban Tran & Pech Ngor Tran	\$152,415	\$54,874	\$45,210	No Subdivision Construction Certificate application - No commencement			
Uncompleted VPA	DA/281/2011/A	125 Lots	Yeramba Pty Ltd	\$3,200,670	\$400,493	\$271,789	Draft VPA sent to applicant 10 Dec 2013- never returned. Property has been sold to Wyowong (No.1) Investments Pty Ltd. Subdivision Construction Certificate (SCC/18/2015) lodge 1 May 2015. Consent permits the contributions to be paid in accordance with subsequent contributions plans, which will allow the lower contributions to be paid under the Warnervale District Contributions Plan.			
TOTAL	14			\$9,501,733	\$1,814,223	\$1,046,024		\$457,464	\$306,953	

*Plan Contribution Rates do not include *Additions to Wadalba Corridor*

FINANCIAL IMPLICATIONS

If all 14 TESP applications had met the criteria under the policy there would have been a total unfunded liability to Council of approximately \$1.05M.

5 applications have met the TESP criteria and these represent an unfunded liability to Council of \$0.46M.

If the 4 substantially commenced developments are completed by the proposed 3 month extension to the deadline, the unfunded liability to Council will increase by \$0.31M, taking the total unfunded liability up to \$0.77M.

Council adopted the WDC Plan at its Ordinary Meeting of 4 March 2015, at which time the projected unfunded liability under this Plan was estimated to be \$31.5M. The unfunded liabilities generated under the TESP need be added to the overall liability of the Plan.

CONCLUSION

The TESP has provided an incentive to developers to commence development during a time of depressed economic conditions. Since this time economic conditions have improved markedly and the local land economy is more buoyant.

Five Developments have met the TESP deadline. A number of other developments have commenced and have achieved significant progress, but have not been able to meet the TESP deadline. It is proposed to extend the TESP deadline until the 30 September 2015 in consideration of the poor weather of the recent past and its adverse impact on construction.

ATTACHMENTS

Nil.

4.6 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2015/00040 - D11985525

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Report on Outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

ATTACHMENTS

- 1 Table of Outstanding Questions and Notice of Motions - 8 July 2015 D11985538

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
115	General Manager's Unit	Stephen Naven	<p>7.2 Notice of Motion - Government Rating Outrage</p> <p>50/15 That Council <u>note</u> with great concern the likely significant escalation of the 2015 rate burden on the local lower to mid-market property sector.</p> <p>51/15 That Council <u>note</u> the significant escalation is as a consequence of the recent property market increases and unfair rerating formulas dictated to Council by the State Government Valuer General and Office of Local Government.</p> <p>52/15 That Council <u>call</u> on the State Government to conduct a thorough review into the Valuer General's and Office of Local Government's outdated and discriminatory rating methods that will place undue hardship on many in our community.</p> <p>53/15 That Council <u>investigate</u> a shire wide, online petition in partnership with the community, to give ratepayers a voice to call upon the State Government to reject this outrageous and out of touch taxing.</p> <p>54/15 That Council <u>include</u> in its 2015 Strategic Planning Process a review of all options to assist in reducing the impact of the Government's looming rerating charges.</p>	<p>28 January 2015</p> <p>Cr Best</p>	Response to be provided end July 2015.
128	Infrastructure and Operations	Peter Murray	<p>5.2 Notice of Motion - Wyong Road Landscaping Shambles</p> <p>167/15 That Council <u>note</u> with great concern the current, extremely poor condition of the landscaping of the median and roundabouts along the Shire's premier road corridor, Wyong Road.</p> <p>168/15 That Council <u>note</u> that Wyong Road is a State Road for which the NSW Roads and Maritime Service (RMS) has full management and financial responsibility under the Roads Act 1993.</p> <p>169/15 That Council <u>call</u> on the RMS to consider the safety, value and impact on the community of not providing for sufficient vegetation maintenance, and to provide adequate funding to maintain the landscaping for the full length of the Wyong Road corridor in keeping with community expectations.</p> <p>170/15 That Council <u>request</u> the General Manager to report on initiatives that it may consider with this road issue and</p>	<p>25 February 2015</p> <p>Cr Best</p>	<p>167/15 – Noted</p> <p>168/15 – Noted</p> <p>169/15 – Councillor Business Update distributed 26 March 2015.</p> <p>170/15 – Response to be provided in July 2015.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>indeed all roads under the Road Management Council Contracts</i>		
133	Property and Economic Development	John Willey	7.2 - Notice of Motion - Tuggerah Station Parking and Safety Shambles 236/15 <i>That Council <u>reiterate</u> the total inadequacy of parking at and around the Tuggerah Rail Station, and that the provision of such parking is the sole responsibility of Transport NSW and State Government.</i> 237/15 <i>That Council <u>explore</u> all land options in the Tuggerah Rail Station precinct, in partnership with Transport NSW and State Government, to address this issue.</i> 238/15 <i>That Council <u>note</u> the urgent need to immediately deal with this matter and therefore the prospect of interim/temporary parking should also be considered.</i>	11 March 2015 Cr Best Cr Matthews	A Councillor Update has been prepared and awaiting endorsement.
144	Property and Economic Development	Darryl Rayner	2.1 Mayoral Minute - 2015 Garage Sale Trail 367/15 <i>That Council <u>participate</u> in the 2015 Garage Sale Trail program at a cost of \$6,250.</i> 368/15 <i>That Council <u>note</u> the cost will be funded by existing funds allocated to its Waste Unit.</i>	Cr Eaton 22 April 2015	Staff are in the process of submitting the application to participate in this program.
145	Infrastructure and Operations	Peter Murray	8.1 Notice of Motion - Traffic Management - Watanobbi Road 408/15 <i>That Council <u>note</u> with concern the reports of frequent drag racing and burnouts on Watanobbi Rd.</i> 409/15 <i>That Council <u>refer</u> this issue to the Traffic Committee for their advice on how to rectify the problem.</i> 410/15 <i>That Council <u>write</u> to the Tuggerah Lakes Police Command advising it of this problem and seeking their support and implementation of regular patrols and enforcement action.</i> 411/15 <i>That Council <u>support</u> the community initiative to generate a petition and make representation to the state member.</i>	Cr Taylor 22 April 2015	Scope of works identified at Traffic Committee and will be investigated and listed in the Roads and Drainage Infrastructure Forward Works Program for consideration in future budgets.
148	Community and Recreation Services	Maxine Kenyon	7.1 Notice of Motion - Regional Rollout of Council's Skate Park Facilities 493/15 <i>That Council <u>note</u> the recent welcomed response to</i>	Cr Best 13 May 2015	Response to be provided September 2015.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>Council's announcement to significantly expand its regional skate park facilities rollout.</p> <p>494/15 That Council <u>recognise</u> the need to balance the rollout of such facilities as equitably as possible across the shire.</p> <p>495/15 That Council <u>note</u> that the asset life of the current Lake Munmorah skate facility has now reached its end and that this location is no longer Council's preferred option.</p> <p>496/15 That Council <u>request</u> the General Manager to investigate and consult with the local community and key stakeholders to identify the most suitable location for this facility.</p> <p>497/15 That arising from the Council's recent adoption of the skate strategy 2014, Council further <u>request</u> the General Manager to report on proposals and options that will provide improved resource equity to the shire's northern skate facilities. The report should also address the possibility of installing CCTV cameras to provide improved safety to users and reduce the incidents of antisocial behaviour in and around such facilities.</p>		
149		Bob Platt	<p>Q20/15 Local Mobile Phone Towers</p> <p>"Can the General Manager inquire, as a great number of mobile phone towers reportedly failed during the recent east coast low storm event, what is the local mobile phone system's capacity for continued communications during such emergencies in the shire?"</p>	Cr Greenwald 13 May 2015	Response provided to Councillor Greenwald via email, currently awaiting advice as to whether more information is required.
150	Infrastructure and Operations	Peter Murray	<p>6.1 Notice of Motion – End Gridlock Pacific Highway, Wyong</p> <p>627/15 That Council <u>recognises</u> the urgent need to work with the RMS to deliver the Wyong Town leg of the Pacific Hwy, an economically vital transport corridor, relied upon by thousands of local residents as they daily commute.</p> <p>628/15 That further Council <u>recognises</u>, the inordinate delays plaguing this multimillion dollar Highway project as it seeks to accommodate the demand of a small number of property owners must now end.</p> <p>629/15 That Council <u>applauds</u> the timely turnaround of the</p>	Cr Best & Troy 10 June 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>RMS's final and progressive draft plans currently on exhibition.</p> <p>630/15 That Council <u>encourages</u> all interested parties to make responsible submissions and Council recognises through community representations and submissions there may very well be some adjustments and amendments to the draft plan.</p> <p>631/15 That Council again <u>reiterates</u> that irrespective of any further representation to call for this highway project to bypass through residential back streets will not be entertained by Council.</p> <p>632/15 That, due to the urgent need to construct this important transport corridor, Council, on behalf of our local residents, <u>make funding representations</u> to the State Government seeking to tap into the 6 billion dollar state government regional funding pool.</p> <p>633/15 That the General Manager <u>liaise</u> with the Minister for Roads and RMS in regards to designing a more direct and easier disabled access to Wyong Railway Station, other than that proposed off Howarth Street.</p>		
151	Infrastructure and Operations	Peter Murray	<p>Q22/15 Link Road Intersection at Blue Haven</p> <p>"Mr Mayor,</p> <p>As the local Councillor for the Blue Haven area it has been drawn to my attention by many residents of Blue Haven that the intersection of Blue Haven Way and the Motorway link is a high risk intersection.</p> <p>I appreciate the Motor Way Link is not a Council road, however can you appeal to advocate on behalf of our local Community to the RMS, to provide an improved intersection works on this arterial road with a closing speed at the intersection of some 200km/hr, of particular concern is the almost non-existent acceleration lane heading to the M1. With the huge residential influx in the area this issue can no longer be ignored any response to our representation from the RMS would be appreciated in your reply to this question and indeed the good folk of Blue Haven?"</p>	Cr Best	Response to be provided at a future meeting.
152	Community and Recreation Services	Maxine Kenyon	<p>6.1 Notice of Motion – Wyong Grove Public School "The Grove" Continued Community Use</p>	Cr Greenwald 24 June 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>683/15 <i>That Council request the General Manager to write and make representation to the Minister for Education, Adrian Piccoli MP to:</i></p> <ul style="list-style-type: none"> • <i>Acknowledge the current lease arrangement with the State Government at the closed Wyong Grove Public School which is allowing an integrated community campus to flourish, being used for community and arts programs.</i> • <i>Request the Minister to ensure the continuity of this very important community campus.</i> • <i>Request the Minister, as Wyong Grove Public School has been declared surplus, to vest the site by gift or community trust in the care of the Wyong Shire Council for continued community use, programs and community partnerships.</i> 		
153	General Manager's Unit	Marie Hanson-Kentwell	<p>6.2 Notice of Motion – Wyong Gosford Super Council</p> <p>684/15 <i>That Council note the findings of the recently required 'Fit For The Future' (FFTF) Shire Wide Survey that revealed a clear majority of residents, businesses and Council Staff, do not support the State Government's proposed push to amalgamate Wyong and Gosford Councils into a Super Council.</i></p> <p>685/15 <i>That Council note that:</i></p> <ol style="list-style-type: none"> <i>(a) the survey indicates that the majority of residents and rate payers do not support the merger; and</i> <i>(b) further the FFTF reveals a large number of significant structural and hidden costs associated with any such Super Council amalgamation; and</i> <i>(c) it is important to develop a clear and cogent case 'for and against' this proposition.</i> <i>(d) the importance of listening to and considering the democratic voice of our local community, as this decision will unquestionably have far reaching and intergenerational impacts across the Wyong and Gosford local government areas.</i> <p>686/15 <i>That Council request the Minister for Local Government refer the question of whether Wyong and Gosford Councils are to merge to a referendum in the Wyong and Gosford local government areas prior to the</i></p>	Cr Best 24 June 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>Minister deciding whether the two councils are to be amalgamated.</i></p> <p>687/15 <i>That Council request the referendum be conducted by the NSW Electoral Commission to ensure transparency and integrity in the process.</i></p> <p>688/15 <i>That Council request the NSW Government provide the funding for the referendum.</i></p>		
154	Community and Recreation Services	Maxine Kenyon	<p>Q23/15 Shared Pathway</p> <p><i>"Mr Mayor,</i></p> <p><i>I make representation on behalf of the Local Community of Lake Munmorah and their precinct committee around the progress of delivering the Mannering Park Shared Pathway Project. This initiative has been in discussion for many years now and I seek staffs advice as to the current status and how we can assist in progressing this initiative. I understand through the precinct committee they indicate that "Councils simple recognition of their route in the shared pathway would alleviate a major stumbling block" could this aspect please be address in the staff reply?"</i></p>	Cr Best 24 June 2015	Response to be provided at a future meeting.
155	General Manager's Unit	Steve Naven	<p>Q24/15 State Government 2015 Budget Funding in Wyong Shire</p> <p><i>"Mr Mayor,</i></p> <p><i>Could you please provide Council with a report on how our Shire faired with direct funding in this year's recently released State Government Budget?"</i></p>	Cr Best 24 June 2015	Response to be provided at Ordinary Meeting held 22 July 2015.
156	Infrastructure and Operations	Greg McDonald	<p>Q25/15 Storm Event Recovery</p> <p><i>"Can I ask the General Manager what lessons have we learnt from the storm event job response and recovery?"</i></p>	Cr Greenwald 24 June 2015	Response to be provided at a future meeting.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
24 JUNE 2015**

No#	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
147	Infrastructure and Operations	Q19/15 Assisting Disabled Travellers	Cr Best 22 April 2015	Councillor Business Update distributed 9 June 2015.