

AMENDED ITEM

9 April 2014

Director's Report

To the Ordinary Council Meeting

Development and Building Department

2.2 Polices Due for Review within Development and Building Department

TRIM REFERENCE: F2009/00055 - D05170015

MANAGER: Michael Whittaker, General Manager

AUTHOR: Brian Glendenning; Acting Director Development and Building

SUMMARY

There are a number of policies within the domain of the Development and Building Directorate that are due for review. Some of these policies have been superseded by legislation or made redundant by incorporation in DCP 2013. Others require updating to reflect current regulations and controls. This report outlines each policy and makes recommendations in relation to each one.

RECOMMENDATION

1 That Council repeal the following policies:

- A3 Aboriginal Heritage**
- C6 Controls on Site Waste Management**
- F3 Filling of Land**
- F5 Flood Prone Land Development**
- P1 Potentially Contaminated Land**
- R3 Relatives Accommodation**
- W1 Water Catchment Areas**

2 That Council repeal the following policy but adopt it as an additional Chapter to the Enforcement Policy.

- L1 Incomplete works and Dilapidated buildings.**

3 That Council adopt the following policies in their new format in accordance with the recommendations contained in this report.

- B1 Bonding of Development Works**
- F6 Operation of Temporary Food Premises**
- H Hoardings**
- L1 Landscape**
- M1 Management of Feral Animals**
- O2 Outdoor Eating Areas**

4 That Council amend DCP 2013 as follows:

- 3.1 Chapter 3.1 Controls for Site Waste Management be amended to require the submission of Waste Management Plans prior to demolition (if proposed), or at Construction Certificate Stage rather than at Development Application Stage.**

3.2 Chapter 3.7 Heritage be amended to incorporate the requirements for protection of aboriginal objects and declared aboriginal places as outlined in the Due Diligence Code of Practice for Protection of Aboriginal Objects in NSW, the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW, Aboriginal Cultural Heritage Consultation requirements for Proponents, the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW and the Guide to Aboriginal Heritage Impact Permit Processes and Decision Making Documents prepared by the NSW Office of Environment and Heritage.

5 That Council review DCP 2013 to consider incorporation of specific requirements for information necessary to assess proposed developments within the Shire's water catchment.

BACKGROUND

Council has adopted a number of policies over the years to provide additional guidance in relation to specific matters that affect a range of different development and activity types. In some instances the policies have been superseded by legislation.

In other instances policies including Council's Aboriginal Heritage Policy have been partially included in DCP 2013 and for completeness should be repealed, with the recently adopted DCP to be amended to reflect the latest guidelines for managing Indigenous Heritage under State Legislation.

There are also policies that refer to old Regulations, Acts, fees and charges etc that need to be updated.

Council has endorsed a new structure for policies to provide consistency. Whilst transferring policies to this new structure, the opportunity has arisen to rationalise the policy documents by repealing some where appropriate and updating others where necessary.

This report outlines each policy and makes specific recommendations in relation to each one.

Policy A3 – Aboriginal Heritage

Council's policy in relation to Aboriginal Heritage has been superseded by legislation and policy guidelines prepared by the NSW Office of Environment & Heritage who is responsible for the administration of the National Parks and Wildlife Service Act 1974 which deals with the management of Aboriginal relics and sites. Whilst Council has adopted DCP 2013 which addresses "Heritage", including Aboriginal or Indigenous Heritage, Chapter 3.7 of the DCP does not reference the latest Code of Practice and other guidelines prepared by OEH and which have been adopted by OEH as best practice.

2.2 Polices Due for Review within Development and Building Department (contd)

It is recommended, having regard to the above that:

- Council repeal Policy A3 – Aboriginal Heritage.
- That DCP 2013 Chapter 3.7 Heritage be amended to incorporate the requirements for protection of aboriginal objects and declared aboriginal places as outlined in the Due Diligence Code of Practice for Protection of Aboriginal Objects in NSW, the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW, Aboriginal Cultural Heritage Consultation requirements for Proponents, the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW and the Guide to Aboriginal Heritage Impact Permit Processes and Decision Making Documents prepared by the NSW Office of Environment and Heritage.

Policy C6 – Controls on Site Waste Management

Policy C6 deals with Site Waste Management and seeks to identify Council's expectations and requirements for the management of waste (not including sewage) on individual sites, including information required in development applications. The policy identifies approaches and techniques which promote waste minimisation in Wyong Shire and aim to promote best practice in waste management and quality control outcomes.

Since this policy was adopted, the provisions of the policy have been included in DCP 2013. The policy is therefore redundant and it is recommended that it be repealed.

A review of Chapter 3.7 of DCP 2013 indicates that a Waste Management Plan (WMP) is required at DA stage. Whilst this is standard practice, it is impractical. Often at DA stage, the end user is unknown and therefore the sources of waste and their disposal methods are also unknown. Further, DAs are often amended numerous times and a WMP is not necessarily required to accompany a s96, resulting in outdated and conflicting plans.

In order to ensure waste is managed from demolition, any consent for demolition can be conditioned that a WMP be lodged prior to the demolition work being undertaken. In this regard, it is often the demolition contractor who prepares the WMP and this contractor is not engaged until after a DA is issued.

Producing WMPs at DA stage is inefficient and actually generates waste in their preparation, reproduction and distribution. It is therefore recommended that DCP 2013 be amended to require the submission of a WMP with Construction Certificate documentation, or prior to demolition in the event demolition is proposed, rather than at DA stage.

Policy F5 – Flood Prone Land Development

This policy has been superseded by the adoption of Chapter 3.3 "Floodplain Management" within DCP 2013. The policy also refers to previous zonings under Wyong LEP 1991 which have been superseded by WLEP 2013. It is therefore recommended that this policy be repealed.

Policy P1 – Potentially Contaminated Land

This policy was developed by Council to enable builders, developers and the broader community to understand the procedural arrangements that Council will use to assess applications for subdivision and building / development activities on land that is contaminated or potentially contaminated.

SEPP No 55 – Remediation of Land contains state wide planning controls for the remediation of contaminated land that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the state, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals. Further, the Department of Urban Affairs and Planning (as it was then known), in conjunction with the Environment Protection Authority, has also published. SEPP No 55 and those Guidelines provide an adequate policy framework for Council to manage contaminated lands and it is therefore recommended that Policy P1 – Potentially Contaminated Land be repealed.

Policy R3 – Relatives Accommodation

This policy permitted “Relatives Accommodation” with a maximum size of 50m² provided it was attached as part of an existing single dwelling, had at least 2 car spaces and a single shared laundry.

The SEPP (Affordable Rental Housing) now permits secondary dwellings up to 60m² and so overrides Council’s policy. It is recommended that the Relatives Accommodation Policy be repealed.

Policy W1 – Water Catchment Areas Development

The aim of this Policy is to reduce the potential threats to the quality of the Central Coast water supply by restricting land uses in the Wyong water supply catchment area. This policy has been superseded by WLEP 2013 which controls land used within the water supply. This policy has been reformatted and updated. See copy attached.

H – Hoardings

This policy has been re-drafted into the new format. The Policy Summary has been re-written to address the purpose of the policy.

The definition of an “A” type hoarding has been amended to include construction fencing and other vertical protective structures.

Australian Standard AS4687 “Temporary Hoardings & Fencing” is now references with applicable fees also updated.

Outdated conditions have been deleted.

Policy B1 – Bonding of Development Works

2.2 Polices Due for Review within Development and Building Department (contd)

This policy applies to works that have been conditioned to be constructed as part of development consent where the completed works are to be dedicated to Council as assets when complete such as roads, parks etc. The policy allows substantially completed works to be bonded so that a subdivision certificate and interim occupation certificate can be released to expedite the process.

This policy has been reformatted and slightly re-worded for clarity without change to the intent or operation of the policy. A copy of the amended policy is attached.

F3 – Filling of Land

This policy does not reflect current legislative requirements. Earthworks are only permissible in association with an approved development or alternatively if they are deemed to be landscaping works that would be permissible as exempt development under SEPP (Exempt and Complying Development) Codes. It is recommended that this policy be repealed.

A simple information sheet outlining when consent is required for filling of land could be developed, if necessary.

F6 – Operation of Temporary Food Premises

A copy of the amended policy is attached.

I1 – Incomplete Works and Dilapidated Buildings

Council has adopted this policy to establish Council's position with regard to incomplete works and dilapidated buildings. Minor changes proposed to the policy include deletion of references to DCP 2005 and WLEP 1991 and replacement with reference to WLEP 2013.

As this policy complements Council's Enforcement Policy, it is considered that it would more appropriately be located as a Chapter of The Enforcement Policy and for this policy to be repealed.

L1 – Landscape

Council's Landscape Policy identifies various categories of development and aims to encourage a high standard of landscape design and construction throughout the Shire. This policy has been brought into Council's standard format without amendment. A copy of the Policy in the new format is attached.

M1 – Management of Feral Animals

This policy has been reformatted and a reference to the Companion Animals Act has been included. A copy of the reformatted policy is attached.

O2 – Outdoor Eating Areas

This policy has been amended and reformatted. A copy is attached.

One amendment to the Policy is to note that, in most circumstances, development consent is not required for outdoor dining due to the operation of CI 2.40A and 2.40B of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. If CI 2.40A and 2.40B of the SEPP do not apply, then development consent will be required.

CONCLUSION

The recommendation contained in this report are aimed at streamlining the development and building process by reducing the number of conflicting policy documents as far as possible and bringing the policies into line with other existing state policies and Councils adopted format.

Other policies will be reviewed and reported separately to Council.

ATTACHMENTS

1	B1 Bonding of Development Works	D06269877
2	Operation of Temporary Food Premises	D06269925
3	Hoardings	D06270093
4	Landscape	D06269974
5	Management of Feral Animals	D06269977
6	Outdoor Eating Areas	D06270305



POLICY No: WSCXXX

POLICY FOR BONDING OF DEVELOPMENT WORKS

© Wyong Shire Council
Wyong Shire Council
2 Hely Street Wyong
PO Box 20 Wyong NSW 2259
P 02 4350 5555 F 02 4351 2098
E wsc@wyong.nsw.gov.au
W www.wyong.nsw.gov.au



AUTHORITY	NAME & TITLE	SIGNATURE	DATE
AUTHOR			
MANAGER	Scott Cox Manager Development Assessment & Rezoning		
DIRECTOR	Director Development & Building		
GENERAL MANAGER	Michael Whittaker		
MAYOR (IF APPLICABLE)			

History of Revisions:

Version	Date	TRIM Doc. #
1		

A. POLICY SUMMARY

- A1 This Policy is applicable to works that have been conditioned to be constructed as part of a development consent where those completed works are dedicated to Council and become Council's Asset when complete.
- A2 This Policy is required to:
- Provide for the issue of a Subdivision Certificate prior to completion of all works required under the conditions of consent or other associated approvals subject to the works being substantially complete.
 - Provide for the bonding of works but only when Council is satisfied that the works that have been completed are able to perform the intended function without creating safety issues that cannot be satisfactorily managed and the remaining works can subsequently be completed by the Developer.
 - Provide for the bonding of works but only in the circumstances where Council is satisfied that there will be no negative environmental impact.

B. POLICY BACKGROUND

- B1 In certain circumstances it may be considered appropriate that incomplete works of a development which have been substantially completed may be bonded for subsequent completion by the developer to enable the issue of the Subdivision Certificate or Interim Occupation Certificate. A Policy is required to clarify when bonding of works may be acceptable and what action needs to be undertaken to permit the bonding of works to occur.
- B2 The Environmental Planning and Assessment Act section 109J(2) provides for a consent authority to accept security for work to be completed.

C. DEFINITIONS

- C1 **Council** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.

D. POLICY STATEMENTS

Jurisdiction

- D1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.
- D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

General

- D3 Any incomplete works that a Developer would like to bond will be the subject of a formal application to Council. Consideration will be given to permit the bonding of incomplete works subject to satisfying the following criteria:
1. The works have been substantially completed and do not adversely affect the efficiency and/or operation of the development or a vital element of the development.
 2. The incomplete works do not present a safety issue that cannot be satisfactorily managed.
 3. The completion of the incomplete works can be carried out without significant impact on the operation of the development site and/or will not inhibit the commencement of building development on the proposed lots.
 4. The nature and value of incomplete works can be accurately estimated and validated.
 5. The developer can retain sufficient control of the site to satisfactorily carry out the incomplete works.
- D4 If Council agrees the proposal meets the abovementioned criteria the following is to be provided or complied with:
1. A timeframe and schedule for the carrying out of the bonded works acceptable to Council.
 2. Suitable security being either cash, a bank cheque or irrevocable bank guarantee is to be provided to Council to cover the future cost of the work including administrative, increases in construction costs due to the timing of works and contingency costs. This shall be generally 130% of the agreed costs plus any additional increase due to the proposed timing of the works. This is essential to ensure that Council is not financially disadvantaged should it be necessary for Council to arrange for the works to be carried out.
 3. Bank guarantees shall not have an expiry date and shall be from a reputable financial institution that may require approval from the Manager, Financial Services.
 4. The lodgement of security or the making of a payment to Council for the completion of works has been agreed in writing by the applicant. This shall include statements as to the completion date and an agreement of Council's absolute right to draw on the security to carry out the works and if required to recover any additional costs incurred in the carrying out of the works. In addition permission for unencumbered access for Council to enter the site and carry out works if required is to be provided.
 5. The payment of the appropriate fees for the assessment of the application in accordance with Council's Strategic Plan.
 6. Where any charge, fee, supply of products or services under this policy is subject to a goods and services tax (GST), an amount equal to the GST paid or payable in respect of the charge, fee, supply of products or services, shall be included in the amount of consideration paid or payable under this policy.
 7. An agreement from the Developer to pay Council fees for all inspections and administration relating to the bonded works and release of the bond when the works are completed.

E. POLICY IMPLEMENTATION - PROCEDURES

Applications

- E1 An application form for the Bonding of Works can be found on Council's Web of the "Forms" web page.
- E2 The application form is to be completed and lodged with payment of Council's applicable fee as contained in the Strategic Plan.



POLICY No: WSCXXX

POLICY FOR OPERATION OF TEMPORARY FOOD PREMISES

© Wyong Shire Council
Wyong Shire Council
2 Hely Street Wyong
PO Box 20 Wyong NSW 2259
P 02 4350 5555 **F** 02 4351 2098
E wsc@wyong.nsw.gov.au
W www.wyong.nsw.gov.au



AUTHORITY	NAME & TITLE	SIGNATURE	DATE
AUTHOR			
MANAGER	Jamie Loader Manager Building Certification, Health & Compliance		
DIRECTOR	Director Development & Building		
GENERAL MANAGER	Michael Whittaker		
MAYOR (IF APPLICABLE)			

History of Revisions:

Version	Date	TRIM Doc. #
1		

A. POLICY SUMMARY

A1 To ensure food sold from Temporary Food Premises does not become unsafe or unsuitable

B. POLICY BACKGROUND

B1 A policy designed to ensure that food sold from temporary food premises is prepared, stored and handled so as to not become unsafe or unsuitable for sale within Wyong Shire. Further, the Policy will ensure operators obtain a "Single Event" or an "Annual Approval to Operate" within the Wyong Shire, to enable suitable ongoing monitoring of health standards.

C. DEFINITIONS

C1 **The Act** means the *Local Government Act NSW 1993*.

C2 **Council** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.

D. POLICY STATEMENTS**Jurisdiction**

D1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.

D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

General

D3 Food businesses selling food at temporary events are required to comply with the Food Act 2003, Food Regulation 2010, the Australia New Zealand Food Standards Code and the NSW Food Authority's guidelines "Food Handling Guidelines at Temporary Events".

D4 Prior to selling any food at a temporary event, a food business must hold a current "single event" or "Annual Approval to Operate" issued by Wyong Shire Council.

D5 Food businesses holding an "Annual Approval to Operate" a temporary food business must be renewed annually (at the completion of each financial year) if the food business continues to operate within Wyong Shire.

E. POLICY IMPLEMENTATION - PROCEDURES

- E1 This policy should be read in conjunction with the Wyong Council Code of Conduct.
- E2 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.
- E3 Where any charge, fee, supply of products or services under this policy is subject to a Goods and Services Tax (GST) an amount equal to the GST paid or payable in respect of the charge fee, supply of products or services shall be indicated in the amount of consideration paid or payable under this policy.
- E4 Associated documents
 - a) Wyong Council Code of Conduct
 - b) NSW Food Act 2003
 - c) NSW Food Regulation 2010
 - d) Australia New Zealand Standards Code



POLICY No: WSCXXX

POLICY FOR HOARDINGS

© Wyong Shire Council
Wyong Shire Council
2 Hely Street Wyong
PO Box 20 Wyong NSW 2259
P 02 4350 5555 F 02 4351 2098
E wsc@wyong.nsw.gov.au
W www.wyong.nsw.gov.au





AUTHORITY	NAME & TITLE	SIGNATURE	DATE
AUTHOR			
MANAGER	Jamie Loader Manager Building Certification, Health & Compliance		
DIRECTOR	Director Development & Building		
GENERAL MANAGER	Michael Whittaker		
MAYOR (IF APPLICABLE)			

History of Revisions:

Version	Date	TRIM Doc. #
1		

A. POLICY SUMMARY

- A1 The purpose of this policy is to address Council's requirements for the construction, management and removal of hoardings located on road reserves and other land owned and controlled by Council in order to:
- Minimise risks to public safety.
 - Minimise damage to Council assets.
 - Minimise impacts on pedestrian and vehicular access.
 - Minimise damage to public and private property.
 - Maintain access to water and sewer infrastructure for emergency and maintenance purposes.

B. POLICY BACKGROUND

- B1 Different types of hoardings as defined in this policy are the measure employed to separate and protect persons and property from building construction, building maintenance or other construction activity.
- B2 Building construction, building maintenance and other construction activities within a site often require utilisation of property adjacent to the site in order to carrying out an activity.
- B3 Where the property adjacent to a site is owned or under the control of Council and a person proposes to utilise the property adjacent to the site for the purpose of erecting a hoarding then Council under the Roads Act and/or as the owner or controller of that property needs to consider, assess and approve the use of the Council owned or controlled property to ensure that all relevant issues are addressed prior to the installation of the hoarding.
- B4 Development Consent does not usually constitute approval to erect a hoarding on property adjacent to a site that is owned or control by Council.

C. DEFINITIONS

For the purpose of this policy, the following definition applies:

- C1 **"A" type hoarding** means a vertical protective structure constructed in timber, or other suitable materials usually at least 1.8m in height. Temporary construction site fencing is considered to be an "A" type hoarding.
- C2 **"B" type hoarding** refers to hoardings with an overhead protective structures.
- C3 **"C" type hoarding** refers to Type 'B' Hoardings with an overhead protective structure which forms a platform for site sheds or storage.
- C4 **"Hoardings"** are structures erected on or adjacent to a property to form a barrier between building, demolition or construction sites and the adjoining land. Hoarding structures can consist of fences, scaffolding or overhead structures as individual elements or integrated together.

D. POLICY STATEMENTS**Jurisdiction**

- D1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council owned or controlled property, premises or facilities and all activities of the Council.
- D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

General Hoarding Requierments

- D3 The minimum design, supply and installation requirements for hoardings shall be in accordance with the latest edition of AS 4687 "Temporary Fencing and Hoardings". Overhead protective structures associated with a hoarding shall be in accordance with the Code of Practice – "Overhead Protective Structures" by the Workcover Authority of NSW.
- D4 Where any hoarding is proposed to be erected on a public use area, road reserve or land owned or controlled by Council, a traffic and pedestrian management plan, including a traffic control plan prepared by a Roads and Maritime Services(RMS) accredited orange or red card holder, shall be submitted to Council for consideration as part of an application to erect a hoarding. The plan shall cover the installation, removal and ongoing traffic and pedestrian management whilst the hoarding is in place.
- D5 Where a hoarding is proposed to be erected on a public use area, road reserve or land owned or controlled by Council a suitable width of passage must remain for pedestrian use. The width of passage and measures to delineate this width shall be proposed and delineated in the application to Council.

"A" Type Hoarding Requirements

- D6 Type "A" hoardings must be constructed around all sites where demolition, building, maintenance or other construction type works are being carried out. . The individual hoarding panels or site construction fence must be bolted together to form a continuous barrier complete with end returns. The hoarding must be suitably braced and counter weighed for stability against wind and other loads.
- D7 Type "A" full barrier hoardings, not a temporary construction fence, shall be constructed in all cases , where buildings, existing or proposed, within 3.5 metres of the boundary of adjoining public use areas, road reserves or land owned or controlled by Council are being constructed or altered.
- D8 Type "A" full barrier type hoardings, not a temporary construction fence, shall be constructed where excavation is within a 3 horizontal to 1 vertical envelope from the surface level of the boundary of adjoining public use areas, road reserves or land owned or controlled by Council.

"B" Type Hoarding Requirements

- D9 The design and completed construction of "B" type hoardings shall be certified by a Structural Engineer to ensure the hoarding is constructed in accordance with the NSW WorkCover Authority Code of Practice. All other non-structural provisions of the Code of Practice shall be complied with. This Code of Practice can be viewed at the Authorities web site at <http://www.workcover.nsw.gov.au>
- D10 Type "B" overhead hoardings shall be constructed where buildings over two (2) stories or 6 metres in height above the footpath level and within 3.5 metres of the property boundary are being erected or demolished or where the outer part of such buildings adjoining a public Use area is being altered or maintenance carried out.
- D11 Where the height of the building or the position of the site is such that hazards are likely to occur from falling objects, additional safety hoardings shall be provided. In special cases, where the width of the footway is less than 2.5 metres or where the erection of a standard "B" type hoarding is impracticable, the applicant shall submit plans of a suitable cantilever hoarding for consideration by Council.
- D12 Type "B" hoardings shall be constructed where material is required to be hoisted over or across a public use area at frequent intervals during building or construction activities on a site.

"C" Type Hoarding Requirements

- D13 The design and completed construction of "C" type hoardings shall be certified by a Structural Engineer to ensure they are constructed in accordance with the NSW WorkCover Authority Code of Practice. All other non-structural provisions of the Code of Practice shall be complied with. The code of practice can be viewed at the Authorities web site at <http://www.workcover.nsw.gov.au>. All other requirements of 'B' Type Hoardings shall apply to 'C' Type Hoardings.

Site Vehicle Access Requirements

- D14 Established pedestrian paths must be protected from damage by vehicles by the installation of Hardwood planking, steel plates, or an alternate protection measures acceptable to Council. The type of protection proposed shall be detailed in the hoarding application to Council.

E. POLICY IMPLEMENTATION – PROCEDURES**Applications to Erect a Hoarding - Application Requirements**

- E1 Where hoardings are proposed to be erected on or over public use areas, road reserves or land owned or controlled by Council an application shall be made to Council. Such an application shall be made by way of Council's application form available from Council's Customer Contact Department or on Council's Web Site..
- E2 Documentation to accompany an application to erect a hoarding shall include:
- Certificates of currency for Public Liability Insurance (minimum \$10 million cover) plus a statement indemnifying Council for any claim relating to the proposed hoarding.
 - Detailed location plans of the proposed hoarding showing existing site features including but not limited to utility covers, footpaths, kerb and gutter and signage.
 - A dilapidation report of the area where the hoarding is proposed and all adjacent areas which may be utilised in the installation and removal of the hoarding.

- Traffic and Pedestrian Management Plan.
- E3 Following receipt of the application and Council's assessment of the application Council may request further information to assess the application should the information provided with the application be inadequate to make a determination.

Conditional Approval

- E4 Approvals for a hoarding on or over public use areas, road reserves or land owned or controlled by Council may be conditional in order to address site specific issues and general issues that are required to be addressed during the installation, removal and use of the hoarding.
- E5 An approval may be conditional on the applicant lodging security in the form of cash or an unconditional bank guarantee for an amount determined by Council. This security would be held by Council until any damage to Council assets resulting from the installation, operation and removal of the hoarding has been rectified to Council's satisfaction.

Application and Hoarding Fees

- E6 Fees are to be paid for each application for a hoarding in accordance with Council's Strategic Plan. Council's Strategic Plan can be found on Council's Web Site or fee estimates can be obtained by Contacting Council's Customer Contact Department.
- E7 Fees consist of an application fee and a linear metre rate for the type of hoarding per month or part of.
- E8 In case that approval is not granted for an application for a hoarding then the linear metre fee will be refunded.
- E9 Where a hoarding is required to remain for a longer period than that identified in an application additional linear meter fees per month or part of will apply.

F. ASSOCIATED DOCUMENTS

The following documents should be reference in conjunction with this policy:

- a) NSW Work Cover's Code of Practice – Overhead Protective Structures
- b) Australian Standard AS 4687 "Temporary Fencing and Hoardings"
- c) RMS "Traffic Control at Work Sites" Manual



POLICY No: WSCXXX

POLICY FOR LANDSCAPING

© Wyong Shire Council
Wyong Shire Council
2 Hely Street Wyong
PO Box 20 Wyong NSW 2259
P 02 4350 5555 F 02 4351 2098
E wsc@wyong.nsw.gov.au
W www.wyong.nsw.gov.au





AUTHORITY	NAME & TITLE	SIGNATURE	DATE
AUTHOR			
MANAGER	Scott Cox Manager Development Assessment & Rezoning		
DIRECTOR	Director Development & Building		
GENERAL MANAGER	Michael Whittaker		
MAYOR (IF APPLICABLE)			

History of Revisions:

Version	Date	TRIM Doc. #
1		

A. POLICY SUMMARY

- A1 To encourage a high standard of landscape design and construction throughout Wyong Shire.
- A2 To require developers to consider landscape design in association with proposed works, building and subdivision design as early as possible.
- A3 To reduce the impact of any developmental activity on the landscape.
- A4 To reduce delays in approval procedures for landscape requirements. To provide for the use of the lakes and rivers whilst not adversely affecting the amenity of the area or the possible future use of the lake system.

B. DEFINITIONS

For the purpose of this policy, the following definition applies:

B1 CATEGORY 1

Developments within Category 1 of the policy are exempt from the policy requirements but developers are encouraged to use the Landscape Policy (Treatments) Guidelines.

Definition

Those proposals which because of their small scale and the ability of the developers and owners to carry out any landscape works do not necessitate the engagement of a consultant.

Such developments include dual occupancy/duplex, rural dwellings, advertising signs/structures, minor commercial and industrial development and the like.

B2 CATEGORY 2

Developments within Category 2 of the policy are significant in cumulative numbers rather than individual site impact, but still require good quality landscape works.

Definition

Those proposals with a value up to \$2,000,000, providing they pose no significant environmental impact, and including the following:

- 1 Residential Units(not dual occupancy) up to 40 Units
- 2 Residential Subdivision up to 200 lots
- 3 Rural Residential Subdivision up to 50 lots
- 4 Industrial Subdivision up to 50 lots
- 5 Industrial Development up to 10,000m² floor area
- 6 Commercial Development up to 5000m² floor area

Development Requirements

Applications for Development proposals within Category 2 must engage a Landscape Consultant/Contractor approved by Wyong Shire Council for Category 2 works.

B3 CATEGORY 2E

Developments within Category 2E are in ecologically sensitive sites and require specific environmental skills in landscape design and construction.

Definitions

Those proposals which:

- 1 Pose significant ecological or environmental impact, including quarries, large industrial projects, designated developments as defined in the Environmental Planning and Assessment Act and the like.
- 2 Affect the ecological environment when located near ocean or lakeshore, significant floodways, waterways, wetlands or riverbanks, large tracts of open space, forests, wildlife habitats, ridgelines.
- 3 Have a value of less than \$2,000,000.

B4 CATEGORY 3

Developments in Category 3 are highly visible or of such value that they require high quality landscape design and construction.

Definitions

- 1 Pose significant ecological or environmental impact, including quarries, large industrial projects, designated developments as defined in the Environmental Planning and Assessment Act and the like.
- 2 Affect the ecological environment when located near ocean or lakeshore, significant floodways, waterways, wetlands or riverbanks, large tracts of open space, forests, wildlife habitats, ridgelines.
- 3 When located near large recreational and commercial areas, expressways, freeways, Pacific Highway, main roads and major roads.
- 4 Have a value of \$2,000,000 or more.

Development Requirements

Applications for Development proposals within Category 3 must engage a Landscape Consultant/Contractor approved by Wyong Shire Council for Category 3 works.

C. POLICY STATEMENTS**Jurisdiction**

- C1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.
- C2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

General

C3 This Policy applies to all proposals requiring development consent within Wyong Shire. The following information explains Council's requirements and the process to be followed. The policy reinforces Council's concerns for better site planning.

C4 **Approved Landscape Consultants And Contractors**

- 1 Council's list of Approved Landscape Consultants and Contractors for design and construction indicates the Category in which Approved Consultants are eligible to work, and whether they are eligible for design and/or construction within that Category.
- 2 Council maintains a formal procedure for determining the approved consultants/contractors list. This is available on request.
- 3 Any person or firm may apply to be included on the approved list of Landscape Consultants and Contractors. The list of Landscape Consultants and Contractors will contain approved persons or firms under various categories in accordance with the adopted guidelines.

C5 **Consultant Engagement**

An Approved Consultant must be engaged for the duration of the project and until Council receives the final Maintenance Report.

Should the approved Consultant's engagement be terminated at any stage the Developer is obliged to immediately inform Council. Failure to do so constitutes a breach of Policy.

An Approved Consultant may hand over work to another Approved Consultant only with Council consent.

C6 **Government Departments**

Government Departments may submit design reports by an approved Government employed Landscape Architect for their projects.

C7 **Consultant Accountability**

Any firm registered will remain so only while employing a suitably qualified person nominated by the firm.

The Qualified Representative shall be in a senior position or have senior management endorsement to ensure accountability for final product quality.

All applicants must complete the Landscape Consultant Registration Form legibly, and supply proof of qualifications.

C8 **Responsibilities Of The Approved Consultants**

Consultants will provide reports to Council, which may contain plans to establish a basis of fact in the event of a dispute but Council's receipt of drawings shall not imply approval of drawings, as follows:

C9 Design Report - Allotments

This Report must address the major design issues of the site and show that planned landscape works and design will meet the Intent of the Policy and the Guidelines. Design Reports for Category 2 allotment development must accompany the relevant Building Application.

Category 2E and 3 design reports must accompany the relevant Development Application.

Design Report - Subdivisions Categories 2, 2E and 3

This Report will be in two stages, a landscape Assessment report and a Landscape Design Report.

The Landscape Assessment Report must assess the environmental impacts of the proposed development as required by the Subdivision Design Report Guideline. This Report is required to accompany the Development application.

The Landscape Design report must set out a detailed landscape design solution for the proposed development as required by the Subdivision Design Report guidelines. This report/design is required to accompany the Engineering Drawings.

C10 Implementation Report

At the satisfactory completion of the Landscape Works the Approved Consultant will provide an Implementation Report. This will provide written certification that the Landscape Policy Aims and Guidelines and professional standards have been met, and a landscape maintenance programme has been established. It will outline any minor defects which must be rectified during the maintenance period. No certificate of occupation will be issued, or surveyor's transparency endorsed, before this Report is received.

C11 Rectification Report

The Consultant will carry out an inspection 2 months after occupation or completion of any development to ensure that any necessary rectification works have been carried out, and the landscape management program is being implemented and provide a report on the project to Council.

C12 Maintenance Report

The Consultant will submit a report 6 months after the satisfactory completion of the Landscape Works to assess maintenance and recommend remedial work.

C13 Developer Commitment

Where landscaping is a requirement of a development consent Council requires that a bank guarantee be submitted with the Building Application. This guarantee will be for a sum equivalent to 5% of the total development cost or equivalent to that of a signed and sighted contract with an approved consultant for the landscaping. This guarantee will be released upon receipt of a satisfactory Maintenance Report issued by the Consultant 6 months after completion as required by this policy.

C14 Non Compliance With Policy

Where the developer fails to comply with the requirements of the Policy, Council will pursue appropriate action against the developer under the Environmental Planning and Assessment Act, 1979. Council will serve notice of non-compliance in a reasonable period.

Where the Consultant consistently fails to adhere to the aims of the Policy consideration will be given to recommending deregistration.

C15 Review of Projects

Inspection of projects will be undertaken as necessary to determine action that may be necessary where policy and development consent conditions are not being met by the developer or the consultant or the contractor.

C16 Goods And Services Tax

Where any charge, fee, supply of products or services under this policy is subject to a goods and services tax (GST), an amount equal to the GST paid or payable in respect of the charge, fee, supply of products or services, shall be included in the amount of consideration paid or payable under this policy.

D. POLICY IMPLEMENTATION - PROCEDURES

D1 This policy should be read in conjunction with the Wyong Council Code of Conduct.

D2 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.

D3 Associated documents

- a) Wyong Council Code of Conduct
- b) Environmental Planning and Assessment Act – Section 79(C)



POLICY No: WSCXXX

POLICY FOR MANAGEMENT OF FERAL ANIMALS

© Wyong Shire Council
Wyong Shire Council
2 Hely Street Wyong
PO Box 20 Wyong NSW 2259
P 02 4350 5555 **F** 02 4351 2098
E wsc@wyong.nsw.gov.au
W www.wyong.nsw.gov.au



AUTHORITY	NAME & TITLE	SIGNATURE	DATE
AUTHOR			
MANAGER	Jamie Loader Manager Building Certification, Health & Compliance		
DIRECTOR	Director Development & Building		
GENERAL MANAGER	Michael Whittaker		
MAYOR (IF APPLICABLE)			

History of Revisions:

Version	Date	TRIM Doc. #
1		

A. POLICY SUMMARY

- A1 To minimise the risk to staff by reduced handling of feral animals.
- A2 To comply with RSPCA standards with regard to the Prevention of Cruelty to Animals Act. & the Companion Animals Act. To identify Council's requirements for the erection, management and removal of hoardings required in development applications;

B. POLICY STATEMENTS**Jurisdiction**

- B1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.
- B2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

General

- B3 Observe and assess the behaviour of the companion animal/s to determine if it/they are feral.
- B4 Examine each animal for identification in the form of a collar, identification tag or microchip.
- B5 In the case of a cat where a form of identification is found, the animal must not be considered to be feral. The owner of the animal must be formally notified by way of a Seizure Notice and the animal kept for a minimum of 14 days.
- B6 In the case of a cat that has no form of identification and is wild, showing no signs of domestication, the cat will be deemed to be feral. The cat shall be placed within a standard cage separate from the general cat population for disease control purposes.
- B7 At the earliest opportunity where practicable, a health and temperament evaluation undertaken by a registered veterinarian for the feral cat will be euthanized by intravenous injection only.
- B8 In every case, details of each feral animal shall be recorded in the appropriate registers in accordance with Council's policy and procedures.

C. POLICY IMPLEMENTATION - PROCEDURES

- C1 This policy should be read in conjunction with the Wyong Council Code of Conduct.
- C2 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.
- C3 Associated documents
- a) Wyong Council Code of Conduct
 - b) Companion Animals Act 1998



POLICY No: WSCXXX

POLICY FOR OUTDOOR EATING AREAS

© Wyong Shire Council
Wyong Shire Council
2 Hely Street Wyong
PO Box 20 Wyong NSW 2259
P 02 4350 5555 F 02 4351 2098
E wsc@wyong.nsw.gov.au
W www.wyong.nsw.gov.au





AUTHORITY	NAME & TITLE	SIGNATURE	DATE
AUTHOR			
MANAGER	Jamie Loader Manager Building Certification & Health		
DIRECTOR	Director Development & Building		
GENERAL MANAGER	Michael Whittaker		
MAYOR (IF APPLICABLE)			

History of Revisions:

Version	Date	TRIM Doc. #
1		

A. POLICY SUMMARY

- A1 To encourage the establishment of outdoor eating areas in accordance with clearly documented guidelines .

B. POLICY BACKGROUND

- B1 Council is a roads authority under the Act for most public roads in the Wyong local government area. RMS is the roads authority for all other public roads.
- B2 Council has a statutory discretion to grant approval to use a footpath adjacent to a Restaurant to be used for the purposes of that Restaurant.
- B3 Council is also a consent authority for the purposes of the EP&A Act.

C. DEFINITIONS

For the purpose of this policy, the following definition applies:

- C1 **Commercial Business**
A building or place used for the purpose of selling goods.
- C2 **Council**
Wyong Shire Council
- C3 **Footpath**
Has the same meaning of "footway" in the Act, which means that part of a public road as is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic).
- C4 **Proprietor**
The person who operates the Restaurant adjacent to an outdoor eating area.
- C5 **Restaurant**
Premises that food is regularly provided to people, for consumption on the premises.
- C6 **RMS**
Roads and Maritime Services
- C7 **The Act**
Roads Act 1993
- C8 **The EP&A Act**
Environmental Planning and Assessment Act 1979
- C9 **The SEPP**
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

D. POLICY STATEMENTS**Jurisdiction**

- D1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.
- D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.
- D3 This policy applies to the public footpaths and public malls located adjacent to Restaurant businesses throughout the Wyong local government area.

Licence

- D4 A licence agreement shall be entered into between the Proprietor and Council in accordance with Section 125 of the Act . The licence is to contain provisions indemnifying Council against any claims resulting from the placement or use of the outdoor eating furniture.
- D5 No sub-licences or other approvals may be granted by the Proprietor in respect of the licence area without the prior written approval of Council.

Term

- D6 In accordance with Section 125(4) of the Act, the term of any licence shall not exceed 7 years.

Termination

- D7 Any licence must include a provision that Council may terminate the Licence without notice if the Licence Area ceases to be used in conjunction with the adjacent Restaurant conducted by the Proprietor or if the Proprietor fails to remedy any breach of the Proprietor within seven days of receiving written notice thereof from Council.
- D8 The Proprietor is responsible for the removal of any improvements installed by the Proprietor and re-instatement of the area, on the termination of the licence.

Fees

- D9 An annual fee will be charged to the Proprietor on the basis of the furniture and fittings used in part of the footpath subject to the licence.

Consent under the EP&A Act

- D10 Where the use of the footpath is exempt development by the operation of CI 2.40A and 2.40B of the SEPP, there is no requirement for development consent to be granted under the EP&A Act for that use of the footpath.
- D11 If CI 2.40A and 2.40B of the SEPP do not operate to provide that the use of the footpath is exempt development, a development application under the EP&A Act is required. Any such development application should accompany the license application. Development applications are to be accompanied by a plan indicating the extent of the proposal, access, maximum number of tables and chairs, location of toilets in adjacent restaurant, car parking provided and furniture storage.

Car parking

D12 The footpath area used with the approval of Council under this policy is not included as "floor space" for the purposes of car parking calculations.

Location

D13 The area subject to an approval under this policy must be adjacent to the land upon which the restaurant is erected.

Insurance

D14 The Proprietor is required to hold a current Public Liability Insurance Policy to the amount of \$10 million, which specifically indemnifies the interests of the Council against any damage that may arise out of the activity. Such cover to be varied at the discretion of the Council and the Proprietor will provide proof of renewals.

Pedestrian Access

D15 Outdoor eating will only be permitted in those areas where there is sufficient width of footpath to permit adequate space for the volume of pedestrians and where such an operation will not present a hazard or nuisance to the public, including those members of the public that have impaired vision or impaired mobility.

D16 Tables and chairs placed on the footpath in accordance with this policy shall be positioned in such a way that a minimum clearance of 2 metres is maintained for pedestrian thoroughfare on the footpath. Council may increase this minimum clearance where circumstances, such as pedestrian traffic, warrant it. In addition, where furniture is placed adjacent to the kerb, a minimum clearance to the kerb of 600mm is to be maintained.

Cleaning

D17 The area is to be kept clean and tidy at all times. The Proprietor is responsible for disposal of litter and cleaning of the footpath subject to the licence under this policy. The Proprietor shall provide litter bins (if required) as approved by Council which shall be located within the licensed area. These bins are to be emptied by the Proprietor at least daily or as required and it will be the responsibility of the proprietor to arrange disposal of the waste. No waste shall be disposed of in Council provided litter bins. The Proprietor shall steam clean the pavement of the licensed area when required to by Council. The proprietor shall ensure that no debris or litter is washed down the stormwater system and the use of detergents and cleaning agents must be minimised.

Furniture

D18 All furniture to be placed on Footpaths subject to this policy is to be supplied and maintained by the Proprietor and is to meet agreed guidelines for style, colour and materials. Furniture must not be fixed to the pavement unless directed to do so by Council, and then only in the manner stipulated. Off-street storage is required for all furniture when not in use. All furniture shall be kept strictly within the bounds of the licensed area and is not permitted to encroach upon the adjoining parts of the Footpath at any time.

D19 If tables and chairs are to be placed in unshaded areas, they must also have umbrellas erected over them to provide adequate protection to patrons. It is accepted that umbrellas may be in a closed position due to rain, wind or cold weather. Umbrellas must be securely anchored to a weighted removable object to ensure safety and minimise damage.

Damage

D20 The Proprietor shall not cause or allow to be caused any damage to any part of the licence area of the Footpath or any furniture subject to the licence. In the event of any damage occurring, it is to be repaired or restored at the Proprietor's cost. The Proprietor is required to lodge the sum of \$500 in cash before signing the licence as security against damage and this will be available to Council at its sole discretion for repair/restoration of damage. Such monies will be refunded following termination of the licence by either party subject to Council being satisfied that no repairs/restoration is required.

Hours of Operation

D21 The hours of operation of the outdoor eating facilities shall be determined by Council having regard to the hours of operation of the related Restaurant and consideration of impacts on nearby residential areas. In any event, no licence shall permit the use of a Footpath as an outdoor dining area outside the hours 7.00am and 12 midnight, Mondays to Saturdays and 7.00am and 10.00pm, Sundays - depending on the proximity of the licence area to residential areas.

Other Uses

D22 No music or amusement machines will be permitted, without the prior written approval of Council, within the licensed area. Any artificial lighting is only to be erected after the approval of Council has been obtained, so as to avoid nuisance to the public or neighbouring premises.

D23 No alcohol is to be consumed or served within the licensed area unless specific approval is given by Council and any other relevant authority.

Legal Costs

D24 The Proprietor is required to pay all legal costs incurred by Council in the preparation and execution of the licence. These costs are incorporated into the application fee.

General Manager's Authority

D25 The General Manager has delegated authority to authorise lodgement of a development application and approval of a licence for the establishment of an outdoor seating area on all roads except certain specified roads for which the concurrence of the RMS is also required.

Health Requirements

D26 No food is to be offered for sale or displayed within the licensed area. The Proprietor and all staff of premises in which food is handled for sale must acquire a "Certificate of Competency in Food Hygiene" from Council within 60 days of commencing trading. Toilet facilities must be available to all patrons to Council's satisfaction.

Advertising Material

D27 No advertising signs or material is to be displayed within the licensed area other than a menu (maximum size of A3 - 420mm x 594mm). All signs must comply with Council's "Advertising Signs DCP".

Maintenance

D28 The Proprietor is responsible for the maintenance of the licensed area.

Public Nuisance

D29 Any activity within the licence area must not constitute a public nuisance and must not give rise to an offence against any Act.

Goods And Services Tax

D30 Where any charge, fee, supply of products or services under this policy is subject to a goods and services tax (GST), an amount equal to the GST paid or payable in respect of the charge, fee, supply of products or services, shall be included in the amount of consideration paid or payable under this policy.

E. POLICY IMPLEMENTATION - PROCEDURES

E1 This policy should be read in conjunction with the Wyong Council Code of Conduct.

E2 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.

E3 Associated documents

- a) Wyong Council Code of Conduct
- b) Section 125 of the Roads Act 1993
- c) The SEPP