





Central Coast Council  
Business Paper  
Ordinary Council Meeting  
**9 December 2019**





# COMMUNITY STRATEGIC PLAN 2018-2028

**ONE – CENTRAL COAST IS THE COMMUNITY STRATEGIC PLAN (CSP) FOR THE CENTRAL COAST LOCAL GOVERNMENT AREA**

**ONE – CENTRAL COAST DEFINES THE COMMUNITY'S VISION AND IS OUR ROADMAP FOR THE FUTURE**

**ONE – CENTRAL COAST BRINGS TOGETHER EXTENSIVE COMMUNITY FEEDBACK TO SET KEY DIRECTIONS AND PRIORITIES**

One - Central Coast will shape and inform Council's business activities, future plans, services and expenditure. Where actions are the responsibility of other organisations, sectors and groups to deliver, Council will work with key partners to advocate on behalf of our community.

Ultimately, every one of us who live on the Central Coast has an opportunity and responsibility to create a sustainable future from which we can all benefit. Working together we can make a difference.

## RESPONSIBLE

**WE'RE A RESPONSIBLE COUNCIL AND COMMUNITY, COMMITTED TO BUILDING STRONG RELATIONSHIPS AND DELIVERING A GREAT CUSTOMER EXPERIENCE IN ALL OUR INTERACTIONS.**

We value transparent and meaningful communication and use community feedback to drive strategic decision making and expenditure, particularly around the delivery of essential infrastructure projects that increase the safety, liveability and sustainability of our region. We're taking a strategic approach to ensure our planning and development processes are sustainable and accessible and are designed to preserve the unique character of the coast.

 **Good governance and great partnerships**

**G2** Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect

There are 5 themes, 12 focus areas and 48 objectives

### COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

All council reports contained within the Business Paper are now aligned to the Community Strategic Plan. Each report will contain a cross reference to a Theme, Focus Area and Objective within the framework of the Plan.



# Meeting Notice

## The Ordinary Council Meeting of Central Coast Council will be held in the Council Chamber

or

**Level 1, 49 Mann Street, Gosford on  
Monday, 9 December 2019 at 6.30pm**

for the transaction of the business listed below:

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Gary Murphy  
Chief Executive Officer

**Item No:** 1.1  
**Title:** Disclosures of Interest  
**Department:** Governance

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13699620

Chapter 14 of the *Local Government Act 1993* ("LG Act") regulates the way in which the councillors and relevant staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public functions.

Section 451 of the LG Act states:

- "(1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.*
- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:*
- (a) at any time during which the matter is being considered or discussed by the council or committee, or*
  - (b) at any time during which the council or committee is voting on any question in relation to the matter.*
- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*
- (4) Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:*
- (a) the matter is a proposal relating to:*
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
    - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
  - (a1) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person*

## 1.1 Disclosures of Interest (contd)

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*(whose interests are relevant under section 443) in that person's principal place of residence, and*

- (b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*
- (5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*
  - (a) be in the form prescribed by the regulations, and*
  - (b) contain the information required by the regulations."*

Further, the Code of Conduct adopted by Council applies to all councillors and staff. The Code relevantly provides that if a councillor or staff have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed as well as providing for a number of ways in which a non-pecuniary conflicts of interests might be managed.

### **Recommendation**

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

**Item No:** 1.2  
**Title:** Confirmation of Minutes of Previous Meeting  
**Department:** Governance

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13699627

Author: Kylie Hottes, Councillor and Meeting Support Officer

Manager: Sarah Georgiou, Section Manager, Councillor Support

Executive: Dr Liz Develin, Director Governance

### **Summary**

Confirmation of minutes of the Ordinary Meeting of the Council held on 25 November 2019.

### **Recommendation**

***That Council confirm the minutes of the Ordinary Meeting of Council held on 25 November 2019.***

### **Attachments**

**1** MINUTES - Ordinary Meeting - 25 November 2019      D13723196





## Central Coast Council

### Minutes of the Ordinary Meeting of Council

Held in the Council Chamber  
49 Mann Street, Gosford  
on 25 November 2019

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#### **Present**

Mayor Lisa Matthews and Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Troy Marquart, Chris Burke, Chris Holstein, Jilly Pilon, Rebecca Gale, Louise Greenaway, Jeff Sundstrom, Richard Mehrtens and Jane Smith.

#### **In Attendance**

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Director Roads, Transport, Drainage and Waste), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Dr Liz Develin (Director Governance), Jamie Loader (Director Water and Sewer), Ricardo Martello (Executive Manager Innovation and Futures) and Craig Norman (Chief Finance Officer).

The Mayor, Lisa Matthews, declared the meeting open at 6.35pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor, Lisa Matthews read an acknowledgement of country statement.

The Mayor, Lisa Matthews made the following acknowledgements;

#### *Bushfire Threat*

The current fire emergency currently being experienced was noted and the Mayor acknowledged the resilience of the Central Coast Council community with regards to the Gospers fire threat. It was also noted that Council has cancelled some of the Christmas celebrations due to the threat and thanks were extended to those staff who have worked to prepare for these events.

#### *Presentation*

Councillor Greenaway having attended the Scholarships Awards evening on behalf of Council presented a Certificate of Appreciation from Crestani Scholarships she had accepted at that event on behalf of Council.

Councillor Greenaway acknowledged the launch of the anthology 'Community & Belonging' by the Wyong Writers and presented Council with copies of the anthology.

The reports are recorded in their correct agenda sequence.

**Apologies**

**Moved:** **Councillor Sundstrom**

**Seconded:** **Councillor Hogan**

**Resolved**

**1125/19 That Council accept the apologies received from Councillors Vincent and McLachlan.**

**For:**

**Unanimous**

**1.1 Disclosures of Interest**

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**Item 2.1 - DA/288/2018 Section 8.2 Review of Determination - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head**

Councillor Best declared a significant non pecuniary interest as he owns property in the area. Councillor Best left the chamber at 6.56pm, returned at 7.28pm and did not participate in discussion or voting on this item. Council returned to the item and therefore Councillor Best left the chamber again at 7.36pm, returned at 7.42pm and did not participate in discussion or voting on this item.

**Item 2.2 - Supplementary Report DA/54622/2018 Multi Dwelling Housing (3 units) & Demolition of Existing Structures on LOT: 10 DP: 10455, 4 Clifford Street Umina Beach**

Councillor Gale declared a less than significant non pecuniary interest in the matter as she is in contact with the Chamber Board Members. Councillor Gale chose to remain in the chamber and participate in discussion and voting as she advised she will remain impartial and vote transparently.

**Item 3.7 - Community Grants Program Round 1 2019-2020**

Councillor Holstein declared a pecuniary interest in the matter on the basis that he casually works for one of the grant applicants. This item was resolved by the exception method.

Councillor Gale declared a less than significant non pecuniary interest in the matter as she is in contact with the Chamber Board Members. This item was resolved by the exception method.

Councillor Hogan declared a less than significant non pecuniary interest in the matter on the basis that she knows of or has had contact with community groups through her work at the San Remo Neighbourhood Centre. This item was resolved by the exception method.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she uses the facilities of and/or attends functions of some of the recipients of the grant. . This item was resolved by the exception method.

Councillor Marquart declared a less than significant non pecuniary interest as his employer is completing flooring maintenance works at Gosford Sports Stadium. This item was resolved by the exception method.

Councillor Sundstrom declared a less than significant non pecuniary interest in the matter as he is familiar with some applicants, events and associations. This item was resolved by the exception method.

**Item 3.8 - Community Support Grant Program - September 2019**

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she uses the facilities of and/or attends functions of some of the recipients of the grant. This item was resolved by the exception method.

Councillor Hogan declared a less than significant non pecuniary interest in the matter on the basis that she knows of or has had contact with community groups through her work at the San Remo Neighbourhood Centre. This item was resolved by the exception method.

**Item 3.9 - Community Support Grant Program - October 2019**

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she uses the facilities of and/or attends functions of some of the recipients of the grant. This item was resolved by the exception method.

Councillor Hogan declared a less than significant non pecuniary interest in the matter on the basis that she knows of or has had contact with community groups through her work at the San Remo Neighbourhood Centre. This item was resolved by the exception method.

**Item 6.5 - Notice of Motion – Davistown Wetlands Acquisition**

Councillor Holstein declared a pecuniary interest in the matter on the basis that part owner of the site is the landlord of his wife’s business premises. Councillor Holstein left the chamber at 10.21pm and did not return.

**Moved:** **Councillor MacGregor**

**Seconded:** **Councillor Gale**

**Resolved**

**1126/19 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:**

**Unanimous**

**1.2 Confirmation of Minutes of Previous Meeting**

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**Moved:** Councillor MacGregor**Seconded:** Councillor Pilon**Resolved****1127/19 That Council confirm the amended minutes of the Ordinary Meeting of Council held on 11 November 2019.****For:****Unanimous****1.3 Notice of Intention to Deal with Matters in Confidential Session**

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**Moved:** Councillor MacGregor**Seconded:** Councillor Hogan**Resolved****1128/19 That Council receive the report and note that no matters have been tabled to deal with in a closed session.****For:****Unanimous****Procedural Motion – Exception****Moved:** Councillor Hogan**Seconded:** Councillor MacGregor**Resolved****1129/19 That Council adopt the following items as a group and in accordance with the report recommendations:**

<b>Item 2.3 - Fire Safety Report - 40 Lakehaven Drive Kanwal</b>
<b>Item 3.2 - Response to Council resolutions - Amalgamation process</b>
<b>Item 3.7 - Community Grants Program Round 1 2019-2020</b>
<b>Item 3.8 - Community Support Grant Program - September 2019</b>
<b>Item 3.9 - Community Support Grant Program - October 2019</b>
<b>Item 3.13 - Investment Report for October 2019</b>
<b>Item 3.16 - Application for ANZAC Memorial Stone - Avoca Beach</b>
<b>Item 4.1 - Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held 19 September 2019</b>

<b>and the Terrigal Water Quality Sub-Committee Meeting held 20 June 2019 and 19 September 2019</b>
<b>Item 4.2 - Meeting Record of the Coastal Open Space System (COSS) Committee held on 3 September 2019</b>
<b>Item 4.3 - Meeting Record of the Status of Women Advisory Group held on 22 October 2019</b>
<b>Item 4.5 - Meeting Record of the Tourism Advisory Committee held on 16 October 2019</b>

1130/19 **That with the exception of the reports listed below, Council adopt the recommendations contained in the reports listed above:**

<b>Item 2.1 - DA/288/2018 Section 8.2 Review of Determination - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head</b>
<b>Item 2.2 - Supplementary Report DA/54622/2018 Multi Dwelling Housing (3 units) &amp; Demolition of Existing Structures on LOT: 10 DP: 10455, 4 Clifford Street Umina Beach</b>
<b>Item 2.4 - Outcomes of Public Exhibition of Draft Central Coast Community Participation Plan</b>
<b>Item 3.1 - Deferred Item - Response to Notice of Motion - Proposed Sale - 4 and 10 Warren Road, Warnervale</b>
<b>Item 3.3 - Works at Gosford Chambers in response to Safety Audit</b>
<b>Item 3.4 - Update on progress of review into Central Coast Airport</b>
<b>Item 3.5 - Proposed Council Meeting Dates</b>
<b>Item 3.6 - Winter Trial of Lifeguard Patrols at The Grant McBride Baths</b>
<b>Item 3.10 - 2019 Chain Valley Colliery/Delta Coal Community Funding Program</b>
<b>Item 3.11 - After Hours Call Centre Service - Alternative Service Delivery Models</b>
<b>Item 3.12 - 2019-20 Q1 Business Report</b>
<b>Item 3.14 - 31 Aldenham Road, Warnervale</b>
<b>Item 3.15 - \$70M Federal Government Funding Commitment - Central Coast Roads Package</b>
<b>Item 3.17 - Meeting Record of the Companion Animals Advisory Committee held 10 October 2019</b>
<b>Item 3.18 - Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 28 August 2019</b>
<b>Item 4.4 - Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019</b>
<b>Item 4.6 - 2019 Election Commitments - Progress Update</b>
<b>Item 6.1 - Deferred Item - Notice of Motion - Redress Scheme</b>
<b>Item 6.2 - Notice of Motion - Jayden's Message, suicide prevention 2020</b>
<b>Item 6.3 - Notice of Motion - The Missing Munmorah SK8Park</b>
<b>Item 6.4 - Notice of Motion - Tuggerah Lakes Intergovernment Rescue Action Plan</b>
<b>Item 6.5 - Notice of Motion - Davistown Wetlands Acquisition</b>
<b>Item 6.6 - Notice of Motion - Identification and allocation of necessary resources to progress the Wyong Employment Zone</b>

**Item 6.7 - Notice of Motion - Protection of Porters Creek Wetland**

**For:**  
**Unanimous**

**Procedural Motion – Order of Business**

**Moved:** Mayor Matthews  
**Seconded:** Councillor Best

**Resolved**

**1131/19 That Council suspend standing orders and consider item 6.2 – Notice of Motion - Jayden's Message, suicide prevention 2020 and then the remaining items in agenda sequence.**

**For:**  
**Unanimous**

**2.1 DA/288/2018 Section 8.2 Review of Determination - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head**

Councillor Best declared a significant non pecuniary interest as he owns property in the area. Councillor Best left the chamber at 6.56pm, returned at 7.28pm and did not participate in discussion or voting on this item. Council returned to the item and therefore Councillor Best left the chamber again at 7.36pm, returned at 7.42pm and did not participate in discussion or voting on this item.

Councillor Greenaway returned to the chamber at 6.56pm during consideration of this item.

**Moved:** Councillor Pilon  
**Seconded:** Councillor Marquart

- 1 *That Council grant consent for the proposed short term rental accommodation for an initial period of 12 months, subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 8.2 of the Environmental Planning and Assessment Act 1979 and other relevant issues.*
- 2 *That Council advise those who made written submissions of its decision.*
- 3 *That Council amend the conditions of consent to specify the times the pool can be used on a Sunday from 8.00am to 10.00pm.*
- 4 *That Council amend the conditions of consent to prohibit the use of the outdoor deck beyond 10.00pm on weekdays and 11.30pm on weekends.*

- 5 That Council amend the conditions of consent to ensure that hours of use of the outdoor lighting is consistent with the hours of use of the outdoor deck.

*For:*  
Councillors Holstein, Smith, Gale, Pilon,  
Burke and Marquart

*Against:*  
Mayor Matthews, Councillors Sundstrom,  
Mehrtens, Hogan, MacGregor and  
Greenaway

The Motion was LOST on the Casting Vote of the Mayor.

**The item was then at LARGE.**

Council returned to the item for consideration at 7.36pm.

**Moved: Councillor Hogan**  
**Seconded: Councillor Mehrtens**

**Resolved**

**1132/19 That Council refuse consent for the proposed short term rental accommodation for the following reasons;**

- a The proposed development does not comply with the objectives of the zone as it will not maintain the residential amenity of the surrounding area.**
- b The proposed development is not compatible with the adjacent low density residential development having regard for visual and acoustic privacy.**
- c The proposed short term rental accommodation is not in the public interest as it will create unacceptable impacts in relation to increased noise and loss of amenity on the adjoining properties.**

*For:*  
Mayor Matthews, Councillors Sundstrom,  
Mehrtens, Hogan, MacGregor and  
Greenaway

*Against:*  
Councillors Holstein, Smith, Gale, Pilon,  
Burke and Marquart

The Motion was declared CARRIED on the Casting Vote of the Mayor.

**2.2 Supplementary Report DA/54622/2018 Multi Dwelling Housing (3 units) & Demolition of Existing Structures on LOT: 10 DP: 10455, 4 Clifford Street Umina Beach**

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Councillor Gale declared a less than significant non pecuniary interest in the matter as she is in contact with the Chamber Board Members. Councillor Gale chose to remain in the chamber and participate in discussion and voting as she advised she will remain impartial and vote transparently.

**Moved:** Councillor Gale  
**Seconded:** Councillor Mehrtens

**Resolved**

**1133/19 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.**

**1134/19 That Council advise those who made written submissions of its decision.**

<b>For:</b>	<b>Against:</b>
<b>Mayor Matthews, Councillors Best, Holstein, Sundstrom, Mehrtens, Hogan, Gale, Pilon, Burke and Marquart</b>	<b>Councillors Smith, MacGregor and Greenaway</b>

At this stage of the meeting being 7.36pm Council returned to item 2.1 - DA/288/2018 Section 8.2 Review of Determination - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head for consideration.

### **2.3 Fire Safety Report - 40 Lakehaven Drive KANWAL**

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This item was resolved by the exception method.

**Moved:** Councillor Hogan  
**Seconded:** Councillor MacGregor

**Resolved**

**1135/19 That Council note the content of the Fire Safety Report from Fire and Rescue NSW in accordance with Section 17(2)(a) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A), 1979; and**

**1136/19 That Council receive a further report to be provided to the next Council meeting in accordance with Section 17(2)(b) of Part 8 of Schedule 5 of the 121ZD(2)(b) of the Environmental Planning and Assessment Act (EP&A), 1979.**

**For:**  
**Unanimous**



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**2.4 Outcomes of Public Exhibition of Draft Central Coast Community Participation Plan**

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**Moved:** Councillor Smith  
**Seconded:** Councillor MacGregor

**Resolved**

**1137/19 That Council adopt the draft Central Coast Community Participation Plan (CPP) (Attachment 2) as amended as per the following items outlined in response to the exhibition period;**

- **Contents Table was expanded for easier reference.**
- **A clear Intention Statement for the Central Coast CPP was inserted.**
- **Information was included to clarify the relationship between the CPP (produced under the EP&A Act) with other Corporate strategy documents,**
- **Types of Exhibition Table was developed and expanded to include Council's intended exhibition periods for planning documents produced by Council which do not have a Statutory public exhibition period.**
- **A section was included to clearly identify how a formal submission is made in relation to policies, plans and developments.**
- **Key Points in relation to the Community Participation Principles from Council's Engagement Framework were added to the document.**

**1138/19 That Council publish the Central Coast Community Participation Plan on the NSW Planning Portal by 1 December 2019;**

**1139/19 That Council publish the Central Coast Community Participation Plan on the Central Coast Council website;**

**1140/19 That Council advise those who made submissions to the draft Central Coast Community Participation Plan of Council's decision.**

**1141/19 That Council further review the CPP at a Councillor Planning workshop within 4 months in order to:**

- **Include a description of the role of Councillors**
- **Provide a description of the different categories of development and opportunities for community participation**
- **Improvements to ease of access to planning information**
- **Consider how the CPP will be implemented**

**1142/19 That Council request the Chief Executive Officer provide a further report by the first meeting in April, 2020.**

**For:**  
**Unanimous**

### 3.1 Deferred Item - Response to Notice of Motion - Proposed Sale - 4 and 10 Warren Road, Warnervale

Moved: Councillor Greenaway

Seconded: Councillor MacGregor

- 1 That Council receive the report on Deferred Item – Response to Notice of Motion – Proposed Sale – 4 and 10 Warren Road, Warnervale.
- 2 That Council provide a further report on the sale including the type of sale and the biocertification issues including the departure from the time table 2016 and whether or not the Lots 4 and 10 Warren Road, Warnervale were or were not included in the map on page 43 or 65 of the business paper of 13 July 2016.
- 3 That Council authorise the budget allocation to undertake the biocertification study for the entire Wyong Employment Zone precinct.
- 4 That Council progress the sale of 4 and 10 Warren Road, Warnervale and develop a strategic direction for the Wyong Employment Zone; including bio-certification, infrastructure and servicing strategy as well as a development masterplan.

Amendment Moved: Councillor Best

Amendment Seconded: Councillor Gale

- 1 That Council receive the report on Deferred Item – Response to Notice of Motion – Proposed Sale – 4 and 10 Warren Road, Warnervale.
- 2 That Council defer any sale of 4 and 10 Warren Road, Warnervale and develop a strategic direction for the Wyong Employment Zone; including bio-certification, infrastructure and servicing strategy as well as a development masterplan.

Amendment For:  
Councillors Best, Holstein, Gale, Pilon, Burke  
and Marquart

Amendment Against:  
Mayor Matthews, Councillors Smith,  
Sundstrom, Hogan, MacGregor and  
Greenaway

Amendment Abstained: Councillor  
Mehrtens

The Amendment was put to the vote and declared LOST.

**Moved: Councillor Greenaway**

**Seconded: Councillor MacGregor**

#### **Resolved**

**1143/19 That Council receive the report on Deferred Item – Response to Notice of Motion – Proposed Sale – 4 and 10 Warren Road, Warnervale.**

- 1144/19** That Council provide a further report on the sale including the type of sale and the bio-certification issues including the departure from the time table 2016 and whether or not the Lots 4 and 10 Warren Road, Warnervale were or were not included in the map on page 43 or 65 of the business paper of 13 July 2016.
- 1145/19** That Council authorise the budget allocation to undertake the bio-certification study for the entire Wyong Employment Zone precinct.
- 1146/19** That Council progress the sale of 4 and 10 Warren Road, Warnervale and develop a strategic direction for the Wyong Employment Zone; including bio-certification, infrastructure and servicing strategy as well as a development masterplan.

**For:**  
Mayor Matthews, Councillors Smith,  
Sundstrom, Mehrstens, Hogan, MacGregor,  
Greenaway

**Against:**  
Councillors Best, Gale, Pilon, Burke and  
Marquart

**Abstained:** Councillor Holstein

### **3.2 Response to Council resolutions - Amalgamation process**

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This item was resolved by the exception method.

**Moved:** Councillor Hogan  
**Seconded:** Councillor MacGregor

**Resolved**

- 1147/19** That Council note the information provided in the report "Response to Council resolutions – Amalgamation process".
- 1148/19** That a further report be provided to Council in early 2020 to address the remaining requests for information being:
- a** A realistic estimate of the costs involved in amalgamating the two former Councils and the projected time period for completion of amalgamation (Minute numbers 813/18 1(B), 649/17 and Question on Notice);
  - b** A report on the progress of all the various aspects of the amalgamation (Minute numbers 813/18 1(C));
  - c** A report that outlines expenditure on amalgamation and what percentage of the amalgamation process has been effectively delivered (Minute Number 650/17).

**For:**  
Unanimous

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**3.3 Works at Gosford Chambers in response to Safety Audit**

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**Moved:** Councillor Marquart

**Seconded:** Councillor Pilon

**Resolved**

**1149/19 That Council note the report on Works at Gosford Chambers in response to the Safety Audit.**

**1150/19 That a further report be provided to Council at a meeting in early 2020 providing the costs of changes made at Gosford Chambers during the period of Administration.**

**1151/19 That Council resolve, pursuant to s10A(2)(f) of the Local Government Act 1993, that Attachment 1 to this report remain confidential as it contains information affecting the security of the Council, Councillors, Council staff and Council property, and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it may compromise the ability to ensure the safety of those attending Council Meetings at Gosford Chambers.**

**For:**

**Unanimous**

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**3.4 Update on progress of review into Central Coast Airport**

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**Moved:** Councillor Smith

**Seconded:** Councillor Sundstrom

**Resolved**

**1152/19 That, as provided under clause 178 (3)(e) of the Local Government (General) Regulations 2005, Council request the Chief Executive Officer to continue negotiations with the current consultant to complete Phase Two of the Airport Review as no compliant tender responses were received by Council and this continuation represents the best value for money in completing the proposed works.**

**1153/19 That pursuant to the recommendation above, that the consultant be instructed to undertake the works in line with Option Two, which partners the consultant with a Council Officer, who has experience in Council's record system and no direct or indirect association with the Airport at an estimated cost of between \$30,000 and \$45,000, with the addition of the key activity - invite and consider public submissions (including the ability for confidential submissions if necessary).**

**1154/19** That Council request the Chief Executive Officer provide a further confidential report to Council following the completion of Phase Two that outlines findings and provides recommendations on any further investigations, along with associated cost estimates for Phase Three.

**For:**  
Mayor Matthews, Councillors Smith,  
Sundstrom, Mehrstens, Hogan, MacGregor  
and Greenaway

**Against:**  
Councillors Best, Holstein, Gale, Pilon,  
Burke and Marquart

### **3.5 Proposed Council Meeting Dates**

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**Moved:** Mayor Matthews

**Seconded:** Councillor Gale

**Resolved**

**1155/19** That Council adopt the proposed Ordinary Council Meeting dates for 2020.

**1156/19** That Council, in accordance with clause 232 of the NSW Local Government (General) Regulation 2005, publish the 2020 Ordinary Council Meeting dates in the local newspaper.

**1157/19** That Council request the Chief Executive Officer provide a monthly detailed report with the delegations during the December and January 2020 period.

**For:**  
Mayor Matthews, Councillors Best,  
Holstein, Mehrstens, Hogan, MacGregor,  
Gale, Pilon, Burke and Marquart

**Against:**  
Councillors Smith and Greenaway

**Abstained:** Councillor Sundstrom

### **3.6 Winter Trial of Lifeguard Patrols at The Grant McBride Baths**

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**Moved:** Councillor Pilon

**Seconded:** Mayor Matthews

**Resolved**

**1158/19** That Council note the review of the winter trial of Council Lifeguards at The Grant McBride Baths during April to September 2019.

**1159/19** That the provision of Council Lifeguards is continued on an ongoing basis at The Grant McBride Baths from April to September for five hours a day, seven days a week.

**For:**

**Unanimous**

### **3.7 Community Grants Program Round 1 2019-2020**

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This item was resolved by the exception method.

Councillor Holstein declared a pecuniary interest in the matter on the basis that he casually works for one of the grant applicants. This item was resolved by the exception method.

Councillor Gale declared a less than significant non pecuniary interest in the matter as she is in contact with the Chamber Board Members. This item was resolved by the exception method.

Councillor Hogan declared a less than significant non pecuniary interest in the matter on the basis that she knows of or has had contact with community groups through her work at the San Remo Neighbourhood Centre. This item was resolved by the exception method.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she uses the facilities of and/or attends functions of some of the recipients of the grant. . This item was resolved by the exception method.

Councillor Marquart declared a less than significant non pecuniary interest as his employer is completing flooring maintenance works at Gosford Sports Stadium. This item was resolved by the exception method.

Councillor Sundstrom declared a less than significant non pecuniary interest in the matter as he is familiar with some applicants, events and associations. This item was resolved by the exception method.

**Moved: Councillor Hogan**

**Seconded: Councillor MacGregor**

#### **Resolved**

**1160/19 That Council allocate \$103,093.00 from the 2019-20 grants budget to the Community Events and Place Activation Program as outlined in the tables (Attachment 1).**

**1161/19 That Council allocate \$177,239.23 from the 20109-20 grants budget to the Community Development Grant Program as outlined in the tables (Attachment 2).**

**1162/19 That Council allocate \$299,230.50 from the 2019-20 grants budget to the Community Infrastructure Grant Program as outlined in the tables (Attachment 3).**

**1163/19 That Council allocate \$51,460.18 from the 2019-20 grants budget to the Social and Creative Enterprise Program as outlined in the tables (Attachment 4).**

**1164/19 That Council decline the Grants program applications for the reasons indicated in the Tables (Attachment 1, 2, 3 and 4), and the applicants be advised and where relevant, directed to alternate funding.**

**For:  
Unanimous**

### **3.8 Community Support Grant Program - September 2019**

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This item was resolved by the exception method.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she uses the facilities of and/or attends functions of some of the recipients of the grant. This item was resolved by the exception method.

Councillor Hogan declared a less than significant non pecuniary interest in the matter on the basis that she knows of or has had contact with community groups through her work at the San Remo Neighbourhood Centre. This item was resolved by the exception method.

**Moved: Councillor Hogan  
Seconded: Councillor MacGregor**

**Resolved**

**1165/19 That Council allocate \$25,722.38 from the 2019-20 grants budget to the community grant programs as outlined in the following report and Attachment 1.**

**1166/19 That Council decline applications for the reasons indicated in Attachment 2 the applicants be advised and where relevant, directed to alternate funding.**

**For:  
Unanimous**

### **3.9 Community Support Grant Program - October 2019**

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This item was resolved by the exception method.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she uses the facilities of and/or attends functions of some of the recipients of the grant. This item was resolved by the exception method.

Councillor Hogan declared a less than significant non pecuniary interest in the matter on the basis that she knows of or has had contact with community groups through her work at the San Remo Neighbourhood Centre. This item was resolved by the exception method.

**Moved:** Councillor Hogan  
**Seconded:** Councillor MacGregor

**Resolved**

**1167/19 That Council allocate \$39,240.00 from the 2019-20 grants budget to the community grant programs as outlined in the following report and Attachment 1.**

**1168/19 That Council decline applications for the reasons indicated in Attachment 2 the applicants be advised and where relevant, directed to alternate funding.**

**For:**  
**Unanimous**

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**3.10 2019 Chain Valley Colliery/Delta Coal Community Funding Program**

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**Moved:** Councillor Marquart  
**Seconded:** Councillor MacGregor

**Resolved**

**1169/19 That Council allocates \$48,898.95 from the 2019 Chain Valley Colliery Community Funding Program as outlined in the following report and Attachment 3.**

**1170/19 That Council resolve, for the purposes of s.11(3) of the Local Government Act 1993, that Attachment 1 is to be treated and remain as confidential because these documents contain information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposing to conduct) business and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.**

**For:**  
**Unanimous**

That Council adjourn the meeting at 9.05pm for a period of 10 minutes.

Resumed at 9.18pm.



**3.11 After Hours Call Centre Service - Alternative Service Delivery Models**

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*Moved: Councillor MacGregor*

*Seconded: Councillor Sundstrom*

*That Council commence with Model 1: In-house 24/7 Customer Service Call Centre.*

*Amendment Moved: Councillor Best*

*Amendment Seconded: Councillor Holstein*

*That Council commence with the tender process for the After Hours Call Centre Service, as noted for Model 2.*

*Amendment For:*

*Councillors Best, Holstein, Smith, Greenaway, Gale, Pilon and Marquart*

*Amendment Against:*

*Mayor Matthews, Councillors Sundstrom, Mehrtens, Hogan, MacGregor and Burke*

The Amendment was put to the vote declared CARRIED, thereby becoming the Motion.

*Moved: Councillor Best*

*Seconded: Councillor Holstein*

*Resolved*

*1 That Council commence with the tender process for the After Hours Call Centre Service, as noted for Model 2.*

*For:*

*Councillors Best, Holstein, Smith, Gale, Pilon and Marquart*

*Against:*

*Mayor Matthews, Councillors Sundstrom, Mehrtens, Hogan, MacGregor, Greenaway and Burke*

The Motion put to the vote and declared LOST.

**3.12 2019-20 Q1 Business Report**

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***Moved: Councillor Best***

***Seconded: Councillor MacGregor***

***Resolved***

***1171/19 That Council receive Central Coast Council's Q1 Business Report on progress against Central Coast Council's 2019-20 Operational Plan.***

***1172/19 That Council note that Council's Responsible Accounting Officer has declared the financial position of Central Coast Council to be satisfactory.***

- 1173/19** That Council approve the proposed budget amendments included in Central Coast Council's Q1 Business Report for 2019-20.
- 1174/19** That Council approve the proposed budget for the Central Coast Stadium pitch replacement included in Central Coast Council's Q1 Business Report for 2020-21.
- 1175/19** That Council request the Q4 Business Report for 2018-19 be released to Councillors and the community.

**For:**  
**Unanimous**

### **3.13 Investment Report for October 2019**

This item was resolved by the exception method.

**Moved:** Councillor Hogan  
**Seconded:** Councillor MacGregor

**Resolved**

- 1176/19** That Council receive the Investment Report for October 2019.

**For:**  
**Unanimous**

### **Procedural Motion – Exception**

**Moved:** Councillor Holstein  
**Seconded:** Councillor Gale

**Resolved**

- 1177/19** That Council adopt the following items as a group and in accordance with the report recommendations, the time being 10.16pm:

<b>Item 3.14 - 31 Aldenham Road, Warnervale</b>
<b>Item 3.15 - \$70M Federal Government Funding Commitment - Central Coast Roads Package</b>
<b>Item 3.17 - Meeting Record of the Companion Animals Advisory Committee held 10 October 2019</b>
<b>Item 3.18 - Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 28 August 2019</b>
<b>Item 6.7 - Notice of Motion - Protection of Porters Creek Wetland</b>

**For:**  
**Unanimous**

**Procedural Motion – Defer items**

Councillor Holstein left the meeting at 10.21pm and did not return.

**Moved:** Councillor Gale  
**Seconded:** Councillor Sundstrom

**Resolved**

**1178/19 That Council defer consideration of the following items to the 9 December 2019 Ordinary Meeting:**

<b>Item 4.4 - Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019</b>
<b>Item 4.6 - 2019 Election Commitments – Progress Update</b>
<b>Item 6.1 - Deferred Item - Notice of Motion - Redress Scheme</b>
<b>Item 6.3 - Notice of Motion - The Missing Munmorah SK8Park</b>

**For:**  
**Unanimous**

**3.14 31 Aldenham Road, Warnervale**

---

This item was resolved in accordance with minute number 1177/19.

**Moved:** Councillor Holstein  
**Seconded:** Councillor Gale

**Resolved**

**1179/19 That Council endorse the sale of the operational Council owned land at 31 Aldenham Road, Warnervale (Lot 1 in DP 1234942) as an englobo development parcel through a competitive sales and marketing campaign, provided the sale price is not less than the independent valuation.**

**For:**  
**Unanimous**

**3.15 \$70M Federal Government Funding Commitment - Central Coast Roads Package**

---

This item was resolved in accordance with minute number 1177/19.

**Moved:** Councillor Holstein  
**Seconded:** Councillor Gale

**Resolved**

**1180/19** That Council authorise the Chief Executive Officer to enter into the Funding Deeds of agreement with the Federal Government for \$70M to undertake twenty-nine road projects as identified in Attachment 1 – \$70M Central Coast Roads Package.

**1181/19** That Council include in the 2019/20 and future capital works programs the identified road projects to reflect individual project costs associated with undertaking the projects across the 2019/20 to 2024/25 financial years.

**For:**

**Unanimous**

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**3.16 Application for ANZAC Memorial Stone - Avoca Beach**

---

This item was resolved by the exception method.

**Moved:** Councillor Hogan

**Seconded:** Councillor MacGregor

**Resolved**

**1182/19** That Council approve the application by the Avoca Beach Community Association Inc for a memorial stone and plaque to be installed in memory of ANZAC at Avoca Beach.

**For:**

**Unanimous**

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**3.17 Meeting Record of the Companion Animals Advisory Committee held 10 October 2019**

---

This item was resolved in accordance with minute number 1177/19.

**Moved:** Councillor Holstein

**Seconded:** Councillor Gale

**Resolved**

**1183/19** That Council receive the report on Meeting Record of the Companion Animals Advisory Committee held 10 October 2019 that is Attachment 1 to this report.

**1184/19** That Council appoint Councillor Greg Best as the Chairperson for the Companion Animals Advisory Committee.

**1185/19** *That Council appoint Greg Kelman as a voting member of the Companion Animals Advisory Committee as a community representative, and adopt the Terms of Reference with this change as set out in Attachment 2 to this report.*

**1186/19** *That Council note the Companion Animals Advisory Committee supports the SOCARES petition to the NSW Government to legislate mandatory desexing of companion animals in NSW.*

**For:**

**Unanimous**

**3.18 Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 28 August 2019**

---

This item was resolved in accordance with minute number 1177/19.

**Moved:** **Councillor Holstein**

**Seconded:** **Councillor Gale**

**Resolved**

**1187/19** *That Council receive the report on Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 28 August 2019 that is Attachment 1 to this report.*

**1188/19** *That Council note that a decision regarding acquisition of a new dredge will be deferred until the expert panel report due in December 2020 has been considered. This does not prevent Council from carrying out dredging work under contract if required. Alternative entrance management options at the sand berm are currently being considered by Council staff.*

**For:**

**Unanimous**

**4.1 Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held 19 September 2019 and the Terrigal Water Quality Sub-Committee Meeting held 20 June 2019 and 19 September 2019**

---

This item was resolved by the exception method.

**Moved:** **Councillor Hogan**

**Seconded:** **Councillor MacGregor**

**Resolved**

**1189/19 That Council receive the report on Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held 19 September 2019 and the Terrigal Water Quality Sub-Committee Meeting held 20 June 2019 and 19 September 2019 .**

**For:**  
**Unanimous**

**4.2 Meeting Record of the Coastal Open Space System (COSS) Committee held on 3 September 2019**

---

This item was resolved by the exception method.

**Moved: Councillor Hogan**  
**Seconded: Councillor MacGregor**

**Resolved**

**1190/19 That Council receive the report on Meeting Record of the Coastal Open Space System (COSS) Committee held on 3 September 2019.**

**For:**  
**Unanimous**

**4.3 Meeting Record of the Status of Women Advisory Group held on 22 October 2019**

---

This item was resolved by the exception method.

**Moved: Councillor Hogan**  
**Seconded: Councillor MacGregor**

**Resolved**

**1191/19 That Council receive the report on Meeting Record of the Status of Women Advisory Group held on 22 October 2019.**

**For:**  
**Unanimous**

**4.4 Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019**

---

Council deferred the consideration of items 4.4, 4.6, 6.1 and 6.3 to the Ordinary Meeting to be held on 9 December 2019 (minute 1178/19).

---

**4.5 Meeting Record of the Tourism Advisory Committee held on 16 October 2019**

---

This item was resolved by the exception method.

**Moved:** Councillor Hogan  
**Seconded:** Councillor MacGregor

**Resolved**

**1192/19 That Council receive the report on Meeting Record of the Tourism Advisory Committee held on 16 October 2019.**

**For:**  
**Unanimous**

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**4.6 2019 Election Commitments – Progress Update**

---

Council deferred the consideration of items 4.4, 4.6, 6.1 and 6.3 to the Ordinary Meeting to be held on 9 December 2019 (minute 1178/19).

---

**6.1 Deferred Item - Notice of Motion - Redress Scheme**

---

Council deferred the consideration of items 4.4, 4.6, 6.1 and 6.3 to the Ordinary Meeting to be held on 9 December 2019 (minute 1178/19).

---

**6.2 Notice of Motion - Jayden's Message, suicide prevention 2020**

---

Councillor Greenaway left the chamber at 6.52pm during consideration of this item and as a result took no part in voting.

**Moved:** Councillor Best  
**Seconded:** Councillor Hogan

**Resolved**

**1193/19 That Council applauds young Jayden Delbridge for his strength, courage and leadership around Suicide Awareness and Prevention.**

**1194/19 That Council notes with grave concern the escalating trend around suicide, the biggest killer of males between the ages of 15-21 years taking 3046 Australian lives annually (2018).**

**1195/19 That further to the wide range of community initiatives and support around this issue, Council embrace the upcoming September 2020 'World Suicide Prevention Day' initiative.**

- 1196/19** *That Council requests the Chief Executive Officer to provide a report around current initiatives including the 'World Suicide Day Prevention' Program and necessary 2020 budgetary allocation requirements.*
- 1197/19** *That Council takes this opportunity to extend to all those that have been affected by suicide our and indeed, our broader community's, sincere condolences.*
- 1198/19** *That should any of this discussion create concerns for anyone listening to or watching this discussion that we encourage them to contact Lifeline on 131144.*
- 1199/19** *That with the appropriate support from his Guardian that Jayden Delbridge be invited to attend a further briefing with Councillors to discuss this important issue.*

**For:**

**Unanimous**

### **6.3 Notice of Motion - The Missing Munmorah SK8Park**

---

Council deferred the consideration of items 4.4, 4.6, 6.1 and 6.3 to the Ordinary Meeting to be held on 9 December 2019 (minute 1178/19).

#### **Procedural Motion – Extend Meeting**

**Moved:** **Councillor MacGregor**

**Seconded:** **Councillor Greenaway**

**Resolved**

- 1200/19** *That Council extend the meeting for a period of 30 minutes.*

**For:**

**Unanimous**

### **6.4 Notice of Motion - Tuggerah Lakes Intergovernment Rescue Action Plan**

---

Councillor Holstein left the meeting at 10.21pm and did not return.

**Moved:** **Councillor Pilon**

**Seconded:** **Councillor Marquart**

- 1** *That Council request the Chief Executive Officer seek to vary the terms of the Federal \$4.7 million grant so that it be applied to fund the recommendations of the State-funded Expert Panel.*



- 2 *That Council redirects its current Tuggerah Lakes strategy to comply with recommendations of the Expert Panel.*
- 3 *That should further funding be required, Council allocate funding in its future budgets and negotiate grant funding with Federal and State Governments to facilitate works recommended by the Expert Panel.*

*Amendment Moved: Councillor Smith*

*Amendment Seconded: Councillor Greenaway*

- 1 *That Council request the Chief Executive Officer to investigate the need for a funding proposal by the 28 November 2019 and submit if required.*
- 2 *That Council notes that and expert panel has been established and welcomes the opportunity to consider their recommendations.*

*Amendment For:  
Mayor Matthews, Councillors Smith,  
Sundstrom, Mehrtens, Hogan, MacGregor  
and Greenaway*

*Amendment Against:  
Councillors Best, Gale, Pilon, Burke and  
Marquart*

The Amendment was put to the vote and declared CARRIED.

The Amendment became the Motion.

**Moved: Councillor Smith**  
**Seconded: Councillor Greenaway**

**Resolved**

- 1201/19 That Council request the Chief Executive Officer to investigate the need for a funding proposal by the 28 November 2019 and submit if required.**
- 1202/19 That Council notes that and expert panel has been established and welcomes the opportunity to consider their recommendations.**

**For:  
Mayor Matthews, Councillors Smith,  
Sundstrom, Mehrtens, Hogan, MacGregor  
and Greenaway.**

**Against:  
Councillors Best, Gale, Pilon, Burke and  
Marquart**

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**6.5 Notice of Motion - Davistown Wetlands Acquisition**

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Councillor Holstein declared a pecuniary interest in the matter on the basis that part owner of the site is the landlord of his wife's business premises. Councillor Holstein left the chamber at 10.21pm and did not return.

Councillor Marquart tabled a petition from the Davistown Progress Association Inc.

**Moved:** Councillor Marquart

**Seconded:** Councillor Gale

**Resolved**

- 1203/19 That Council request the Chief Executive Officer advise (at the following Ordinary Council meeting) what actions Council has undertaken to exercise the function and intent of the Davistown Wetlands Acquisition fund and policy since the original establishment of the Central Coast Council**
- 1204/19 That Council requests the Chief Executive Officer, or his suitably qualified agent, to enter into negotiations with the vendor of the Davistown Wetlands parcels to purchase the land in whole or in part to the extent the funds make possible and that these negotiations commence at the earliest opportunity and be concluded within 3 months, considering the \$1,436,049.00 held by Council is directly for the purpose of acquisition;**
- 1205/19 That Council request the Chief Executive Officer to provide a brief report to be presented to Council detailing the actual outcome of the negotiation process and a plan to execute the acquisition be presented to Councillors for consideration at the conclusion of negotiations.**
- 1206/19 That should negotiations prove substantially unsatisfactory and do not substantially progress acquisition, then the Chief Executive Officer present to the chamber options by which Council may acquire the land.**
- 1207/19 That Council request the Chief Executive Officer to provide another valuation.**
- 1208/19 That Council reaffirm that the motion to request staff to negotiate is in line with Councils' policies and procedures.**

**For:**

**Unanimous**

**6.6 Notice of Motion - Identification and allocation of necessary resources to progress the Wyong Employment Zone**

---

Councillor Holstein left the meeting at 10.21pm and did not return.

**Moved:** Councillor MacGregor

**Seconded:** Councillor Gale

**Resolved**

- 1209/19** *That Council note the strategic significance of the development of the Wyong Employment Zone (WEZ) to our local economy and the delivery of potentially up to 15 000 local full time jobs on the Central Coast and the expansion of our gross regional product (GRP) by up to 30%.*
- 1210/19** *That Council recognise the opportunities that exist around the development of smart manufacturing, renewable energy technology, food manufacturing, warehousing, logistics and freight, robotics, computers, data and information technology services, health, education and community facilities, and other highly profitable enterprises and businesses of the future to develop their business in the WEZ and on the Central Coast in general.*
- 1211/19** *That Council request the Chief Executive Officer organise a workshop to be held on or before our February budget planning weekend with key staff and councillors working collaboratively together to identify and plan to develop this key strategic economic area for the Central Coast.*
- 1212/19** *That Council request the Chief Executive Officer at the workshop identify what is required to progress the WEZ project and to consider relevant budgetary allocations to kickstart this essential project for the Central Coast. That this workshop consider issues and options around servicing of identified sites and land, bio security legislation, economic impact of the project on the local economy and any other relevant issues identified by council staff that are required to be addressed in order to develop these key employment lands for the ultimate benefit of the people of the Central Coast.*

**For:**

**Unanimous**

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## **6.7 Notice of Motion - Protection of Porters Creek Wetland**

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This item was resolved in accordance with minute number 1177/19.

**Moved:** **Councillor Holstein**

**Seconded:** **Councillor Gale**

**Resolved**

- 1213/19** *That Council request the Chief Executive Officer to define the area to be protected as those areas identified as Coastal Wetland and Coastal Wetland proximity areas in accordance with the State Environmental Planning Policy (SEPP) Coastal Management (2018) and any other adjacent associated native vegetation communities located on land owned by Central Coast Council (generally located on and defined by the E2 or E3 zoned land), excluding;*

- ***the current airport runway of 1,196m in length, which is within the maximum length of 1,200m as per Cl. 8(1) of the Warnervale Airport (Restrictions) Act 1996. This includes the current width including flyover areas.***
- ***the area currently zoned as the education precinct and industrial/business zone***
- ***the minimum width of road reserve to provide for the future construction of the proposed Link Road***
- ***easements to allow for planned water and sewer infrastructure, roadworks, utilities and future stormwater to service the Wyong Employment Zone and Warnervale Education and Business Precinct need to be considered when applying any Conservation Agreement over land within Porters Creek Wetland. These should be designed to have the least impact on the environmental values of Porters Creek Wetland.***

**1214/19** ***That Council request the Chief Executive Officer to seek a conservation agreement on the area identified in recommendation 1217/19 and acknowledge that future parcels of Porters Creek Wetland that are acquired for conservation purposes will be included in other Conservation Agreements (as per the Biodiversity Conservation Act).***

**1215/19** ***That Council request the Chief Executive Officer to include management of the Porters Creek Wetland as part of the Conservation Agreement and consider options in terms of the OLS (Obstacle Limitation Surface) that have the least impact on vegetation.***

**1216/19** ***Note that Council can also seek future Biodiversity Stewardship Agreements on land included in the Conservation Agreement***

**1217/19** ***That Council request the Chief Executive Officer proceed with the minimum number of subdivisions required to achieve recommendation 1218/19.***

**1218/19** ***That Council request the Chief Executive Officer prioritise the actions required to implement this resolution including allocating resources, as identified in resolution 844/19, to ensure completion by end of March 2020.***

**1219/19** ***That Council request the Chief Executive Officer keep the Coasts and Catchments Committee Tuggerah Lakes informed of the progress.***

***For:  
Unanimous***

**The Meeting** closed at 11.04 pm.



**Item No:** 1.3  
**Title:** Notice of Intention to Deal with Matters in Confidential Session  
**Department:** Governance

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13699631

### **Summary**

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in a closed and confidential Session. The report is incorporated in the "Confidential" business paper which has been circulated.

The *Local Government Act 1993* requires the Chief Executive Officer to identify those matters listed on the business paper which may be categorised as confidential in terms of section 10A of the *Local Government Act 1993*. It is then a matter for Council to determine whether those matters will indeed be categorised as confidential.

### **Recommendation**

***That Council receive the report and note that no matters have been tabled to deal with in a closed session.***

### **Context**

Section 10A of the *Local Government Act 1993* (the Act) states that a Council may close to the public so much of its meeting as comprises:

- 2(a) *personnel matters concerning particular individuals (other than Councillors),*
- 2(b) *the personal hardship of any resident or ratepayer,*
- 2(c) *information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(d) *commercial information of a confidential nature that would, if disclosed:*
  - (i) *prejudice the commercial position of the person who supplied it, or*
  - (ii) *confer a commercial advantage on a competitor of the Council, or*
  - (iii) *reveal a trade secret,*
- 2(e) *information that would, if disclosed, prejudice the maintenance of law,*
- 2(f) *matters affecting the security of the Council, Councillors, Council staff or Council property,*

### **1.3 Notice of Intention to Deal with Matters in Confidential Session (contd)**

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*2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*

*2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

It is noted that with regard to those matters relating to all but 2(a), 2(b) and 2(d)(iii) it is necessary to also give consideration to whether closing the meeting to the public is, on balance, in the public interest.

Further, the Act provides that Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public (section 10A(3)).

As provided in the Office of Local Government Meetings Practice Note August 2009, it is a matter for the Council to decide whether a matter is to be discussed during the closed part of a meeting. The Council would be guided by whether the item is in a confidential business paper, however the Council can disagree with this assessment and discuss the matter in an open part of the meeting.

#### **Attachments**

Nil



**Item No:** 2.1  
**Title:** Mayoral Minute - Donation for NSW Drought Relief  
**Department:** Councillor

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13734976

Author: Lisa Matthews, Mayor

## **Background**

NSW is in the grip of one of the worst droughts in our history, with 98% of the State impacted. On top of this it has been one of the worst starts to a bushfire season on record with the first ever time the rating 'catastrophic' has been used.

People have lost their homes and have lost their lives. Communities, already struggling with coping with the drought have been left reeling and shattered.

Here on the Central Coast we have been on high alert as the threat from bushfires has been ever present. I want to acknowledge the resilience of our own community who have all helped by getting ready and staying ready as the fire threat has continue. We have thankfully been spared the worst but it is important we continue to remain vigilant.

It is important to acknowledge the work of the Rural Fire Service who have been on the front line of this fires. They have faced unprecedented fire fronts as they have fought to protect communities in their time of need.

I believe we too have a responsibility to support these communities in their time of need. To provide financial support to relieve some of the devastating effects caused by the bushfires and the drought.

The NSW Country Women's Association (CWA), through their Disaster Relief Fund have raised over \$14 million for affected communities. The CWA welcomes funding that is untied – meaning it will go to those most in need. I believe Council should make a donation to this Fund. Other Councils in NSW have similarly resolved to donate to the CWA.

I am proud that on the Central Coast, we have a long and history of pulling together in adversity. Of digging deep for those in need. This is one of those times.

### ***I formally move:***

- 1 That Council request the Chief Executive Officer donate \$10,000 to the Country Women's Association of NSW (CWA) Disaster Relief Fund in support of the NSW drought effort from the organisation's consultancy budget.***

## 2.1 **Mayoral Minute - Donation for NSW Drought Relief (contd)**

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- 2** *That Council request the Chief Executive Officer to investigate opportunities to promote 'Buy from the Bush' and encourage tourism to regional and rural areas to help the economies of drought and bushfire affected Councils via Council's communications channels.*
- 3** *That Council acknowledge staff and community efforts to donate to charities and organisations supporting drought-affected communities.*
- 4** *That Council acknowledge the efforts of Central Coast Council to provide water trucks to drought-affected communities in the Hunter and Upper Hunter.*
- 5** *That Council request the Chief Executive Officer to provide any available in-kind support to firefighting efforts, bushfire relief and post-emergency clean-up such as more water trucks, other council service vehicles and staff.*

### **Attachments**

*Nil.*





**Item No:** 3.1  
**Title:** Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven  
**Department:** Environment and Planning

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9 December 2019 Ordinary Council Meeting

Trim Reference: DA/708/2018 - D13691872  
Author: Shannon Butler, Senior Development Planner  
Manager: Andrew Roach, Unit Manager, Development Assessment  
Executive: Scott Cox, Director Environment and Planning

### Summary

An application has been received for multi-dwelling housing comprising 54 dwellings and associated works and community title subdivision. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application was previously reported to the Ordinary Meeting of Council on 9 September 2019 and the following resolution was adopted:

- 1) *That Council defer the matter to allow for a site visit for interested Councillors and residents regarding traffic and road issues.*
- 2) *That Council, in the interim, request the Chief Executive Officer to seek advice as to whether an additional condition of consent can be imposed to regulate car parking on site and the likelihood of success.*

The previous report is available on page 36 at this [link](#).

Following Council's deferral of the matter the applicant submitted amended plans for the proposed development. These plans altered the location of vehicular access to the site by deleting the previously proposed vehicle access (from Moala Parade to the north) and relocated all vehicle access to the site from the southern (constructed) portion of Stratford Avenue.

Following the amendment of the proposal, the application was re-notified and re-advertised to those residents who were originally notified and those who previously lodged submissions and a further three submissions (and one submission in support) were received.

**3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing  
Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford  
Ave Charmhaven (contd)**

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A Councillor site inspection was held on 23 October 2019. The site inspection was attended by Councillors Hogan, Greenaway and Sundstrom, and Council staff. Eleven residents were in attendance. The outcome of the site inspection is discussed in the body of the report.

This report addresses the development application, as amended.

<b>Applicant</b>	Thomas Paul Constructions P/L
<b>Owner</b>	Lake Haven Development P/L
<b>Application No</b>	DA/708/2018
<b>Description of Land</b>	Lot 2 DP 1054654, 7 Stratford Avenue, Charmhaven
<b>Proposed Development</b>	Multi-dwelling Housing comprising 54 Dwellings and associated works and Community Title Subdivision
<b>Site Area</b>	13,260m <sup>2</sup>
<b>Zoning</b>	R1 General Residential
<b>Existing Use</b>	Vacant land
<b>Employment Generation</b>	No
<b>Estimated Value</b>	\$10,000,000.00

**Recommendation**

- 1 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.***
- 2 That Council advise those who made written submissions of its decision.***

**Precis:**

<b>Proposed Development</b>	Multi-dwelling housing comprising 54 dwellings and associated works and community title subdivision
<b>Permissibility and Zoning</b>	The site is zoned R1 General Residential and B4 Mixed Use under the provisions of <i>Wyang Local Environmental Plan 2013</i> . Multi-dwelling housing is permissible with consent in the R1 zone and roads are permissible in the B4 zone.
<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>State Environmental Planning Policy No. 55 – Remediation of Land</i></li> <li>• <i>State Environmental Planning Policy (BASIX) 2004</i></li> </ul>

**3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing  
Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford  
Ave Charmhaven (contd)**

	<ul style="list-style-type: none"> <li>• <i>Wyong Local Environmental Plan 2013 (WLEP 2013)</i></li> <li>• <i>Draft Central Coast Local Environmental Plan 2018 (CCLEP 2018)</i></li> </ul>
<b>Current Use</b>	Vacant land
<b>Integrated Development</b>	Yes – Subsidence Advisory NSW
<b>Submissions</b>	<p>- First notification period - 32 submissions from 22 households</p> <p>- Second notification period - 28 submissions from 20 households</p> <p>- Third notification period – Three submissions from three households (and one submission in support)</p>

**Variations to Policies**

Clause	6.3.1 – Solar Access for Multi Dwelling Housing
Standard	For Multi-Dwelling Housing at least 75% of each <u>required</u> private open space area, courtyard, balcony, terrace or the like shall receive at least three hours unobstructed sunlight between the hours of 9am and 3pm on June 21 (winter solstice).
LEP/DCP	<i>Wyong Development Control Plan 2013 – Chapter 2.4 – Multiple Dwelling Residential Development</i>
Departure basis	<p>The <u>required</u> private open space area for each unit is 45m<sup>2</sup> and 75% of that area is 33.75m<sup>2</sup>. Therefore, to achieve full compliance, a minimum of 33.75m<sup>2</sup> of each private open space area would need to achieve a minimum of three hours of unobstructed sunlight between 9am and 3pm on June 21.</p> <p>The applicant has submitted a solar access report along with solar access diagrams detailing the shadowing impact at the proposed finished ground levels (solar access diagrams are included as Attachment No. 4). The submitted information outlines the amount of the respective private open space areas (in square metres) receiving direct solar access at hourly intervals between 9am and 3pm on 21 June.</p> <p>A review of the shadow diagrams reveals that a total of 10 dwellings (18.5%) achieve three hours or more to 75% or more of their private open space areas on June 21 and are fully compliant with the control.</p> <p>The results for those 44 dwellings that do not comply are tabulated as follows:</p>

**3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing  
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Ave Charmhaven (contd)**

Clause	6.3.1 – Solar Access for Multi Dwelling Housing	
	<b>Percentage of <u>required</u> private open space area (45m<sup>2</sup>) at finished ground levels receiving direct solar access for three hours or more on June 21</b>	<b>Number of dwellings</b>
	Between 60% and 75% (27m <sup>2</sup> to 33.75m <sup>2</sup> )	8 (14.8% of dwellings)
	Between 50% and 60% (22.5m <sup>2</sup> to 27m <sup>2</sup> )	10 (18.5% of dwellings)
	Between 40% and 50% (18m <sup>2</sup> to 22.5m <sup>2</sup> )	7 (10.1% of dwellings)
	Between 30% and 40% (13.5m <sup>2</sup> to 18m <sup>2</sup> )	15 (27.7% of dwellings)
	Between 20% and 30% (9m <sup>2</sup> to 13.5m <sup>2</sup> )	4 (0.7% of dwellings)
	<p>It may be noted that the proposal includes a communal open space area to the centre of the development with an area of 520m<sup>2</sup> which will supplement the private open space areas provided for each dwelling. The communal open space area is proposed to contain covered and uncovered seating areas and suitable landscaping and will receive a significant degree of solar access during all daylight hours on June 21 given its location and orientation (see Attachment No. 4). The provision of communal open space areas for multi-dwelling housing developments is optional under the requirements of <i>WDCP – Chapter 2.4 – Multiple Dwelling Residential Development</i>.</p>	

**The Site**

The site is legally described as Lot 2 DP 1054654 and is known as 7 Stratford Avenue, Charmhaven.

The subject site is bounded on the eastern side to an unformed portion of Stratford Avenue and is located at the western end of Oak Road. The subject site has an overall area of 1.326 Hectares and has a crossfall of approximately 9.5 metres from the north-western corner to the south-eastern corner.

The subject site is zoned *R1 General Residential* and adjoins land zoned *R1 General Residential* to the north and south of the site. Land zoned *R2 Low Density Residential* adjoins the site to the east and *B4 Mixed Use* zoned land adjoins the site to the west.

The site is vacant and largely cleared with some scattered remnant vegetation remaining.

**3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing  
Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford  
Ave Charmhaven (contd)**

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The unformed portion of Stratford Avenue fronting the site to the west is vegetated and contains a shared public pathway connecting the formed portion of Stratford Avenue (to the south) with Moala Parade (to the north).

The subject site is not identified as being bushfire affected land. The north eastern corner of the site is mapped as containing class 5 acid sulfate soils.



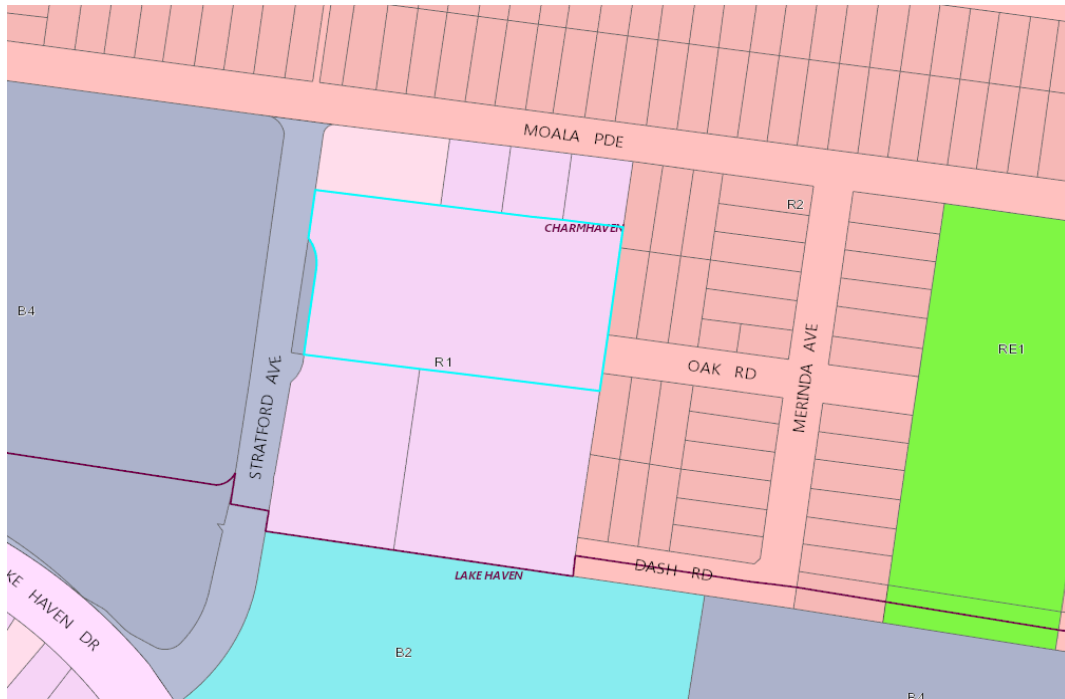
**Figure 1 – Aerial photograph of subject site and adjoining land**



**Figure 2 – Cadastral plan showing road network in vicinity of site (note: the portion of Stratford Avenue fronting the development site is currently unformed)**

**3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing  
Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford  
Ave Charmhaven (contd)**

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**Figure 3 – Extract of Wyong Local Environmental Plan 2013 zoning map**



**Figure 4 – Photograph of site as viewed from the approximate location of the proposed vehicular access point to the development from the Stratford Avenue road reserve**

**3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing  
Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford  
Ave Charmhaven (contd)**

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**Surrounding Development**

The site is bounded to the north by single storey multi-dwelling housing developments. It is bounded to the east by typical residential allotments containing single dwellings and the terminating portion of Oak Road.

To the south the site is bounded by a community health centre and aged care facility, both being predominately single storey buildings.

The unformed portion of Stratford Avenue adjoins the site to the west and contains significant vegetation and a public shared pathway connecting the formed portion of Stratford Avenue (to the south) with Moala Parade (to the north). There is a bulky goods retail development located to the west of the Stratford Avenue road reserve which gains access from a formed portion of Stratford Avenue to the south-east of the subject site.

**The Proposed Development**

The Development Application seeks consent for the construction of a multi-dwelling housing development containing 54 dwellings and associated clearing of existing vegetation, earthworks, construction of roads and associated services. All dwellings are proposed to be two storeys in height and contain three bedrooms and single garages.

Communal visitor parking (38 spaces in total) is proposed in various locations throughout the development and a communal open space area is proposed to the centre of the site.

The dwellings are proposed in the form of 12 blocks (described as Blocks A to L) which each comprise attached dwellings. The dwellings are proposed to be finished with concrete roof tiles with upper floor cladding and face brick ground floors.

The proposal includes a Community Title subdivision of the completed development, with the private access road and visitor car parking forming common property and the communal open space area being designated as a Community Lot. The community title lots are proposed to range in size from 144.1m<sup>2</sup> to 264.6m<sup>2</sup>.

At the time of the lodgement of the application, all vehicular access to the site was proposed off Oak Road to the east. Following concerns raised by Council staff and objectors, the proposal was subsequently amended to propose all vehicular access to the site from a proposed public road to be constructed within the Stratford Avenue road reserve, connecting to Moala Parade to the north. This proposal would have resulted in the removal of 80 trees within the Stratford Avenue road reserve.

### **3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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As a result of the concerns raised by Councillors the proposal has been amended to provide vehicular access from the subject site to the existing formed portion of Stratford Avenue, which currently provides access to the bulky goods retail complex located to the west of the subject site and the community health centre located to the south of the site (refer Figure 5).

This amended access point results in a reduced extent of proposed tree removal within the Stratford Avenue road reserve, from 80 trees to 19 trees.

The amended location of the vehicular access to the site has been positioned as a result of a number of considerations:

- In order to achieve a suitable grade transition between the existing level of the constructed portion of Stratford Avenue and the proposed driveway access to the internal road within the development site.
- The proposed driveway design must be capable of achieving appropriate turning arcs, site lines and provision of safe entry and egress in an area that will be trafficked by both pedestrians and vehicles (ie consideration of the location of the proposed public road in relation to the shared pathway).
- The location of the proposed driveway also provides for suitable separation from the adjoining development to the south of the site (being the Health Centre located at No. 3 Stratford Avenue); and
- The access road location has been selected to have as minimal an impact on vegetation within the road reserve, including avoiding significant trees/vegetation to the maximum extent possible.



**3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing  
Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford  
Ave Charmhaven (contd)**

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**3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing  
Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford  
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**Figure 5 – Visual representation of amendment of point of access to the development during the assessment phase of the application**



**Figure 6 – Current proposed site plan**

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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#### **History**

- Development Consent No. DA/1019/2007 was granted on 26 May 2008 for the construction of a residential flat building on the subject site, containing 35 units with access from Oak Road. Council's records indicate that this consent was not activated and lapsed on 26 May 2011.
- Development Application No. DA/1322/2015 was refused by the Joint Regional Planning Panel on 1 September 2016 (in accordance with the staff recommendation) for the construction of seven, three storey residential flat buildings containing a total of 115 units on the subject site. The application was refused on several grounds, including provision of insufficient maneuvering area on-site to allow the site to be serviced by Council's waste collection vehicle, vehicular access considerations, traffic and pedestrian safety and general design principles (height, setbacks, impact on neighbours).

#### **Councillor Site Inspection**

The application was reported to the Ordinary Meeting of Council on 9 September 2019 and the following resolution was adopted:

- 1) *That Council defer the matter to allow for a site visit for interested Councillors and residents regarding traffic and road issues.*
- 2) *That Council, in the interim, request the Chief Executive Officer to seek advice as to whether an additional condition of consent can be imposed to regulate car parking on site and the likelihood of success.*

A site inspection was held on 23 October 2019 and was attended by Councillors Hogan, Greenaway and Sundstrom and council staff to discuss the amended proposal. After discussions with council staff, the Councillors met with 11 concerned residents to discuss the proposed development. The residents in attendance were provided the opportunity to outline any remaining concerns to the Councillors and council staff. The following issues/concerns were raised:

- the existing drainage infrastructure located at the intersection of Oak Road and Merinda Avenue and its ability to cater for the proposed development.
- the extent of car parking proposed on the site and whether it would be adequate to cater for the demand created by the development.
- the proposal provides for two storey built form across the site when the majority of surrounding residential development is single storey.

### **3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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- consideration should be given to the provision of a centralised rainwater tank within the site to capture stormwater.
- the extent of impervious area proposed across the site.

The residents in attendance indicated that they were generally supportive of the amendment of the proposed access point to the development. Council staff advised that the amended proposal was on public notification until 7 November 2019 and that further written submissions could be provided to Council on, or before that date. It was also advised that the application would be reported back to Council before the end of 2019.

#### **Submissions**

In accordance with *Wyong Development Control Plan 2013 (Wyong DCP 2013)*, Chapter 1.2 – Notification of Development Proposals, the application was publicly on three occasions:

- Notified and advertised for a period of 21 days from 26 July 2018 until 16 August 2018. A total of 32 individual submissions were received objecting to the proposal from a total of 22 households.
- Amended plans were submitted on 22 October 2018 responding to issues raised by council staff and objectors and the application was subsequently re-notified and re-advertised for 21 days from 22 November 2018 until 13 December 2018. As a result, a further 28 individual submissions were received from 20 households.
- Following the resolution of the Ordinary Meeting of Council on 26 September 2019, the applicant amended the proposal to delete the vehicle access point from Moala Parade and relocate it to the southern (constructed) portion of the Stratford Avenue road reserve. The application was placed on public exhibition for 21 days from 17 October 2019 until 7 November 2019. Three individual submissions were received from three households (one submission was received in support).

The issues raised in relation to the proposal during the notification periods are as follows:

#### **Initial Notification Period**

- *The proposal will result in additional traffic on Merinda Avenue and Oak Road and these streets are not designed for these levels of traffic.*

#### **Comment**

The application was amended during the assessment phase to delete the access point to Oak Road and propose a public access road along the Stratford Avenue road reserve from Moala Parade. The application was subsequently further amended to propose all vehicular access from a public road off the existing, constructed portion of Stratford Avenue to the south.

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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The proposed access road will be constructed to public road standard and terminate by way of a T-shaped turning head. A private ring road is proposed to be constructed off the public road which provides access to the proposed units and will form part of the Community Title subdivision. The proposal will therefore not result in any additional traffic on Merinda Avenue or Oak Road. It should be noted that the application was re-notified to residents on two occasions following the amendments relating to access.

- *The developer should consider access to the site via Stratford Avenue and Oak Road as this would be safer for the community.*

#### Comment

The proposal has been amended to involve access from Stratford Avenue via the existing, constructed section of road to the southern end of the road reserve. The proposed access point has been considered by Council's Transportation Engineer who advised that the proposed development will not have a significant impact on the operation of the intersection of Lake Haven Drive and Stratford Avenue and the proposal to access the site via Stratford Avenue (south) is supported.

- *The proposal will result in additional traffic using Moala Parade. The intersection of the Pacific Highway and Moala Parade is already very dangerous. It would be preferable that the existing constructed section of Stratford Avenue be used for access to the site.*
- 

#### Comment

The proposal has been amended to involve all vehicular access from the existing constructed section of Stratford Avenue to the south. The proposal, as amended, will not result in any additional impacts on the operation of the intersection the Pacific Highway and Moala Parade as the existing portion of Stratford Avenue gains access to the Pacific Highway via Lake Haven Drive.

- *Concern is raised that the proposed development is two-storey when the majority of Charmhaven contains single-storey development. A compromise would be for single storey-height on the eastern and northern boundaries and two-storey on the southern and western boundaries.*

#### Comment

It is noted that the subject site is zoned R1 General Residential under the provisions of *Wyong Local Environmental Plan 2013*. One of the zone objectives is to 'provide for a variety of housing types and densities' and it is noted that the zone permits development for the purpose of residential flat buildings.

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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The proposed two-storey form is considered to represent a compromise between the existing built form in the locality and a more intensive residential built form such as residential flat buildings. Further, the locality comprises a mixed character containing retail development, community facilities, aged care and residential.

The proposal is considered to provide for a suitable transition between retail/commercial development to the west and south and residential built form to the north and east.

- *It has previously been acknowledged by the local State Member that the intersection of Pacific Highway and Moala Parade is unsafe in its current form and is need of an upgrade. The submitted traffic report fails to address the additional impact of the proposed development on this intersection.*

#### Comment

The proposal has been amended to involve all vehicular access from the existing constructed section of Stratford Avenue to the south. The proposal, as amended, will not result in any additional impacts on the operation of the intersection the Pacific Highway and Moala Parade as the existing portion of Stratford Avenue gains access to the Pacific Highway via Lake Haven Drive.

- *It is considered that the privacy of existing and adjoining properties has not been addressed to a satisfactory level.*

#### Comment

The development has been designed to provide for a suitable interFface with existing surrounding residential development in relation to privacy.

The first floor areas facing adjoining residential development to the north, east and south contain bedrooms and bathrooms only. Bedrooms are considered to be low-traffic rooms which are not typically used in daytime hours and the bathrooms will contain frosted windows. The units are proposed to be set back over six metres from the northern and eastern boundaries (with the exception of Unit 17 which is set back from the northern boundary by 3.39m). Further, the application has been amended to propose high sill windows on the first floor rear elevations where the units adjoin private open space areas on adjoining properties (this applies to Units 17 to 37).

- *No mention has been made of improving the pedestrian access on Oak Road and this should be addressed as a condition of consent.*

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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#### Comment

The proposal has been amended to remove all vehicular and pedestrian access to and from the development from Oak Road, as a result, the proposal will not increase the intensity of use of Oak Road. Therefore, there is no nexus to require the developer to contribute to the improvement of pedestrian access on Oak Road.

- *There has been no acknowledgement of how the additional captured stormwater will be managed outside the development and the impact of this water on the local neighbourhood. There is existing rudimentary drainage infrastructure in Oak Road which leads to Hunter Park. It is considered that flood mitigation needs to be substantially addressed and it should fall back on the developer to subsidise full kerb and guttering to the directly and indirectly affected streets to F the impact and not exacerbate the existing stormwater issues in these streets.*

#### Comment

The proposal seeks to direct stormwater to Oak Road, via a gross pollutant trap / below ground on-site detention (OSD) system. A separate stormwater system will be constructed for the drainage system traversing the eastern boundary and to be contained within the existing Easement for Drainage 1.5m wide. The proposal complies with water quality targets identified in *Australian Runoff Quality – A Guide to Water Sensitive Urban Design*.

An on-site stormwater detention and drainage system will be required to control the rate of runoff leaving the site. The detention system will be required to be designed to attenuate post-development flow rates to pre-development flow rates for a full range of storm durations for the 5, 20 and 100 year average recurrence interval (ARI) design storms. The drainage from the site will be required to be piped along the southern side of Oak Road to the existing downstream drainage infrastructure at the intersection of Oak Road/Merinda Avenue, see below:

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Ave Charmhaven (contd)**



**Figure 7 – Aerial photograph depicting existing downstream drainage infrastructure at the intersection of Oak Road / Merinda Avenue**

Following the piping of the drainage on the southern side of Oak Road, the existing driveway crossings will be re-instated with the existing table drain being graded out.

The existing issues relating to the drainage infrastructure located at the intersection of Oak Road and Merinda Avenue have been drawn to the attention of Council's Roads and Drainage team who outlined that they are aware of the issues, however, there are no upcoming works in the vicinity outlined in Council's Capital Works Program. The Roads and Drainage team have advised that they will further investigate any drainage/flooding issues in the area.

The applicant's concept stormwater design plan has been assessed by Council's Senior Development Engineer and is considered satisfactory to adequately manage the stormwater generated by the development.

- *It is unclear where all the rubbish bins are going to be stored and how they are going to be collected.*

Comment

The originally submitted plans depicted the storage of the mobile garbage bins for each of the units within the garages.

The application was subsequently amended to depict the storage of the bins within the private open space areas of each unit. It is proposed that the bins will be presented on the kerbside of the proposed private loop road for collection by Council's waste collection vehicles.



### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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The internal road is required to be constructed to cater for the 23 tonne collection vehicle utilised by Council's waste contractor (Cleanaway) and a condition of consent is recommended in this regard.

- *Moala Parade is used by students walking to Gorokan High School and the development will result in increased danger for them with increased traffic flow.*

#### Comment

As discussed, the proposal has been amended to propose all vehicle access from the existing, constructed portion of Stratford Avenue to the south. The proposal will not result in any traffic related impacts on Moala Parade.

- *There should be a no right turn restriction imposed on from Moala Parade to the Pacific Highway to reduce the safety risk to motorists.*

#### Comment:

As discussed, the proposal has been amended to propose all vehicle access from the existing, constructed portion of Stratford Avenue to the south. The proposal will not result in any traffic related impacts on Moala Parade. Nonetheless, the Pacific Highway is a classified road and is the responsibility of the NSW Roads and Maritime Services (RMS). Any right turn restriction from Moala Parade onto the Pacific Highway would need to be initiated by the RMS.

- *Traffic chicanes or pedestrian islands should be installed on Moala Parade, before both side streets (Merinda Avenue and Kanimbla Avenue) to slow traffic flow and improve safety to motorists and pedestrians.*

#### Comment

As discussed, the proposal has been amended to propose all vehicle access from the existing, constructed portion of Stratford Avenue to the south. The proposal will not result in any traffic related impacts on Moala Parade.

Representations should be made to Council's Roads and Drainage team for consideration of any traffic calming measures required for Moala Parade as this is a matter now outside the scope of the subject Development Application.

- *The proposal seeks a variation to Council's car parking requirements given that each unit requires 1.5 car parking spaces and only one parking space per unit is proposed. This variation should not be supported by Council.*

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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#### Comment

Under the requirements of *Wyong Development Control Plan – Chapter 2.11 – Parking and Access*, 1.5 car parking spaces are required per unit containing three bedrooms or greater. In addition, it is required that visitor parking be provided at the rate of one space per five units. The DCP states that only one space per dwelling is to be allocated as resident parking and the remaining spaces are to be provided as separate visitor parking and be available for common use at all times.

Based on the 54 x three bedroom units proposed, a total of 81 car parking spaces are required for the resident parking component and 10.8 (rounded up to 11) spaces are required for visitor parking.

It is proposed that each unit will contain a single garage, with the remaining 27 spaces satisfying the residential component being provided as common visitor parking. Further, the common visitor parking areas also accommodate the required 11 further visitor parking spaces required under the DCP and there is a total of 38 visitor parking spaces proposed throughout the site. As a result, a total of 92 car parking spaces are proposed throughout the development, achieving compliance with the DCP car parking requirements.

- *There is no existing footpath on Oak Road to link in with pedestrian access to and from the proposed development.*

#### Comment

The proposal has been amended and no longer proposes pedestrian or vehicle access via Oak Road. Therefore, there is no nexus or additional demand generated to compel the applicant to provide for footpaving within Oak Road.

- *The windows on the first floor at the rear of a number of units will result in a poor privacy outcome. They should be either frosted glass or high sill windows.*

#### Comment

All first floor windows on the rear elevations are either bathroom or bedroom windows. The bathroom windows are proposed to be fitted with frosted glass. Bedrooms are considered to be low-traffic rooms which are not typically used during daylight hours.

The applicant has provided amended plans proposing high sill windows on all first floor rear elevations where the units adjoin private open space areas on the adjoining properties (this applies for Units 17 to 37). The proposal is now considered satisfactory in relation to the preservation of privacy of the adjoining properties.

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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- *The submitted waste management plan states that red garbage bins are proposed to be stored in the garage of each residence. It is hard to believe that Council would allow bins to be stored in enclosed garages.*

#### Comment

The storage of mobile garbage bins within the garages is not supported in this instance. The applicant has amended the proposal to provide suitable bin storage areas within the outdoor areas of each of the units. Where bins cannot be wheeled to the rear private open space areas, the storage of the bins within the front setbacks is proposed within suitable screening enclosures outlined.

- *The existing bus stop on the Pacific Highway should be relocated. When buses stop, they restrict the sight distance for vehicles turning out of Moala Parade.*

#### Comment

This matter is outside the scope of the assessment of subject development application given that the proposal has been amended to propose all vehicular access off the existing constructed portion of Stratford Avenue.

Any concerns relating to the location of the existing bus stop on the Pacific Highway should be raised with the NSW Roads and Maritime Services (given that the Pacific Highway is a classified road) or Council's Local Traffic Committee.

- *The plans do not show a community park or playground for residents.*

#### Comment

The proposal was amended during the assessment phase to provide for a communal open space area to the centre of the site, which is 520m<sup>2</sup> in size. The communal open space area is proposed to contain covered and uncovered seating areas, however, there is no communal playground proposed.

It is noted that under the requirements of *Wyong Development Control Plan – Chapter 2.4 – Multiple Dwelling Residential Development*, the provision of a communal open space area for a multi-dwelling housing development is optional and is only specifically required for residential flat building developments.

- *Concern is raised in relation to noise and dust pollution during the construction phase of the development.*

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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#### Comment

Conditions of consent are recommended in relation to noise and dust pollution during the construction phase of the development. A condition of consent is recommended requiring that construction works be limited to between the hours of 7:00am to 5:00pm Monday to Saturday, with no works permitted on Sundays or public holidays. Further, a condition of consent is recommended requiring that dust suppression measures be implemented during bulk earthworks to suppress dust generated by vehicles and equipment.

- *Concern is raised in relation to the construction of the development resulting in damage to the objector's property.*

#### Comment

A condition of consent is recommended requiring that the applicant prepares and submits a dilapidation report to the Principal Certifying Authority addressing the adjoining properties. In the event that any damage to the objector's property occurs during the construction phase of the development (as a direct result of the construction works), it will be the responsibility of the developer to address.

- *The development will result in noise impacts on the residents of the adjoining aged care complex to the south of the site.*

#### Comment

The rear private open space areas of the units adjoining the aged care complex (Units 23 to 34) do not receive suitable solar access given their orientation. As a result, these private open space areas are proposed to be supplemented by private open space areas within the north-facing front setback areas of these units. Given the orientation of the rear private open space areas of these units, they are not anticipated to be highly used and therefore, are not expected to result in any significant noise impacts on the adjoining aged care complex.

- *The development will result in overshadowing of the outdoor recreation area of the adjoining aged care complex to the south of the site.*

#### Comment

Wyong Development Control Plan 2013 – Chapter 2.4 – Multiple Dwelling Residential Development contains the following control relating to the solar access on adjoining properties:

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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- a) *New development shall have due regard for maintaining solar access to adjoining properties and not cause overshadowing. At least 75% of the required private open space areas on adjoining lands shall receive at least three hours unobstructed sunlight between the hours of 9am and 3pm on June 21 (winter solstice).*

The applicant has submitted shadow diagrams specifically addressing the shadow impact posed on the private open space area of the adjoining aged care complex to the south of the site. The shadow diagrams depict the impact posed by the proposed buildings (Units 23 to 34), retaining walls and boundary fencing and demonstrate that over 75% of the private open space area of the aged care complex will receive over three hours of direct sunlight between 9am and 3pm on June 21.

- *The proposed extent of tree removal is significant and there is inadequate space for the trees to be replaced.*

#### Comment

The amendment of the proposal in relation to vehicle access now results in 19 trees within the Stratford Avenue road reserve being required to be removed. The previously proposed access road off Moala Parade would have resulted in 80 trees within the road reserve being required to be removed.

The site comprises cleared land (1.2 hectares) and disturbed remnant Narrabeen Doyalson Coastal Woodland (0.39 hectares). No endangered ecological communities or endangered populations have been detected on site. The submitted landscaping plan depicts numerous replacement trees comprising native and introduced species with a variety of deciduous and evergreen trees (comprising approximately 115 trees within the site and six street trees on Stratford Avenue). The landscaping plan has been amended to delete the previously proposed trees to the rear of Units 17 to 23 given specific concerns relating to overshadowing and maintenance raised by the adjoining objector.

- *The development does not provide adequate car parking for visitors to the development.*

#### Comment

As previously discussed, under the requirements of *Wyong Development Control Plan – Chapter 2.11 – Parking and Access*, the development requires a total of 81 resident and 11 visitor car parking spaces, resulting in a total of 92 car parking spaces throughout the site. The proposal provides a single garage for each proposed unit and a total of 38 communal visitor spaces throughout the site, resulting in a total of 92 car parking spaces. It is also noted that the site is located within walking distance of the Lake Haven Shopping Centre which is serviced by a number of bus routes. The proposed extent of resident and visitor parking is considered satisfactory.

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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- *It is possible that the development will result in a reduction of social harmony in the area and an increase in crime.*

#### Comment

No evidence has been provided to demonstrate that the development will result in a reduction in social harmony or an increase in crime. The applicant has submitted a Crime Prevention Through Environmental Design (CPTED) report. The report outlines how the development has been designed in accordance with the CPTED principles which comprise natural surveillance, access control, territorial reinforcement and space management. It is considered that the proposal appropriately addresses the CPTED principles.

- *The submitted traffic report is based on a superseded DA proposal and is not relevant to the proposed development.*

#### Comment

It is noted that the original traffic report submitted with the application contained some inconsistencies and these were raised with the applicant. The applicant submitted two updated and improved traffic reports when the access points of the development were amended during the assessment process and these reports were considered to be satisfactory by Council's Transportation Engineer.

- *There is a significant amount of fill depicted along the eastern boundary which appears to be proposed to be placed against the existing colorbond fence. Objection would be raised if the proposed rear yard ground levels cause the height of the existing colorbond fence to be reduced to below 1.8m on the side of the proposed lots.*

#### Comment

The applicant has submitted amended plans which outline that no retaining walls are proposed to the rear of Units 17 to 22 and that natural ground levels will be maintained in these areas. There is no fill proposed adjacent to this objector's property on the eastern boundary. It is noted that there is a boundary retaining wall proposed in the south-western corner of the site (adjacent to Unit 23) with a maximum height of 600mm.

- *The condition of Oak Road is not suitable to accommodate additional parked vehicles. This situation can only be improved if the Oak Road verges are widened in conjunction with the installation of kerb and guttering.*

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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#### Comment

Given that the development has been amended to remove all vehicular and pedestrian access from Oak Road, there is no nexus to require the developer to provide for the widening of the Oak Road verges or for the installation of kerb and guttering on Oak Road. However, it is proposed that the existing table drain on the southern side of Oak Road will be piped and the vehicle crossings re-instated.

- *There are no details provided in relation to any proposed street lighting within the development.*

#### Comment

Street lighting details are provided at Construction Certificate stage and generally do not form part of Development Application documentation. A condition of consent is recommended requiring that street lighting details be submitted to Council prior to the issue of a Construction Certificate.

- *The application does not provide details in relation to how the regrading of the site will address the impacts on the existing adjoining property boundary fences.*

#### Comment

The submitted plans outline that the existing levels are proposed to be maintained up to all boundary fences on the northern boundary and the majority of the eastern boundary. There is a 600mm retaining wall proposed on the southern boundary and a minimal portion of the eastern and western boundaries. It is proposed that the existing fencing on these boundaries will be replaced and a condition of consent is recommended requiring that the applicant liaises with the owners of the properties on which the 600mm retaining walls are located to determine a mutually agreed fencing material.

- *Concern is raised to the species outlined in the submitted landscaping plan given their mature heights and maintenance associated with the trees.*

#### Comment

Amended landscaping plans have been submitted addressing the issue raised by this objector adjoining their property. The amended landscaping plan deletes the trees previously proposed adjoining this objector's property and replaces them with low level hedge plantings with mature heights of a maximum of two metres.

- *It is noted that the BASIX Certificate submitted with the application outlines that the development will be serviced by gas. Is Council able to confirm that this is the case.*

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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#### Comment

The subject site and development is capable of being serviced by gas in order to achieve the commitments of the BASIX Certificate.

#### **Second Notification Period**

- *There are significant safety risks relating to the new development entry off Moala Parade. There is no information within the amended application relating to the impact to the existing pedestrian footpath, pedestrian crossing or the proposed road to be used for the entry and exit.*

#### Comment

As discussed, the proposal has been amended to propose all vehicle access from the existing, constructed portion of Stratford Avenue to the south. The existing shared pathway connecting Moala Parade with Lake Haven Drive will be retained and will not be impacted by the proposed access point. Separate pedestrian access is proposed from the development to the shared pathway.

- *Drainage still needs to be satisfactorily addressed. Piping one side of Oak Road and pushing the stormwater off to the already overwhelmed junction of Oak Road and Merinda Avenue is not a solution.*

#### Comment

The proposal seeks to direct stormwater to Oak Road, via a gross pollutant trap / below ground on-site detention (OSD) system. A separate stormwater system will be constructed for the drainage system traversing the eastern boundary and to be contained within the existing Easement for Drainage 1.5m wide. The proposal complies with water quality targets identified in *Australian Runoff Quality – A Guide to Water Sensitive Urban Design*.

An on-site stormwater detention and drainage system will be required to control the rate of runoff leaving the site. The detention system will be required to be designed to attenuate post-development flow rates to pre-development flow rates for a full range of storm durations for the 5, 20 and 100 year average recurrence interval (ARI) design storms. The drainage from the site will be required to be piped along the southern side of Oak Road to the existing downstream drainage infrastructure at the intersection of Oak Road/Merinda Avenue. It is considered that the proposed gross pollutant trap / OSD system will be suitable to allow for the gradual release of stormwater to the existing infrastructure for a full range of storm durations and will not result in any unreasonable impacts downstream.



### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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The existing issues relating to the drainage infrastructure located at the intersection of Oak Road and Merinda Avenue have been drawn to the attention of Council's Roads and Drainage team who outlined that they are aware of the issues, however, there are no upcoming works in the vicinity outlined in Council's Capital Works Program. The existing condition of the infrastructure has been assessed as being adequate to cater for stormwater which will be released from the subject site at a gradual rate given the OSD system proposed.

- *It is not clear whether the existing refuge island on Moala Parade is proposed to be removed or the whether the access road will be left-in / left-out in the event that the island is retained in its current location.*

#### Comment

As discussed, the previously proposed vehicle access to Moala Parade has now been deleted, therefore, there will be no impacts on the existing pedestrian refuge island on Moala Parade.

- *The traffic report is flawed in stating that vehicles travel at low speeds along Moala Parade. Local police could attest to the fact that this assumption is incorrect.*

#### Comment

As discussed, the proposal has been amended to delete the previously proposed vehicle access point to Moala Parade, therefore, the proposal will not result in any traffic impacts on Moala Parade. Nonetheless, it is acknowledged that the speed figures presented in the traffic report are based on modelling and may not reflect the real-life speeds of motorists in the locality. It is the responsibility of the NSW Police to enforce the relevant speed limits in the locality.

- *The proposal will result in the removal of the existing green corridor within the Stratford Avenue road reserve.*

#### Comment

The previously proposed public road access point off Moala Parade would have resulted in the removal of 80 trees within the Stratford Avenue road reserve. The amended access point to the southern, constructed portion of Stratford Avenue results in the removal of 19 trees within the road reserve and is an improved outcome with regard to the extent of tree removal. It is noted that there are six advanced replacement tree plantings proposed surrounding the proposed public road within the road reserve area.

- *The proposed location of the access road on Moala Parade will result in vehicles having to do a U-turn to access the site given the location of the refuge island.*

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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#### Comment

As discussed, the proposal has been amended to delete the previously proposed access point off Moala Parade. Therefore, the amended proposal will not result in any traffic related impacts on Moala Parade.

- *There is no indication of where service vehicles are proposed to enter and exit the development.*

#### Comment

Service vehicles are proposed to access the site in the same manner as passenger vehicles. The internal road is in the form of a rectangular loop road, which will prevent the need for service vehicles to undertake turning movements on the site in order to exit in a forward direction. The proposed internal road is required to be capable of accommodating kerbside collection of waste by Council's 23 tonne waste collection vehicle. A condition of consent is recommended in this regard. It is considered that the design of the proposal is suitable to accommodate all service vehicles.

- *The proposed development is out of character for the area.*

#### Comment

The locality is considered to comprise a mixed character consisting of a bulky goods complex to the west, community health centre and aged care complex to the south, single storey multi-dwelling housing to the north and single detached dwellings to the east. The proposed development is considered to provide for a suitable transition between the non-residential landuses to the west and south and the residential built form to the north and east. Further, the proposed development provides for a medium density form of residential development which is in limited supply in the suburb of Charmhaven and near the Lake Haven Shopping Centre.

- *The proposed left-in / left-out arrangement to Moala Parade is not suitable and will result in significant safety impacts to motorists and pedestrians.*

#### Comment

As discussed, the proposal has been amended to delete the previously proposed access point off Moala Parade. Therefore, the amended proposal will not result in any traffic related impacts on Moala Parade.

- *The objectives of the R1 General Residential zone and the objectives stated in Wyong Development Control Plan 2013 – Chapter 2.4 – Multiple Dwelling Housing state that there should be a variety of dwelling types proposed in a manner which*

**3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing  
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*protects the amenity of existing residential areas. All 13 of the proposed blocks of dwellings comprise two storey buildings.*

Comment

It is acknowledged that all proposed dwellings within the proposed development are two storeys in height. However, the zone objective cited above relates to encouraging a variety of dwelling types within the overall zone and not just within particular sites.

It is noted that in the case of the subject site, the properties located immediately to the north and south are also zoned R1 General Residential and these properties contain dwelling types which differ from that proposed. The two properties to the south contain a community health centre and aged care facility and the properties to the north contain single storey multi-dwelling housing developments (villa style). Therefore, the proposal is considered satisfactory in relation to the subject objective of the R1 General Residential zone.

- *The plans indicate privacy screens for the first floor rear facing windows. Increased sill heights are considered to be a better option for the protection of privacy of adjoining properties.*

Comment

The plans have been amended to depict high sill windows for all rear facing first floor windows of the units which immediately adjoin private open space areas on adjoining properties (this applies to Units 17 to 37). Further, it is noted that the rooms located at the rear of the first floor on all units are either bathrooms or bedrooms.

- *The proposal does not appear to comply with the cut and fill requirements of Council's Development Control Plan and no justification has been provided by the applicant as to why Council should support any variation in this regard.*

Comment

It is acknowledged that the proposal previously did not comply with the cut and fill controls and involved an extent of fill, particularly on the southern and eastern boundaries, that was considered to be excessive. The application has been amended to reduce the previously proposed extent of fill and associated retaining walls.

There is a boundary retaining wall proposed on the southern boundary and a minor portion of the eastern and western boundaries and the height of this wall is a maximum of 600mm. The proposal (as amended) now achieves compliance with the cut and fill controls outlined in *Wyong Development Control Plan 2013 – Chapter 2.4 – Multiple Dwelling Residential Development*.

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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- *The submitted shadow diagrams do not address the impact of the proposed landscaping at maturity.*

#### Comment

*Wyong Development Control Plan 2013 – Chapter 2.4 – Multiple Dwelling Residential Development* outlines requirements for shadow diagrams to be submitted with any Development Application. It states that 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.

There is no requirement for shadow diagrams to depict the impact of landscaping as there are many variables associated with landscaping such as whether it allows filtered light, whether it is evergreen/deciduous and the manner in which it is maintained. The submitted shadow diagrams are therefore considered to be satisfactory.

- *The type of boundary fencing to be erected on boundaries to existing lots should be agreed to by the adjoining owners.*

#### Comment

The applicant has submitted amended plans depicting the retention of the existing colorbond fence on the boundary of this objector's property as this was their preference. On all other boundaries, the plans depict 1.8m high lapped and capped timber fencing.

A condition of consent is recommended requiring that the applicant liaises with the owners of the aged care facility and community health centre to the south and No. 8 Oak Road to determine a mutually agreed fencing material along these boundaries. The existing fencing along the northern boundary comprises 1.8 metre high lapped and capped timber of a reasonable condition, which is considered suitable to be retained.

- *The proposed area of deep soil landscaping appears to be non-compliant with Council's requirements.*

#### Comment

*Wyong Development Control Plan 2013 – Chapter 2.4 – Multiple Dwelling Residential Development* requires that a minimum of 25% of the site area at ground level shall be 'soft' landscaping, excluding all hardstand areas. Further, the DCP requires that a minimum of 50% of the required soft landscaped area of the site at ground level shall be a deep soil zone. An assessment of the plans reveals that 35.6% (or 4,731.7m<sup>2</sup>) of the site comprises soft landscaping and approximately 97% of this soft landscaped area comprises deep soil landscaping.

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**Third Notification Period**

- *Concern is raised in relation to the intersection of Stratford Avenue and the entrance to the Lake Haven Shopping Centre car park which will become more dangerous with additional traffic. There is no pedestrian crossing near this intersection which is badly needed.*

Comment

The amended access point from the southern (constructed) portion of Stratford Avenue has been assessed by staff and no concerns were raised in relation to the impact of additional traffic from the development on this intersection.

A condition of consent is recommended requiring the submission of a Road Safety Audit to Council as the road authority, for the new public road and intersection works. It is noted that the existing shared pathway continues into the Lake Haven Shopping Centre property and the provision of a pedestrian crossing to the opposite side of the shopping centre access road would be a matter for the shopping centre management to consider.

- *Concern is raised in relation to privacy impact on Nos. 36 to 50 Moala Parade which adjoin the subject site to the north.*

Comment

The proposed buildings have a 6.66 metre setback from the northern boundary and all first floor windows on this elevation are either bedroom or bathroom windows.

Bedrooms and considered to be low traffic rooms which are not typically used during daytime hours and the bathrooms will be fitted with frosted glazing. It is considered that there will be no unreasonable privacy impact on the adjoining properties to the north.

- *The proposed access road from Stratford Avenue must be built before construction works commence to prevent construction vehicles from entering the site from Oak Road.*

Comment

A condition of consent is recommended requiring that the proposed access road off Stratford Avenue be constructed prior to construction works on the buildings being commenced. The applicant has indicated that preliminary access will be required from Oak Road until the Stratford Avenue access road is completed however, this will only be an interim measure.

- *The rainwater tanks proposed for each of the dwellings will fill within one day of rain, after which the stormwater will result in flooding impacts downstream.*

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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#### Comment

Overflow from the individual rainwater tanks will be directed to a below ground on-site detention (OSD) system via a gross pollutant trap. The proposal complies with water quality targets identified in *Australian Runoff Quality – A Guide to Water Sensitive Urban Design*.

The on-site stormwater detention and drainage system will be required to control the rate of runoff leaving the site. The detention system will be required to be designed to attenuate post-development flow rates to pre-development flow rates for a full range of storm durations for the 5, 20 and 100 year average reoccurrence interval (ARI) design storms.

- *Additional facilities should be provided for residents of the development such as a swimming pool, playground or vegetable garden plots.*

#### Comment

The proposal already provides for a communal open space area of 520m<sup>2</sup> which contains covered and uncovered seating areas. There are no requirements under *Wyang Development Control Plan 2013 – Chapter 2.4 – Multiple Dwelling Residential Development* to provide for any further facilities and the provision of a communal open space area is not specifically required.

- *Concern is raised that the proposal may result in residents and visitors parking in the adjoining Lake Haven Community Health Centre.*

#### Comment

As previously discussed, under the requirements of *Wyang Development Control Plan – Chapter 2.11 – Parking and Access*, the development requires a total of 81 resident and 11 visitor car parking spaces, resulting in a total of 92 car parking spaces throughout the site. The proposal provides a single garage for each proposed unit and a total of 38 communal visitor spaces throughout the site, resulting in a total of 92 car parking spaces. It is also noted that the site is located within walking distance of the Lake Haven Shopping Centre which is serviced by a number of bus routes. The proposed extent of resident and visitor parking is considered satisfactory and is not likely to result in any parking impact on the Community Health Centre.

### **Submissions from Public Authorities**

#### Subsidence Advisory NSW

The site is located within a mine subsidence district and the development constitutes integrated development requiring referral to Subsidence Advisory NSW under Section 15 of the *Mine Subsidence Compensation Act 1961* and Section 4.46 of the *Environmental Planning and Assessment Act 1979* for their General Terms of Approval.

### **3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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As part of the documentation submitted with the application, the applicant provided a copy of the plans stamped by Subsidence Advisory NSW, which constitutes their General Terms of Approval.

#### **Internal Consultation**

The development application was referred to the following internal officers for comment:

- Senior Development Engineer

The application, as amended, has been assessed by Council's Senior Development Engineer who raised no objection to the application and made the following comments relating to the critical aspects of the proposal:

#### **Roads, Access and Traffic – External Works in the Public Road / Kerb & Channel / Shared Paths**

The site is currently vacant, with vehicle access being possible from Oak Road. Oak Road currently does not contain any kerb and guttering. Most properties on the high (northern) side of the Oak Road are accessed via pipe crossings. A concrete headwall fronts 9 Oak Road Charmhaven, discharging stormwater from an inter-allotment drainage system traversing the subject property.

The revised proposal seeks consent for a multi-dwelling development accessed via a new public road from Stratford Avenue, utilising the existing bulky goods centre access road (formed portion of Stratford Avenue). The previous arrangements of vehicular access from Oak Road and Moala Parade have now been deleted.

The total width of Stratford Avenue is identified between 20.115 and 26.21 metres. The pavement / carriageway width of 7.9m is generally in accordance with *Wyang Development Control Plan 2013 – Part 4 - Subdivision* for local streets.

The development will necessitate the completion of road infrastructure in accordance with the relevant provisions of Council's *Civil Works Specification Design Guidelines 2018*. Conditions of consent have been recommended requiring the provision of a new public road, stormwater drainage, kerb and channel, signage and linemarking, and pedestrian footpaths in the frontage road reserves.

An upgrade of the street drainage in Oak Road is proposed to formally direct stormwater from the development to the piped drainage system downstream at the Oak Road / Merinda Avenue intersection.

Stormwater and overland flows from Stratford Avenue are intended to be conveyed south to the existing infrastructure downstream. The intended connection point is identified in Figure 7 below.



**Figure 8 – Photograph of the downstream Stratford Avenue connection point.**

Kerb and channel is not required due to problems integrating with existing infrastructure and the proposed development does not intent to change the existing arrangement in Oak Road therefore, no additional treatment is required at the end of Oak Road.

#### **Roads, Access and Traffic – Internal**

The proposal seeks an internal circulation arrangement accessing single garages, 38 visitor spaces, with two visitor spaces doubling as car wash bays.



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The proposed garage dimensions and internal circulation roadway / driveway comply with AS/NZS 2890.1 (2004) - "Off-street car parking".

The proposed visitor disabled parking spaces (V14 & 15) comply with AS/NZS 2890.6 (2009) – "Off-street parking for people with disabilities".

#### **Flooding**

Council's records indicate that the site is not affected by flooding, ponding and/or minimum floor level requirements.

#### **Drainage**

The site falls to the south-eastern corner of the property. A site inspection noted that current overland flows from the Stratford Ave road reserve is directed as identified in Figure 8 below.



**Figure 9 – Aerial photograph depicting drainage flows along Stratford Avenue**

The proposal seeks to direct stormwater from the subject development to Oak Road, via a gross pollutant trap (GPT) / below ground on-site detention (OSD) system.

A separate stormwater system will be constructed for the drainage system traversing the eastern boundary and to be contained within the existing Easement for Drainage 1.5m wide.

### **3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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The proposal complies with water quality targets identified in *Australian Runoff Quality – A Guide to Water Sensitive Urban Design*.

An OSD system and drainage system will be required 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.

#### **Water**

Water supply infrastructure currently exists in Oak Road and Moala Parade via 100mm Asbestos Cement (AC) Council mains.

The proposal seeks to extend the water main through the site with a loop supply arrangement from Moala Parade. The proposal will require an Easement for Water Supply to be created through the development.

The proposed development is located outside the Zone of Influence (ZOI) of the water main servicing the area.

The development will require a Section 307 Certificate under the *Water Management Act 2000*.

#### **Sewer**

Council's trunk sewer mains currently traverse through the property. The proposal seeks an internal sewer arrangement with connection into the existing Council trunk sewer main in the south-eastern corner of the property. Car wash spaces 33 & 34 will need to be directed to the sewer in accordance with Council's Trade Waste requirements.

The proposed development is located within the Zone of Influence (ZOI) of the sewer main traversing the property. Therefore, the development will need to comply with Council's "*Policy for Building Over or Adjacent to Sewer Mains*". Augmentation to the existing sewer main / manhole will likely be required to facilitate the proposed Road 3 retaining wall.

The development will require a Section 307 Certificate under the *Water Management Act 2000*.

- Transportation Engineer

The application has been assessed by Council's Transportation Engineer who raised no objection to the application and made the following comments:

### **3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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Traffic generation for the proposal has been calculated in accordance the NSW Roads and Maritime Services (RMS) Guide to Traffic Generating Developments at a rate of 0.5 to 0.65 peak hour vehicle trips. The applicant's Traffic Consultant has adopted the higher rate for this development of 0.65 trips, which is considered conservative given that a major shopping centre is located within 200 metres of the site with access to a regular bus service. The revised traffic impact assessment has been reviewed with the proposed access via Stratford Avenue (south).

The applicant's traffic consultant undertook traffic surveys on Tuesday 24 September at the intersection of Lake Haven Drive and Stratford Avenue during the morning and afternoon peak periods. Consistent with the earlier assessment, 70% of traffic will have an origin or destination towards the Pacific Highway, with these vehicles turning left out of the site, right out of Stratford Avenue onto Lake Haven Drive or the reverse, left into Stratford Avenue and right into the site for the return trip. The balance of traffic shall have an origin or destination to the south or east via Lake Haven Drive (turning left out of / right into Stratford Avenue). This distribution is also consistent with the existing traffic distributions through the intersection of Stratford Avenue and Lake Haven Drive.

During the morning it is expected that 80% of trips will be outbound and 20% inbound, mirrored in the afternoon, consistent with the previous assessment.

The intersection of Lake Haven Drive and Stratford Avenue has been assessed using 'SIDRA Intersection 8' (traffic modelling software) to determine its operation during the morning and afternoon peak periods and to quantify the impacts of the additional traffic associated with the proposed residential subdivision. The following four scenarios have been considered:

- Existing Situation (2019) - based on surveyed traffic volumes.
- Existing (2019) + Development - allowing for the surveyed traffic volumes plus traffic associated with the proposed residential subdivision.
- Future Design Year (2029) - allowing for the surveyed (2019) traffic volumes increased by 1% for all movements plus allowing additional traffic associated with redevelopment of the former Bunnings Warehouse Lake Haven.
- Future Design Year (2029) + Development - allowing for the future design year (2029) assessment plus additional traffic associated with the proposed residential subdivision

The results of the SIDRA modelling indicate that the intersection will operate at a level of service A/B for all the above scenarios, meaning, a level that is good with acceptable delays and spare capacity.

### **3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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Therefore, it is anticipated that the proposed development traffic will not have a significant impact on the operation of the intersection of Lake Haven Drive and Stratford Avenue and the proposal to access the site via Stratford Avenue (south) is supported.

- Ecologist

The amount of tree clearing proposed at the Stratford Avenue entry has been decreased by changing the proposed access to enter from the south. There are now 19 trees identified for removal within the Stratford Avenue road reserve.

The ecological impacts of the proposal have been reduced through this amendment. The number of hollow bearing trees to be removed is still two and these are within the development site itself.

A further site inspection of the trees to be removed was conducted by Council's Ecologist on 15<sup>th</sup> October 2019.

The Arborist Report and Ecological Assessments have been suitably updated to address the revised proposal. No objection is raised to the amended proposal, subject to recommended conditions.

#### **Flora and Fauna Survey**

Vegetation on site comprises cleared land (1.2ha) and disturbed remnant Narrabeen Doyalson Coastal Woodland (0.39 hectares). No endangered ecological communities or endangered populations were detected on site.

Seasonal surveys for cryptic threatened flora were conducted. No threatened species were detected. A fauna survey of the subject site was undertaken in accordance with Council's Flora and Fauna Survey Guidelines for Cleared and Highly Disturbed Sites of under five hectares. Additional nocturnal survey of hollow bearing trees was undertaken in May 2019. No threatened fauna species were observed during surveys.

#### **Squirrel Glider Assessment**

Council's Ecologist concurs with the conclusions in the submitted Squirrel Glider assessment. This includes the conclusion that the possible chew marks in a number of Bloodwoods along the pathway are most likely to be from historic use of the area by gliders prior to clearing for the surrounding development, rather than an indication of current use. On this basis, a Species Impact Statement is not required.

### **3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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#### **Impact Assessment**

The NSW Wildlife Atlas and the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) Protected Matters search identified threatened fauna and flora species listed on the *Threatened Species Conservation Act 1995* (TSC Act) and/or the EPBC Act that have previously been recorded within 10km of the site. Assessments of significance were undertaken for EPBC Act listed threatened fauna species and flora species with suitable habitat on the subject site. The assessments concluded the proposed development is unlikely to result in a significant impact to any of these species. A Species Impact Statement is therefore not required for the proposal.

The proposal will require the removal of two large hollow bearing trees and two smaller dead trees.

The hollow bearing trees on site may contain fauna and mitigation measures are required during clearing of these trees to prevent animal injury. Implementation of these measures, including ecologist supervision of all clearing, will be conditioned.

Based on the field surveys, habitat assessments and impact assessments and provided that the conditions listed below are complied with, Council's Ecologist has concluded that the proposed development is not likely to have a significant impact on any threatened species, populations or ecological communities, or their habitats. A Species Impact Statement is therefore not necessary.

#### **Mitigation measures**

Although most of the trees on site will be removed, there are some significant trees along Stratford Avenue that will be retained, including trees located on adjacent properties. The arborist report and Addendum Arborist report include a range of tree protection and mitigation measures. Conditions of consent are recommended requiring compliance with the arborist report and Tree Protection Plan. It is noted however that the Addendum Arborist report does not reflect the most recent engineering plans, including the proposed location of water mains and stormwater a

The Ecological Assessment and Squirrel Glider Assessment recommend mitigation measures to reduce environmental impacts and protect fauna. Conditions of consent are recommended requiring compliance with these conditions.

Once the site is developed there will be no suitable recipient trees for nest boxes or salvaged hollows on the site or nearby. The Ecological Assessment includes a mitigation measure that "Any sections of tree hollows or replacement nest boxes could be provided to Council for erection in local reserves following further consultation with Council".

### **3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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A condition is recommended to ensure suitable salvaged hollows are delivered to Council by the developer in accordance with the requirements of the Natural Assets Unit (NAU). These hollows will be reinstalled at suitable sites as part of NAU strategic projects for hollow enhancement.

- Waste Management Assessment Officer

The application has been assessed by Council's Waste Management Assessment Officer and no objections were raised subject to recommended conditions of consent.

- Contributions Officer

The application has been assessed by Council's Contributions Officer who has provided Section 7.11 calculations based on 54 x three bedroom dwellings. The Section 7.11 contribution fees to be paid are detailed in the draft conditions of consent.

#### **Ecologically Sustainable Principles:**

The proposal has been assessed having regard to ecologically sustainable development principles and is 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. The proposed development is considered satisfactory in relation to climate change.

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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#### **Assessment:**

Having regard for the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

#### **Section 4.15 (1)(a) of the EP&A Act: Provisions of any environmental planning and assessment instruments/Plans/Policies**

##### **Wyong Local Environmental Plan 2013**

##### Zoning and Permissibility

The subject site is zoned R1 General Residential under the provisions of Wyong Local Environmental Plan 2013 (WLEP 2013). The elements of the proposal are most accurately defined as follows:

**Multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**Road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

Development for the purposes of multi-dwelling housing and roads are permissible with consent within the R1 General Residential zone.

It is noted that the proposal includes the construction of a public road within the southern portion of the Stratford Avenue road reserve to service the development. The Stratford Avenue road reserve is zoned B4 Mixed Use and development for a road is permissible within the B4 Mixed Use zone.

##### Zone Objectives

The R1 General Residential zone is based on the following objectives:

- *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.*

### **3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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- *To ensure that development is compatible with the scale and character of the local area and complements the existing streetscape.*

The proposal will assist in providing for the housing needs of the community and provide for a density that is commensurate with the future intent of the site. The proposal promotes 'walkable' neighbourhoods through its proximity to numerous shops and services at the Lake Haven Shopping Centre which is within walking distance to the subject site. The development is compatible with the scale and character of the local area and complements the existing streetscape. Accordingly, the proposal is considered satisfactory regarding the objectives of the R1 General Residential zone.

#### Clause 2.6 – Subdivision

Clause 2.6 states that 'land to which this plan applies may be subdivided, but only with development consent'. The proposal includes the community title subdivision of the completed development which is considered satisfactory under the provisions of Clause 2.6.

#### Clauses 4.1, 4.3 and 4.4 – Principal Development Standards

The subject site is not mapped under Clauses 4.1, 4.3 or 4.4 as having a minimum applicable subdivision lot size or maximum applicable building height or floor space ratio.

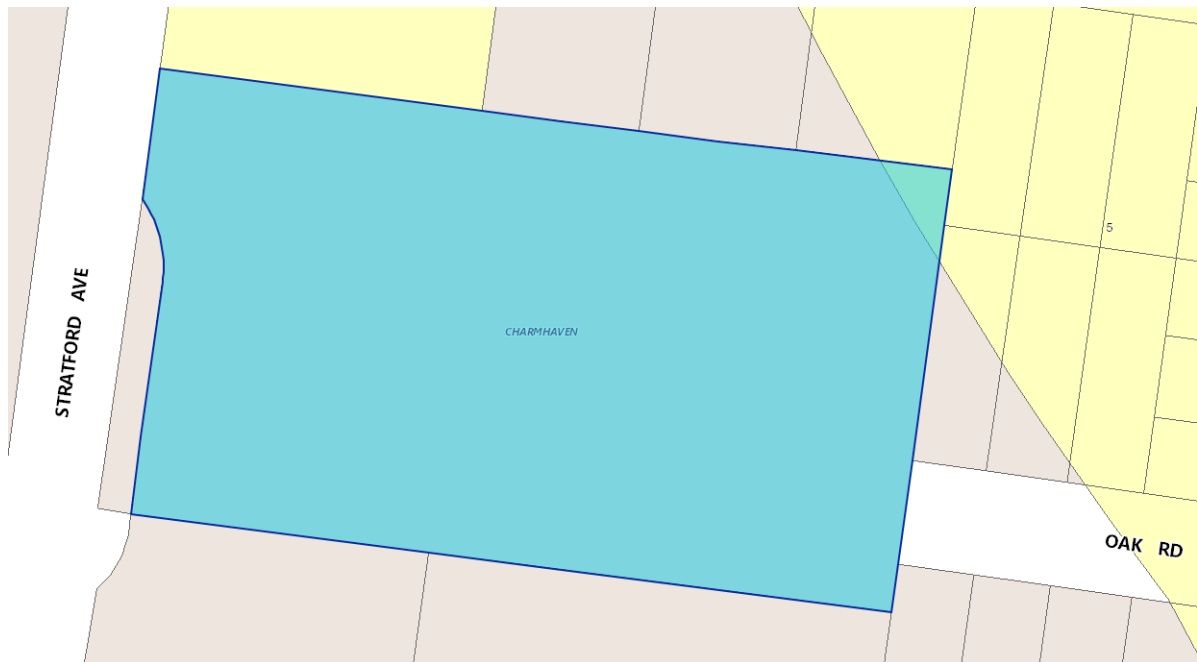
#### Clause 7.1 – Acid Sulfate Soils

Clause 7.1 requires consideration to be given to certain development on land being subject to actual or potential acid sulphate soils. A small area at the north eastern corner of the site is identified as potentially containing Class 5 acid sulfate soils. Due to the fact that there is no development proposed in this corner of the site which will lower the water table below 1m on neighbouring Class 1, 2, 3 or 4 land, an acid sulfate soils management plan is not required in this instance.



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**Figure 10 – Acid sulfate soils map**

Clause 7.9 – Essential Services

Clause 7.9 requires that services that are essential for the development are available or that adequate arrangements have been made to make them available when required prior to consent being granted.

These services include water supply, electricity supply, sewage management and disposal, stormwater drainage or on-site conservation and suitable road access.

The applicant has demonstrated that the applicable services are available or will be made available to the development. Therefore, the proposal complies with the requirements of the clause.

**State Environmental Planning Policies (SEPP)**

The following State Environmental Planning Policies (SEPP's) are relevant to the proposed development:

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

Clause 7(1) of State Environmental Planning Policy No. 55 requires that Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and if contaminated that the land is suitable in its contaminated state (or will be suitable, after remediation) for the development proposed to be carried out.

### **3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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It was demonstrated during the assessment of the previously approved development application (DA/1019/2007) that the site is suitable for the purposes of residential development thus satisfying SEPP 55. The site has remained as vacant land since the approval of DA/1019/2007.

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The proposed development is a 'BASIX affected development' as defined within the Regulations and consequently, a BASIX Certificate has been submitted with the development application. The BASIX Certificate identifies compliance with water, thermal comfort and energy targets.

#### ***Section 4.15(a)(ii) of the EP&A Act: Any draft environmental planning instrument***

##### ***Draft Central Coast Local Environmental Plan (CCLEP) 2018***

The Draft CCLEP 2018 was exhibited from 2 December 2018 to 28 February 2019 and will replace the planning instruments relating to the former Local Government Areas. The Draft CCLEP 2018 identifies the subject site remaining as R1 General Residential zoned with development for multi-dwelling housing remaining permissible within the zone. There are no additional or amended Clauses or provisions warranting further discussion.

#### ***Section 4.15 (a)(iii) of the EP&A Act: Provision of any development control plan***

##### **Wyong Development Control Plan 2013**

##### Chapter 2.4 – Multiple Dwelling Residential Development

The proposal has been assessed against the requirements of *Wyong Development Control Plan 2013 (WDCP) – Chapter 2.4 – Multiple Dwelling Residential Development* (see table of compliance included with this report as Attachment No. 1) and a variation has been identified in relation to solar access to the private open space areas (it is noted that the extent of solar access to be received by all adjoining properties is compliant with the WDCP). This variation is addressed as follows:

a) Solar Access

Section 6.3.1 of WDCP – Chapter 2.4 – Multiple Dwelling Residential Development outlines the following requirement for solar access:

- a) *For multi-dwelling housing at least 75% of each required private and communal open space area, courtyard, balcony, terrace and the like shall receive at least three hours unobstructed sunlight between the hours of 9am and 3pm on June 21 (winter solstice).*

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The required private open space area for each unit is 45m<sup>2</sup> and 75% of that area is 33.75m<sup>2</sup>. Therefore, to achieve full compliance, a minimum of 33.75m<sup>2</sup> of each private open space area would need to achieve a minimum of three hours of unobstructed sunlight between 9am and 3pm on June 21.

The applicant has submitted a solar access report along with solar access diagrams detailing the extent of direct solar access at proposed finished ground levels (solar access diagrams are included as Attachment No. 5). The submitted information outlines the amount of the respective private open space areas (in square metres) receiving direct solar access at hourly intervals between 9am and 3pm on 21 June. A total of 10 dwellings (18.5%) achieve three hours or more to 75% or more of their private open space areas on June 21 and are fully compliant with the control.

The results for those 44 dwellings that do not comply are tabulated as follows:

<b>Percentage of <u>required</u> private open space area (45m<sup>2</sup>) at finished ground levels receiving direct solar access for three hours or more on June 21</b>	<b>Number of dwellings</b>
Between 60% and 75% (27m <sup>2</sup> to 33.75m <sup>2</sup> )	8 (14.8% of dwellings)
Between 50% and 60% (22.5m <sup>2</sup> to 27m <sup>2</sup> )	10 (18.5% of dwellings)
Between 40% and 50% (18m <sup>2</sup> to 22.5m <sup>2</sup> )	7 (10.1% of dwellings)
Between 30% and 40% (13.5m <sup>2</sup> to 18m <sup>2</sup> )	15 (27.7% of dwellings)
Between 20% and 30% (9m <sup>2</sup> to 13.5m <sup>2</sup> )	4 (0.7% of dwellings)

The solar access requirements of the DCP are based on the following objectives:

- *To provide adequate natural lighting and minimise the need for artificial lighting during daylight hours.*
- *To ensure that a minimum standard of solar access is available to private open space areas and internal living areas during the winter solstice to provide for a reasonable standard of residential amenity.*

The applicant has provided the following justification for the proposed variation:

*The development has been designed to provide a reasonable amount of solar access to each dwelling. All 54 dwellings have been orientated to allow direct sunlight to the primary living space for a minimum of three hours through the winter solstice.*

*Across the development, 10 dwellings (18.5%) meet the full requirements of Section 6.3.1(a) of the WDCP in respect to direct sunlight to private open space at the finished ground levels. The proposed development has been designed to accommodate a reasonable amount of direct sunlight to the private open space of the dwellings through a combination of setbacks, separation, massing, and orientation.*

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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*When measured with consideration for direct sunlight available to a nominal height plane of one metre above the private open space, which we consider a more relevant height plane for human activity such as clothes drying, landscaping and use of outdoor furniture, the compliance rate becomes considerably higher at 35 Dwellings (64.8%) being fully compliant. When reviewed at this height plane only two dwellings receive less than 70% of the required area of direct sunlight to private open space area.*

*Dwellings 23 to 37, due to their orientation on the site, are designed with a dual private open space approach with the primary living space facing north to maximise sunlight into the internal space during winter. The front courtyards, while smaller than the required area, will be in direct sunlight all throughout the winter with minimal overshadowing from units on the opposite side of the road. The remainder of the private open space is at the rear of these dwellings for more private uses such as clothes drying.*

*Rear setbacks generally have been increased to provide increased areas of private open space to dwellings and improve the amount of direct sunlight received within the private open space area of each dwelling.*

#### Comment

The proposed extent of solar access received by the private open space areas is considered satisfactory for the following reasons:

- The proposal includes a communal open space area to the centre of the development with an area of 520m<sup>2</sup> which will supplement the private open space areas provided for each dwelling. The communal open space area is proposed to contain covered and uncovered seating areas and suitable landscaping and will receive a significant degree of solar access during all daylight hours on June 21 given its location and orientation (see Attachment No. 4). It is noted that the provision of communal open space areas for multi-dwelling housing developments is optional under the requirements of *WDCCP – Chapter 2.4 – Multiple Dwelling Residential Development*.
- The applicant has also undertaken the exercise of determining the extent of solar access achieved for each private open space area measured at one metre above ground level (see Attachment No. 4). The figures provided outline that when measured one metre above ground level, a total of 35 dwellings achieve full compliance with the control.

Measuring the extent of solar access at one metre above ground level is indicative of the extent of amenity one would enjoy from standing or sitting in the respective private open space areas or for the purpose of clothes drying.

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- It is noted that there are 15 dwellings (27.7% of the 54 dwellings) which achieve direct solar access to the 75% required private open space area component of the control for one hour between 9am and 3pm on June 21.
- The shadow diagrams illustrate that a high degree of solar access will be received by the primary internal living areas of all units during all daylight hours on 21 June, which will minimise the need for artificial lighting and addresses the objectives of the control.
- It is considered that the amendments made to the proposal have resulted in a suitable level of compliance with the solar access requirement to the private open space areas. It is noted that there are no units that receive three hours of solar access to under 11.1m<sup>2</sup> of the private open space areas, which is considered to be satisfactory for a minimum figure in the context of the development.
- The submitted shadow diagrams (Attachment 5) take into consideration the shadowing posed by the existing and proposed buildings, retaining walls and fencing and are considered to provide an accurate account of the extent of solar access to be received on the subject and adjoining properties.
- The applicant has provided hourly shadow diagrams from 9:00am to 3:00pm, based on the autumn and spring equinoxes (20 March and 23 September), which indicate that all units would achieve compliance with the solar access to private open space control. Units 23 to 35 comply by way of their split front and rear private open space areas (as detailed above in the applicant's justification) which is proposed by virtue of the orientation of these dwellings.
- Consideration has been given to the planning principal established in the NSW Land and Environment Court matter *Wallis & Moore PL v Sutherland Shire Council (2006) NSWLEC 713* relating to solar access in developments comprising residential subdivision. The planning principal outlines the following:

*In assessing applications for residential subdivisions the Court places major emphasis on the ease with which future dwellings with good solar access can be erected on the proposed allotments. In general, this condition is best fulfilled when the side boundaries of the majority of the allotments are on or near a north-south axis; however, there may be other solutions. What is important is to think of the subdivision beyond the subdivision stage and strive for a future residential area in which the great majority of dwellings can achieve good solar access.*

Whilst this planning principal is most relevant to a residential subdivision which does not include concurrent built form, the principal can be loosely applied to the subject development which comprises residential subdivision.

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It is noted that the proposal includes 44 of the 54 dwellings/lots having side boundaries on a near north-south axis. This orientation of the majority of the lots allows for suitable solar access to the internal living areas of the units where full compliance with the solar access to the private open space areas is not achieved.

Therefore, the extent of solar access received by all units is considered satisfactory on merit.

#### Chapter 2.11 – Parking and Access

WDCP - Chapter 2.11 – Parking and Access requires that car parking be provided as follows for multi-dwelling housing:

- *One space per one bedroom dwelling*
- *1.2 spaces per two bedroom dwelling*
- *1.5 spaces per three (or more) bedroom dwelling*
- *In addition, one space per five units is required for visitor parking with a minimum of one visitor space per development*
- *One visitor space is to be available for car washing*
- *On average, only one space per unit is to be allocated as resident parking. The remaining spaces are to be provided as separate parking and available for common use at all times.*

The proposal comprises 54 three-bedroom units, therefore requiring 81 resident parking spaces and 10.8 (rounded up to 11) visitor parking spaces – a total of 92 car parking spaces. Each unit is proposed to contain a single garage and there are 38 communal visitor parking spaces distributed through the site. Therefore, there is a total of 92 car parking spaces proposed. Two of the visitor car parking spaces are proposed to be allocated as car wash bays. Accordingly, the proposal is considered satisfactory with regard to WDCP – Chapter 2.11 – Parking and Access.

#### Chapter 3.1 – Site Waste Management

A suitable waste management plan has been submitted in accordance with WDCP – Chapter 3.1 – Site Waste Management, addressing the construction and on-going phases of the development.

#### Chapter 3.6 – Preservation of Trees or Vegetation

Council's Ecologist has assessed the ecological impact of the proposed development in accordance with sections 5A and 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

### **3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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The application was lodged in June 2018 and therefore, impacts to biodiversity values are assessed in accordance with the former planning provisions (i.e. section 5A of the EP&A Act), pursuant to the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.

The area of vegetation in the road reserve of Stratford Avenue proposed to be cleared is mapped under the NSW Biodiversity Values Map, however, as the application was lodged prior to 25 November 2018 it is subject to the previous planning legislation and a Biodiversity Development Assessment Report (BDAR) is not required.

It is noted that the previous proposal to provide access to the site off Moala Parade would have resulted in the removal of approximately 80 trees within the Stratford Avenue road reserve and that the amended proposal to provide access from the southern (constructed) portion of Stratford Avenue reduces the extent of tree removal within the road reserve to 19 trees.

Suitable arborist reports have been submitted in accordance with the requirements of *WDCP – Chapter 3.6 – Preservation of Trees or Vegetation* and conditions of consent are recommended requiring compliance with these arborist reports. As the application has been subject to an ecological assessment by Council's Ecologist, the requirements of *WDCP – Chapter 3.6 – Preservation of Trees or Vegetation* have been addressed.

#### Part 4 – Subdivision

The proposal has been considered against the requirements of *WDCP – Part 4 – Subdivision*, however, it is noted that the proposal comprises a Community Title subdivision and many of the controls of the Chapter are not applicable. The proposal achieves compliance with the relevant controls of the Chapter.

#### **Section 4.15 (a)(b) of the EP&A Act: Likely impacts of the development**

##### **a) Built Environment**

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

##### **Access and Transport**

The subject site benefits from two street frontages, being the unformed portion of Stratford Avenue to the west and the termination of Oak Road to the east. The amended access point is considered satisfactory as SIDRA modelling has indicated that the Lake Haven Drive and Stratford Avenue intersection will operate at a level of service A/B, meaning, good operation with acceptable delays and spare capacity.

### **3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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The existing shared pathway connecting Moala Parade to the bulky goods complex to the west and the Lake Haven Shopping Centre to the south will be retained in its current form despite the proposed construction of the public road within the Stratford Avenue road reserve.

There are numerous bus routes operating from the Lake Haven Shopping Centre which is located within walking distance of the subject site.

#### **Context and Setting**

The surrounding locality is considered to have a mixed character comprising a bulky goods centre to the west, health centre and aged care complex to the south, single detached dwellings to the east and single storey multi-dwelling residential developments to the north. The proposed development will act as a suitable transition between the non-residential landuses to the west and south and the residential built form to the north and east and the site is suitably located for the proposed form of residential development.

The development is respectful of the single storey residential built form adjoining the site to the north and east, given the provision of suitable setbacks, privacy protection measures on the rear elevations and suitable proposed landscaping. It is considered that the proposal will suitably integrate into the mixed character of the locality.

#### **b) Natural Environment**

The proposal, as amended, includes the removal of all existing vegetation within the subject site, and the removal of 19 trees within the Stratford Avenue road reserve.

All vegetation proposed to be removed comprises disturbed Narrabeen Doyalson Coastal Woodland. No endangered ecological communities or endangered populations have been detected on site.

Based on the field surveys, habitat assessments and impact assessments carried out, Council's Ecologist has concluded that the proposed development is not likely to have a significant impact on any threatened species, populations or ecological communities, or their habitats.

The proposal provides for six semi-advanced tree plantings (*Waterhousia floribunda* in 100 Litre pot sizes) within the Stratford Avenue road reserve and 115 replacement tree plantings within the subject site which will assist in offsetting the loss of trees resulting from the development.



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**Section 4.15 (1)(c) of the EP&A Act: Suitability of the site for the development**

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

The subject site is bounded by a bulky goods retail complex to the west, a community health centre and aged care facility to the south and single storey residential development to the north and east.

The proposal provides for a suitable transition in built form from the non-residential landuses to the west and south to the low scale residential development to the north and east of the site. The proposal is consistent with the objectives of the R1 General Residential zone and provides for a housing type that provides for diversity in the locality. The proposed amended access point to the development suitably integrates with the surrounding traffic environment and will not result in any further impact on surrounding residential streets. Accordingly, the proposal is considered to fit within the locality in an appropriate manner.

**Section 4.15 (1)(e) of the EP&A Act: The Public Interest**

The proposed development provides for additional housing supply in the locality on an appropriately zoned site. The proposal is respectful of the character of the area and minimises amenity impacts to adjoining properties. It is considered the proposal will improve housing supply in the locality and provides for diversity in housing type.

**Other Matters for Consideration:**

*Contributions*

Development contributions will be levied in accordance with the Gorokan District Section 7.11 Contributions Plan, based on 54x3 bedroom units, and are required to be paid prior to the issue of a Construction Certificate. An appropriate condition of consent is recommended in this regard.

*Water and Sewer Contributions*

A Section 306 Certificate under the *Water Management Act 2000* will accompany any development consent granted for the development which will detail the applicable water and sewer contributions and required works relating to water and sewer servicing for the development.

**Conclusion:**

The application seeks consent for the construction of a multi-dwelling housing development comprising 54 dwellings and associated roads (combination of public and private).

### 3.1 **Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven (contd)**

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The proposed development is consistent with the objectives of the zone and the relevant Chapters of the *Wyong DCP 2013*. The application has been assessed against the matters for consideration under Section 4.15(1) of the *EP&A Act 1979* and the *Wyong DCP 2013* and is satisfactory for the site and surrounding area.

The variation to *Wyong DCP 2013 – Chapter 2.4 – Multiple Dwelling Residential Development* relating to solar access has been addressed in the body of the report and is considered satisfactory on merit.

It is considered that the proposed development will act as a suitable transition between the non-residential land uses to the south and west of the site and the predominately single storey residential built form to the north and east. Accordingly, DA/708/2018 is recommended for approval subject to the imposition of the attached recommended conditions of consent.

#### **Reasons for the decision:**

The reasons for the decision as recommended under the assessment of this application are as follows:

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. The proposal has been considered against the provisions of *Wyong Local Environmental Plan 2013* and has been found to be satisfactory.
3. The proposal has been considered under the provisions of *State Environmental Planning Policy No. 55 – Remediation of Land* and *State Environmental Planning Policy (BASIX) 2004* and has been found to be satisfactory.
4. The proposal is considered satisfactory having regard to the requirements of Chapter 2.4 – Multiple Dwelling Residential Development, Chapter 2.11 – Parking and Access, Chapter 3.1 – Site Waste Management and Chapter 3.6 – Preservation of Trees or Vegetation of *Wyong Development Control Plan 2013*.
5. The variation to private open space solar access requirements outlined in *Wyong Development Control Plan 2013*, Chapter 2.4 – Multiple Dwelling Residential Development is considered reasonable and warranted in this instance.
6. There are no significant issues or impacts identified with the proposal under s.4.15 of the *Environmental Planning and Assessment Act 1979*.

#### **Attachments**

- |   |  |           |
|---|--|-----------|
| 1 | WDCP Chapter 2.4 - Table of Compliance                             | D13694986 |
| 2 | Draft conditions - 7 Stratford Avenue,<br>CHARMHAVEN - DA 708 2018 | D13734951 |
| 3 | Architectural Plans  | D13699841 |

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<b>4</b>	Amended Subdivision Plan		D13695444
<b>5</b>	Amended Shadow Diagram & Solar Access Report - 7 Stratford Ave Charmhaven	Provided Under Separate Cover	D13695438

## DCP 2013, Chapter 2.4 – Multiple Dwelling Residential Development - Table of Compliance

Requirement	Proposal	Compliance
<b>2.0 Context</b>		
Submission of a suitable site analysis to be provided with the development application (s2.1.1)	A suitable site analysis was submitted with the application.	Yes
Contextual analysis submitted addressing economic, social, environmental and urban design context (s2.1.2)	A suitable contextual analysis was submitted with the application.	Yes
<b>3.0 Scale</b>		
Building heights to comply with Heights of Building Map under WLEP 2013 (3.1.1)	The site is not mapped as having a maximum permitted building height under WLEP 2013.	N/A
Ceiling heights within R1 zones shall not exceed two storeys and 7m in height (3.1.2)	The maximum proposed ceiling height across the site is 5.1m with a maximum of two storeys.	Yes
Minimum of 25% of site area to be soft landscaping. (s3.2)	35.8% of the site is proposed to comprise soft landscaping.	Yes
<b>4.0 Built Form</b>		
<b>4.1 Construction and Appearance of Development</b>		
Need to respond to their context in terms of scale, functionality and sustainability. (4.1.1a)	The proposal responds to its context in relation to scale, functionality and sustainability.	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. (s4.1.1b)	Buildings are suitably articulated and there are no walls exceeding 10m in length and 3m in height without features. There is suitable visual interest provided on the facades.	Yes
Garages shall not dominate the street elevations (s4.1.1c)	Garages are suitably recessed and do not dominate the street elevations.	Yes
Roof design to be related to the built form and size and scale of the building. (s4.1.2)	The roof design relates to the built form and size and scale of the building.	Yes
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. (s4.1.3a)	N/A – The proposal does not include the retention of any existing buildings.	N/A
Internal finishes, bathrooms and kitchen facilities are to be upgraded in existing buildings. (s4.1.3b)	N/A	N/A
<b>4.2 Cut and Fill</b>		

Requirement	Proposal	Compliance
Cut and fill considerations (s4.2)	The proposed retaining walls have been amended to demonstrate compliance with respect to retaining cut and fill. No retaining walls throughout the site exceed 600mm in height.	Yes
<b>4.3 Building Lines</b>		
<b>General Requirements (4.3.1)</b>		
Absolute water frontage= 20m (4.3.1a)	N/A	N/A
Coastal Hazard Setbacks (4.3.1b)	N/A	N/A
Rear boundary adjoining reserve= 4.5m (4.3.1c)	N/A	N/A
<b>Multiple Dwelling Housing &amp; RFB - No greater than 2 storeys in height (4.3.2)</b>		
Front setback: Category A: 7.5m Category B: 6.0m Category C: 4.5m or 6.0m	Stratford Avenue is a Category B road and a front setback of 6m applies. The proposed front setback is 6.223m to the portion of the front boundary aligned to the lots to the north. The front boundary steps in towards the southern portion and the front setback in this area is 6.11m.	Yes
Side setbacks: 0.9m	The north and south are considered as sides. Proposed minimum north setback is 3.399m (for Unit 17 only) and the remainder of units are set back 6.66m.  The minimum proposed south setback is 4.486m.	Yes
Rear setback: 4.5m	The east is considered to be the rear. The proposed minimum setback to the east is 4.72m (for Unit 23), with the remainder of units set back 7.04m.	Yes
Garages: 6.0m when direct access from road OR 7.5m for Category A roads.	The garages are not directly accessed from public roads and their setbacks are considered satisfactory on merit. The garages do not dominate the facades and some of the driveways will be able to accommodate a parked vehicle fronting the garages in a stacked arrangement.	Yes
Corner Allotments: 3.0m on side street.	N/A – site is not a corner allotment.	N/A
<b>RFB – 3 or more storeys in Height (s4.3.3)</b>		
Front setbacks for development: 7.5m with some exceptions.	N/A	N/A

Requirement	Proposal	Compliance
Side and rear setbacks: First to fourth storeys: 6.0m Fifth to eight storeys: 9.0m Ninth storey and above: 12.0m	N/A	N/A
Garages: 6.0m when direct access from road OR 7.5m for Category A roads	N/A	N/A
Corner allotments: same as side and rear setbacks, plus comply with sight lines.	N/A	N/A
<b>4.4 Transport Needs</b>		
<b>General Requirements (4.4.1)</b>		
Carparking within setbacks to Category A roads not permitted.	N/A – not located on a Category A road.	N/A
Suitable landscaping screening to be provided where visible from street or adjoining properties.	Suitable landscape screening is proposed where visible from the street or adjoining properties.	Yes
Enclosed space to be provided for each dwelling.	All dwellings are proposed to be provided with one enclosed parking space.	Yes
All vehicles to enter and exit the site in a forward direction.	The design permits forward ingress and egress by all vehicles.	Yes
<b>Resident Parking (4.4.2)</b>		
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)	The proposal comprises 54x3 bedroom units, therefore requiring 81 car parking spaces and 11 visitor spaces (a total requirement of 92 spaces).  Each unit contains a single garage (54 spaces). There are 38 visitor spaces proposed. Total parking spaces proposed: 92	Yes
<b>Visitor Parking (4.4.3)</b>		
Visitor parking: 15 units: 1 space / 5 units or part thereof	There are 54 units proposed, resulting in 10.8 (rounded up to 11) visitor spaces being required.  There are 38 visitor spaces proposed.	Yes
Visitor parking is generally not encouraged within the front setback.	There are six visitor parking spaces located to the north of the community road adjacent to the entry point.	Considered satisfactory.
Visitor parking to be setback minimum of 3.0m on Cat B and C roads and suitably screen by landscaping.	The visitor parking spaces located to the north of the community road are considered satisfactory given that they are set back 6m from the main component of the front boundary to the north and make up a minor	Considered satisfactory.

Requirement	Proposal	Compliance
	portion of the overall front boundary.	
Bicycle facilities to be provided for RFBs where common carparking provided: rate of 1 / 3 units.	N/A	N/A
<b>4.5 Vehicular Access Design</b>		
Refer to s4.5.1 for general vehicular access design general requirements.	The proposal complies with the general vehicular access requirements.	Yes
<b>Ground Level Parking (4.5.2)</b>		
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. (4.5.2b)	The proposal complies with the minimum required pavement widths.	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. (s4.5.2d)	Driveway is offset 16.8m at the front boundary.	Yes
Garages shall be located behind the façade (4.5.2f)	The garages are proposed to be located behind all facades.	Yes
Garages visible from the street shall not exceed 50% of the lineal frontage (4.5.2g)	There are no garages visible from public roads and none exceed 50% of the lineal frontages.	N/A
<b>Basement Parking (4.5.3)</b>		
See section 4.5.3 for requirements.	N/A – Basement parking not proposed.	N/A
<b>4.6 Pedestrian Access</b>		
See section 4.6 for requirements.	The proposal complies with the pedestrian access requirements and provides for a separate pedestrian path from the development to the existing public shared pathway traversing the Stratford Avenue road reserve.	Yes
<b>5.0 Density</b>		
<b>5.1 Floor Space Ratio</b>		
R1 – As specified under WLEP 2013 Mapping. In areas not mapped a maximum FSR = 0.6:1.	The site is not mapped as having a maximum FSR, therefore, 0.6:1 applies. The proposed FSR is 0.44:1.	Yes
R3 – As specified under the WLEP 2013 Mapping.	N/A	N/A
<b>5.2 Development Bonuses</b>		
Refer to 5.2 for bonus provision requirements.	N/A	N/A
<b>6.0 Amenity</b>		
<b>6.1 Private Open Space</b>		

Requirement	Proposal	Compliance
<b>Multi Dwelling Housing (6.1.2)</b>		
Require min 45m <sup>2</sup> / dwelling. Min dimension of 4.5m (6.1.2a)	All units have over 45m <sup>2</sup> with minimum dimensions of 4.5m x 4.5m. However, blocks G & F have two POS areas due to solar access. The areas for Blocks G & F comply as a total.	Yes
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.	The POS areas will not be visible from public roads therefore location within front setback is considered satisfactory for Blocks G & F.	Yes
<b>Residential Flat Buildings (6.1.4)</b>		
Each dwelling to have min 10m <sup>2</sup> with min dimension of 2m. (s9.1.4)	N/A	N/A
<b>Single dwelling above shops / commercial premises (6.1.5)</b>		
30m <sup>2</sup> for the dwelling with min dimension of 4.5m. (s9.1.5)	N/A	N/A
<b>Developments others than single dwellings above shops or commercial premises (6.1.6)</b>		
Each dwelling to have min 10m <sup>2</sup> with min dimension of 2m and 20m <sup>2</sup> / dwelling as communal open space with min dimension of 5m.	N/A	N/A
<b>6.2 Communal Open Space</b>		
<b>General Requirements (6.2.1)</b>		
Spaces to be landscaped and include facilities	Communal open space is optional for multi-dwelling housing developments. There is a 520m <sup>2</sup> COS area proposed to the centre of the site containing a number of seating areas.	Yes
Communal areas not to be provided in front setback without demonstrated need	Located in centre of site.	Yes
Roof top open space only to be provided for low and high rise RFBs in additional to ground level requirements.	N/A	N/A
<b>Residential Flat Developments (6.2.3)</b>		
Communal open space in up to 2 locations at rate of 10m <sup>2</sup> / dwelling with min width of 5m.	N/A	N/A
<b>6.3 Solar Access</b>		
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.	The applicant has submitted a solar access report which outlines that 10 dwellings achieve greater than 100% compliance, 18 dwellings achieve	Variation proposed, see report



Requirement	Proposal	Compliance
	between 70% to 100% compliance, 23 dwellings achieve between 40% to 70% compliance and 3 units achieve less than 40% compliance.	for discussion.
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.	Suitable shadows diagrams have been submitted.	Yes
<b>6.4 Privacy</b>		
Direct overlooking of internal living areas and private open space to surrounding dwellings shall be minimised.	There is no unreasonable overlooking of internal living areas and private open space areas.	Yes
Refer to s6.4.1 for recommended building separation distances.	Applicable to residential flat building developments only.	N/A
Site layout should separate sources of noise from bedroom areas of dwellings.	The site layout separates sources of noise from bedroom areas of dwellings.	Yes
<b>6.5 Views</b>		
A visual analysis illustrating the impacts of the proposed may be required for developments which have the potential to obstruct views.	The proposal will not result in any significant impact on views.	Yes
Developments should be designed to minimise view loss from adjoining and adjacent properties. (s9.4)	There are no significant view loss impacts posed by the development.	Yes
<b>7.0 Services</b>		
Details of services available and impacts on existing services to be provided.	Suitable details of services and impacts on existing have been provided.	Yes
Kerb and guttering to be provided along the street frontage unless unreasonable.	Kerb and guttering is required on the proposed public road portion of Stratford Avenue. Conditions of consent are recommended in this regard.	Yes
<b>8.0 Stormwater Management</b>		
Stormwater management plan to be submitted with the development application. (s7.3)	A suitable stormwater management plan was submitted with the application.	Yes
<b>9.0 Landscaping</b>		
A Landscape plan prepared by an approved consultant to be submitted with the development application.	A suitable landscaping plan was submitted with the application.	Yes
Deep soil zones: 50% of soft landscaping area to be deep soil zone (12 ½ % of the site).	Over 50% of the landscaped area comprises deep soil zone.	Yes

Requirement	Proposal	Compliance
Planting on structures: see 9.1.3	There is no planting on structures proposed.	N/A
Two semi-advanced trees per 15 metre frontage to be provided, details to be provided as part of landscape plan.	Street tree planting not required given the extent of existing vegetation.	Yes
<b>10.0 Sustainability</b>		
<b>10.1 Waste Management</b>		
<b>General Requirements (10.1.1)</b>		
Proposed development to comply with the requirements of Chapter 3.1 – Site Waste Management.	The proposal achieves compliance with WDCP – Chapter 3.1 – Site Waste Management.	Yes
<b>Residential Flat Buildings 3 or more storeys in height (10.1.2)</b>		
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	N/A
<b>11.0 Safety and Security</b>		
CPTED principles should be taken into account	CPTED Principles have been addressed in the submitted crime prevention report.	Yes
> 20 dwellings a formal Crime Risk Assessment may be required.	Crime Prevention Report submitted with application.	Yes
<b>12.0 Social Dimensions</b>		
<b>12.1 Housing Choice</b>		
A variety of dwelling types, particularly in large RFB and on ground floor, to be provided.	A suitable variety of dwelling types are provided for in the development.	Yes
10% of units in RFBs is to be suitable for adaptation for occupancy by disabled/aged persons.	N/A	N/A
<b>12.2 Facilities and Amenities</b>		
An internal laundry shall be provided within each dwelling.	Each dwelling is provided with an internal laundry.	Yes
Provision is to be made for a car washing facility for each development.	Car wash bays are provided between units 50 and 51.	Yes
Internal storage space is to be provided. 1-2 bedrooms: 3m <sup>2</sup> floor area 3 or more bedrooms: 6m <sup>2</sup> floor area.	All units contain a compliant storage space.	Yes
<b>13.0 Aesthetics</b>		
<b>13.1 Fencing</b>		
Details of material, height, type and extent of all proposed fencing shall be shown on development application plans.	The plans depict suitable details of fencing.	Yes

Requirement	Proposal	Compliance
Fences contribute to the amenity, beauty and useability of private open spaces through incorporating design features.	Suitable design features are incorporated into the fencing.	Yes
Dividing fences shall not adversely affect flow of surface water or create flooding problems.	The dividing fences do not adversely impact the flow of surface water.	Yes
Courtyard fencing is to be of a decorative nature and 1.8m in height.	All courtyard fencing is 1.8m in height with the exception of front courtyards of units 23 to 36 where it is 1.2m given its location within the front setback areas of these units.	Yes
<p>Courtyard fencing in front setbacks may only be provided:</p> <ul style="list-style-type: none"> <li>• On category A roads for noise attenuation.</li> <li>• On category B roads for solar access.</li> <li>• No closer than 1.5m from front boundary alignment, and setback to be suitably landscaped.</li> </ul>	There is 1.2m high courtyard fencing proposed fronting units 23 to 36 which is considered satisfactory having regard for the fact that these units are not located on, or visible from, a public road.	Yes
Decorative fencing may be provided along the front boundary with a maximum height of 1.2m.	There is decorative fencing proposed to the front of Units 23 to 36 with a height of 1.2m.	Yes
No courtyard fencing permitted within the setback area on side streets.	N/A	N/A
No structures of landscaping to be provided within sight lines.	There are no structures or landscaping proposed within sight lines.	Yes

**Date:** 11 June 2019  
**Responsible Officer:** Shannon Butler  
**Location:** 7 Stratford Avenue, CHARMHAVEN  
 Lot 2 DP 1054654  
**Owner:** Lake Haven Development Pty Ltd  
**Applicant:** Mr L McWhirter  
**Date Of Application:** 29 June 2018  
**Application No:** DA/708/2018  
**Proposed Development:** Multi-Dwelling Housing comprising 54 Dwellings &  
 Community Title Subdivision  
**Land Area:** 13,260m<sup>2</sup>  
**Existing Use:** Vacant land

## 1. PARAMETERS OF THIS CONSENT

- 1.1. Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "Development Consent" unless modified by any following condition.

### Architectural Plans by: Shaddock Architects

Drawing	Description	Sheets	Issue	Date
1055	Schedules & Site Analysis	A01	16	16/10/2019
1055	Site Plan Ground Floor	A02	16	16/10/2019
1055	Site Plan Upper Floor	A03	16	16/10/2019
1055	Typical Plans & Elevations – Type A	A04	16	16/10/2019
1055	Typical Plans & Elevations -Type B	A05	16	16/10/2019
1055	Typical Plans & Elevations – Type C	A06	16	16/10/2019
1055	Typical Plans & Elevations – Type D	A07	16	16/10/2019
1055	Site Elevations 1	A08	16	16/10/2019
1055	Site Elevations 2	A09	16	16/10/2019
1055	Site Elevations 3 & Sections	A10	16	16/10/2019
1055	Communal Open Space Plan	A11	16	16/10/2019

### Subdivision Plan by: Daly.Smith

Drawing	Description	Sheets	Issue	Date
33792	Proposed Subdivision Plan	01	F	18/10/2019

**Landscaping Plans by:** Conus Landscape Architecture

Drawing	Description	Sheets	Issue	Date
LDA01	Site Plan & Site Analysis	1/3	E	21/10/2019
LDA02	Landscape Plan	2/3	E	21/10/2019
LDA03	Landscape Details and Plant Schedule	3/3	E	21/10/2019

**Supporting Documentation**

Document	Prepared by	Date
Waste Management Plan	Thomas Paul Property Group P/L	Undated

- 1.2. Comply with the Notice of Determination from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
Subsidence Advisory NSW	Notice of Determination	TBA18-03344	21/01/2019

- 1.3. Carry out all building works in accordance with the Building Code of Australia.
- 1.4. Comply with all commitments listed in BASIX Certificate as required under clause 97A of the *Environmental Planning and Assessment Regulation 2000*.
- 1.5. 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.
- 1.6. 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.
- 1.7. An application for a Subdivision Certificate must be submitted to and approved by the Council/Certifying Authority prior to endorsement of the plan of subdivision.

## 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.

- 2.2 Pay developer contributions to Council as calculated in the formula below:

$$\text{Developer contribution} = \$502,055.41 \times \text{Current CPI} \div \text{Base CPI}$$

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 7.11 or 7.12 of the *Environmental Planning and Assessment Act 1979*.

**Note:** Any works required for the development that are also identified in the relevant Contributions Plan may be subject to a credit in accordance with that Plan. Any request for a credit for works to be carried out in accordance with the Plan must be requested and agreed to by Council via a Works-in-Kind Agreement prior to the commencement of any works.

- 2.3 Prepare a Tree Protection Plan to the satisfaction of Council for trees to be retained. Trees approved to be removed for construction of the access are identified in the "Addendum to impacts of new road, & Stratford Avenue Charmhaven", Joseph Pidutti Arborist, dated 8<sup>th</sup> October 2019. The remainder of trees and vegetation in the northern section of the pathway are to be retained as shown in Figure 2.1 of the "Flora and Fauna Assessment Report", Conacher Consulting, October 2019. The Tree Protection Plan must include consideration of the approved engineering plans, including impacts from installation of services, stormwater and pathways. The Plan must be prepared by a qualified Arborist (AQF 5), providing details of Tree Protection Zones and Tree Protection Measures to be implemented during clearing, earthworks and construction.
- 2.4 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.
- 2.5 Prior to the issue of any Construction Certificate, the applicant shall liaise with the owner of No. 3 Stratford Avenue (community health centre), No. 5 Stratford Avenue (aged care facility) and No. 8 Oak Road to determine a mutually agreed boundary fencing type and height. Following agreement being reached, plans depicting the agreed fencing details are to be submitted to the Principal Certifying Authority.
- 2.6 Where conditions of this consent require approval from Council. An application for:
- Section 68 Local Government Act Works Approval – stormwater drainage,
  - Section 138 Roads Act Works Approval,
  - Water Authority, water and sewer works approval.

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.

2.7 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:

- Stratford Avenue – New intersection treatment constructed as a concrete vehicle access crossing.
- Stratford Avenue - Kerb and channel for the full extent of the new public road.
- Stratford Avenue - Full width road pavement construction adjoining the proposed kerb and channel.
- Stratford Avenue & Oak Road - Street stormwater drainage systems to the formal piped drainage system downstream.
- Stratford Avenue - Concrete footpath 1.5 metres wide connecting the subject site to the adjoining shared path.
- Pavement marking & signage.
- Vegetation removal
- Street trees at a maximum of 15.0 metre spacing.
- Pavement design catering for  $2 \times 10^6$  equivalent standard axles.
- Vehicle access crossing.
- 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
- The submission to Council as the Roads Authority of street lighting and reticulation design drawings. The design shall be prepared in accordance with AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting, documentation confirming a minimum of twenty (20) year design life and be approved by the Council as the Roads Authority prior to issue of a Construction Certificate.
- Adjustment of services.
- Guardrails - Removal of existing and establishment of new guardrails

- Re-linemarking in Stratford Avenue.

Required design drawings are to be prepared in accordance with Council's *Civil Works Specification Design Guidelines 2018* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

- 2.8 Prior to the commencement of detailed design works within any public road, a subsurface utility investigation Quality Level A must be undertaken in accordance with AS 5488.1:2019.
- 2.9 The submission to the Council as the Roads Authority of a Road Safety Audit for the new public road and intersection works prepared by a Level 3 Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of design drawings.
- 2.10 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
- Stormwater disposal to Oak Road.
  - 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.
  - An emergency overland flow path catering for the 100 year ARI design flows.

The plans must be prepared by a suitably qualified and experienced civil / hydraulic engineer in accordance with AS/NZS3500.3:2018 and Council's *Civil Works Specification Design Guidelines 2018*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate.



- 2.11 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 Specification Design Guidelines 2018* 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.
- 2.12 Prior to the issue of a Construction Certificate, satisfactory structural plans prepared by a suitably qualified Registered Structural Engineer are to be submitted for the approval of the Accredited Certifier, for the following building elements:
- Retaining Walls, including for Proposed Road 3.
- 2.13 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. As a minimum Council's Waste Management vehicle of 23 tonnes.
  - Wheel stops for visitor parking spaces
- 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.
- 2.14 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.

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:

- a) Site investigation for the preparation of the construction, and / or
  - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
  - c) Demolition approved by this consent.
- 3.3. Appoint a Principal Certifying Authority for the building work:
- a. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
  - b. Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a. The name, address and telephone number of the Principal Certifying Authority for the work; and
  - b. The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - c. That unauthorised entry to the work site is prohibited.
  - d. Remove the sign when the work has been completed.
- 3.5 Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.6 Establish Tree Protection Zones (TPZ) around trees identified to be retained in the Tree Protection Plan approved under Condition 2.3.
- Trees to be retained are to be protected by 1.8 metre high chain mesh fence and in accordance with Australian Standard AS 4970-2009: Protection of Trees on Development Sites. All required tree protection measures are to be maintained for the duration of construction works.
- 3.7 Full compliance with the recommendations in the "Flora and Fauna Assessment" by Conacher Consulting October 2019 and "Squirrel Glider Assessment" Conacher Consulting October 2019, including pre clearing surveys for fauna to be conducted by an Ecologist. Where these recommendations contained within the flora and fauna assessment are inconsistent, the conditions of consent prevail.
- 3.8 Implementation of the tree and ecological protection measures required by this consent is to be confirmed to Council's Ecologist in writing prior to commencement of any clearing, construction or earthworks.

- 3.9 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*

- 3.10 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.
- 3.11 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.
- 3.12 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 Specification Construction Guidelines 2018*. 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 1300 463 954.
- 3.13 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.

- 3.14 Prior to the commencement of any works, the Applicant shall prepare a Construction Traffic Management Plan for the development. The plan shall include Traffic Control Plans prepared by a suitably qualified and experienced consultant. All works must ensure the safety of all vehicles and pedestrians within the frontage service road.

#### 4. DURING WORKS

- 4.1. All conditions under this section must be met during works.

- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

7.00am and 5.00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

- 4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
- All excavation or disturbance of the area must stop immediately in that area, and
  - The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

**Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Full implementation of the tree protection and mitigation measures outlined in the Tree Protection Plan approved under Condition 2.3, "*Addendum to impacts of new road, & Stratford Avenue Charmhaven*", Joseph Pidutti Arborist, dated 8th October 2019, "*Arborist Report*" by Joseph Pidutti dated 17<sup>th</sup> July 2018 and "*Addendum to Arborist Report*" by Joseph Pidutti dated 12th September 2018.

Any works within nominated Tree Protection Zones must comply with *Australian Standard 4970 – 2009 Protection of Trees on Development Sites*.

- 4.7 Design, locate and install underground services to minimise or prevent tree root damage in accordance with Australian Standard AS 4970-2009: *Protection of Trees on Development Sites*.
- 4.8 Undertake the removal of trees as shown on the approved plan in a manner so as to prevent damage to those trees that are to be retained.
- 4.9 Ensure a qualified arborist (AQF 5) is on-site to oversee the works in relation to tree protection measures. Any clearing, earthworks or construction works within the Tree Protection Zones of trees identified for retention are to be directly supervised by the Arborist to ensure impacts are minimised.
- 4.10 Manually (hand) excavations or directional drilling must occur within Tree Protection Zones. All care is to be taken not to damage tree roots. Cut with a saw (not rip) any tree roots greater than 50mm that cannot be avoided.
- 4.11 Supervision by a suitably qualified Ecologist is required for all vegetation clearing works to mitigate any native animal welfare issues and ensure compliance with conditions of consent. The Ecologist must:
  - Undertake pre-clearing fauna surveys and directly supervise all vegetation clearing works, including removal of any hollow bearing trees.
  - Any hollow bearing trees are to be sectionally dismantled by an Arborist, in conjunction with the ecologist, to prevent potential damage to fauna and salvage hollows for reuse.
  - During clearing and felling all fauna and habitat will be protected through fauna protection measures (eg. Soft felling, pre-clearing surveys, sectional dismantling or any measures as required ensuring no fauna is harmed during the works).
  - Any fauna be taken into care by the ecologist and released to the nearest bushland reserve, or taken to the nearest vet if injured.

The Ecologist must provide updates in writing to Council's Ecologist upon completion of the above environmental control measures.

- 4.12 Full compliance with the recommendations in the "Flora and Fauna Assessment" by Conacher Consulting October 2019 and "Squirrel Glider Assessment" Conacher Consulting October 2019. Where these recommendations contained within the flora and fauna assessment are inconsistent, the conditions of consent prevail.
- 4.13 Tree hollows removed from the site are to be salvaged for reuse. Hollows are to be sectionally dismantled by an Arborist under the supervision of the Project Ecologist in accordance with the procedure outlined in the Central Coast Council (2016) *Guideline for the Relocation of Large Tree Hollows*. Hollows suitable for reinstallation on trees are

to be delivered to Central Coast Council as agreed to by Council's Natural and Environmental Assets Unit.

- 4.14 Council is to be notified as soon as practicable (and not more than twenty-four (24) hours after) if a breach of the tree or ecological protection conditions occurs.
- 4.15 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.
- 4.16 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.
- 4.17 Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by Thomas Paul Constructions P/L, dated 28 June 2018.
- 4.18 Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.

## 5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2 Complete the landscaping works in accordance with the approved landscaping plan.
- 5.3 Prepare and submit a final certification report detailing the level of compliance for each stage of the development. The report with all conditions relating to ecology / trees must be prepared by the engaged Ecologist and forwarded to Council for review.

- 5.4 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.
- 5.5 Prior to the issue of an Occupation Certificate, 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.
- 5.6 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%.
- 5.7 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Council's *Civil Works Specification Construction Specification* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.
- 5.8 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2018. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 5.9 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 Specification 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.
- 5.10 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.

- 5.11 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.
- 5.12 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 Central Coast 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.
- 5.13 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 to Council.

## 6. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

- 6.1. All conditions under this section must be met prior to the issue of any Subdivision Certificate.
- 6.2 The certification by a Registered Surveyor, prior to issue of a Subdivision Certificate that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. The certification shall be accompanied by a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor.
- 6.3 The plan of subdivision and Section 88B instrument shall establish the following title encumbrances with Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise. Wherever possible the extent of the land affected shall be defined by bearings and distances shown on the plan of subdivision:
- 'Restriction on the Use of Land' prohibiting any alteration to the on-site stormwater detention system. The terms of the restriction are to be prepared to Council's standard requirements.
  - 'Positive Covenant' requiring the registered proprietor to ensure on-going maintenance is completed for the on-site stormwater detention system. The terms of the covenant are to be prepared to Council's standard requirements.
  - 'Easement for Waste Collection' to indemnify Council against claims for loss or damage to the pavement or other driving surface and against liabilities losses, damages and any other demands arising from any on-site collection service, at the applicant's cost.
  - 'Easement for Water Supply' benefitting Council as the Water Authority.

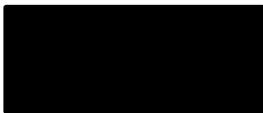


The encumbrances must be shown on the final plan of subdivision and Section 88B instrument, and be approved by Council with the Subdivision Certificate.

**7. ONGOING**

- 7.1 The non-habitable rooms such as garages, storerooms or outbuildings must not be adapted or used for habitable purposes.
- 7.2 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.
- 7.3 Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 7.4 No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 7.5 Comply with all commitments as detailed in the Waste Management Plan signed by Thomas Paul Construction P/L, dated 28 June 2018.
- 7.6 Use external lighting that minimises overspill into retained vegetated areas.

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.



Shannon Butler  
**Senior Development Planner**  
**DEVELOPMENT ASSESSMENT**

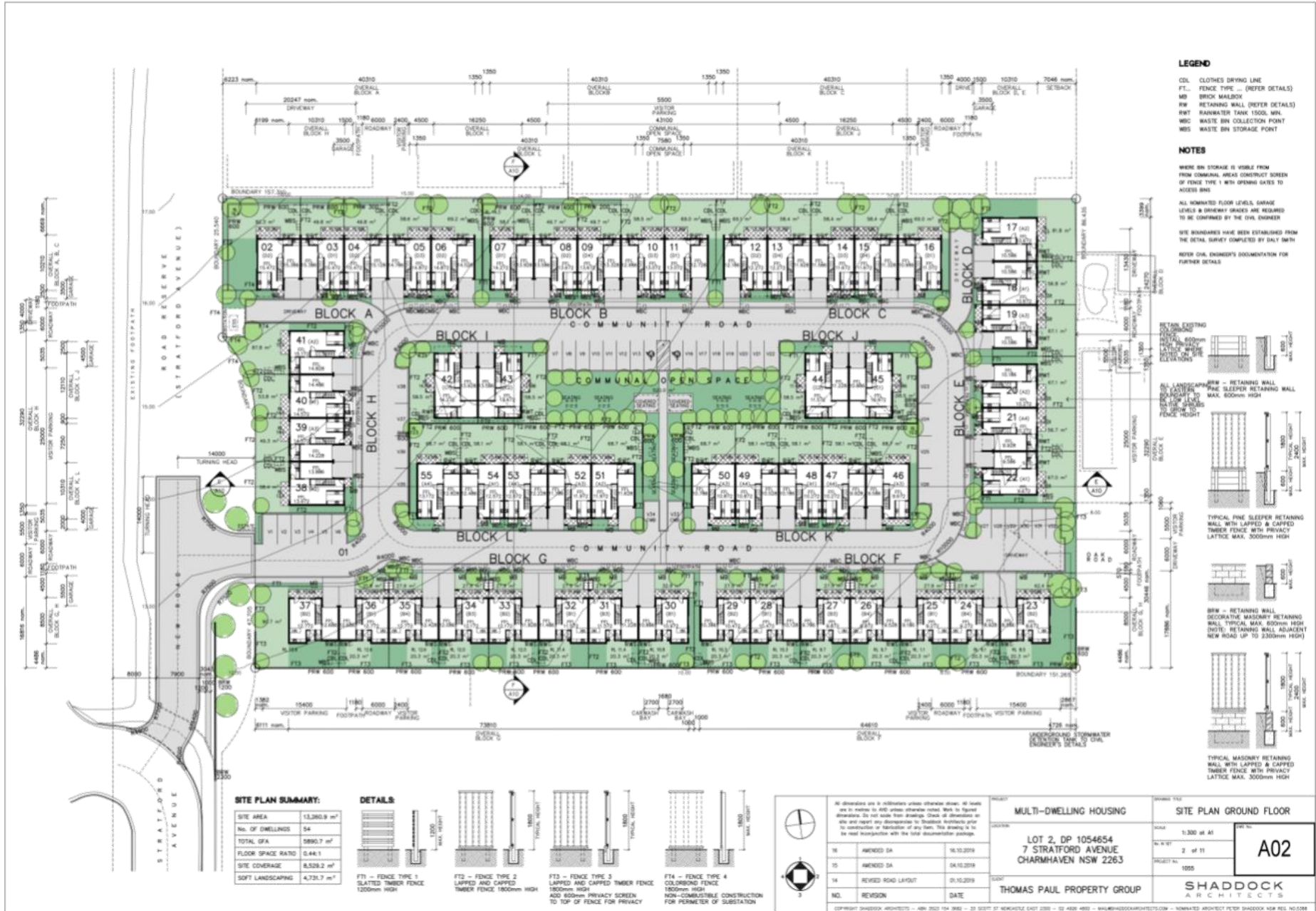
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Reporting Officer

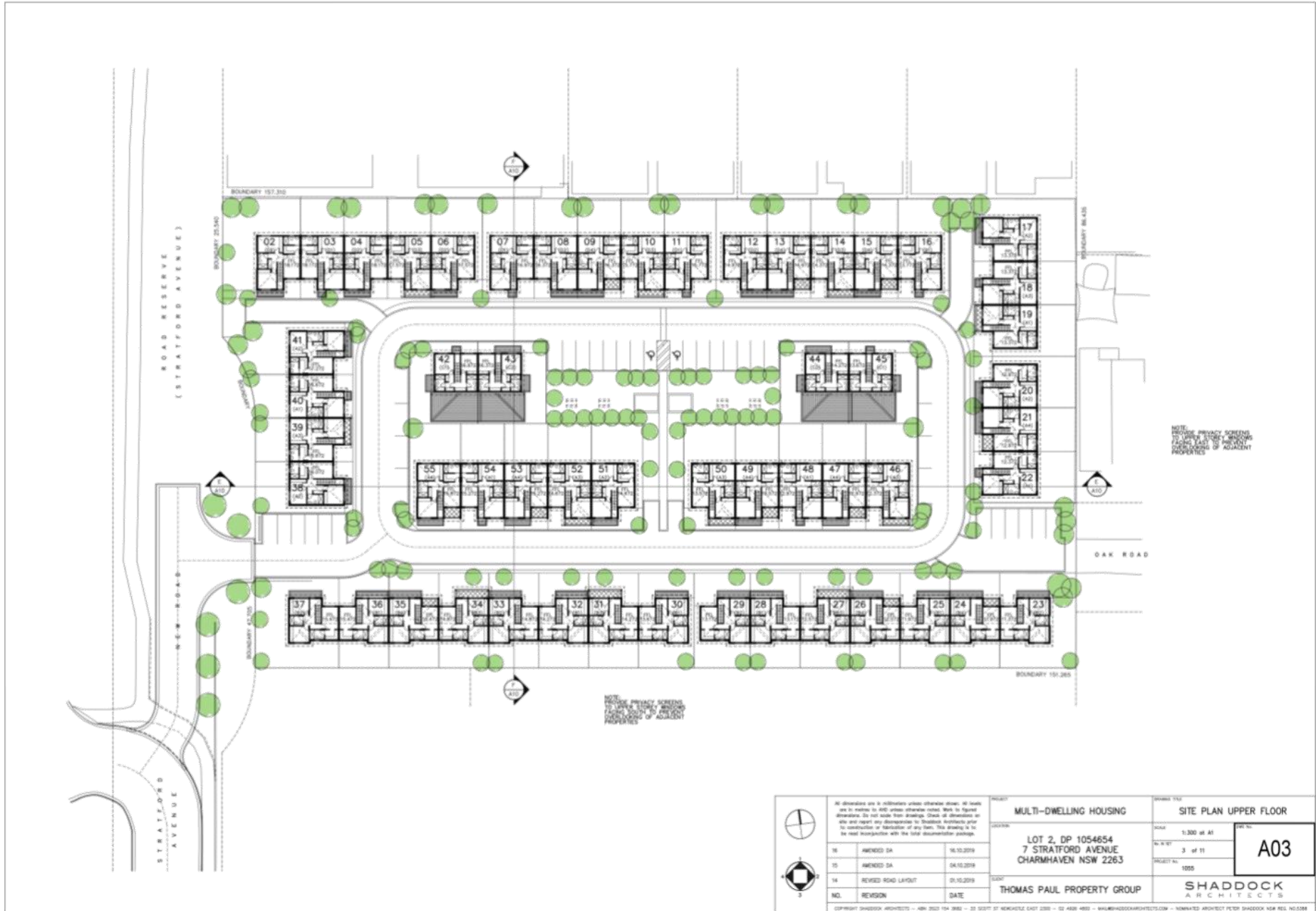
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Reviewing Officer

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.

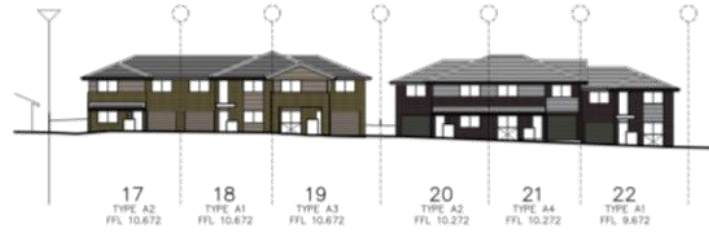
Approved/Refused:

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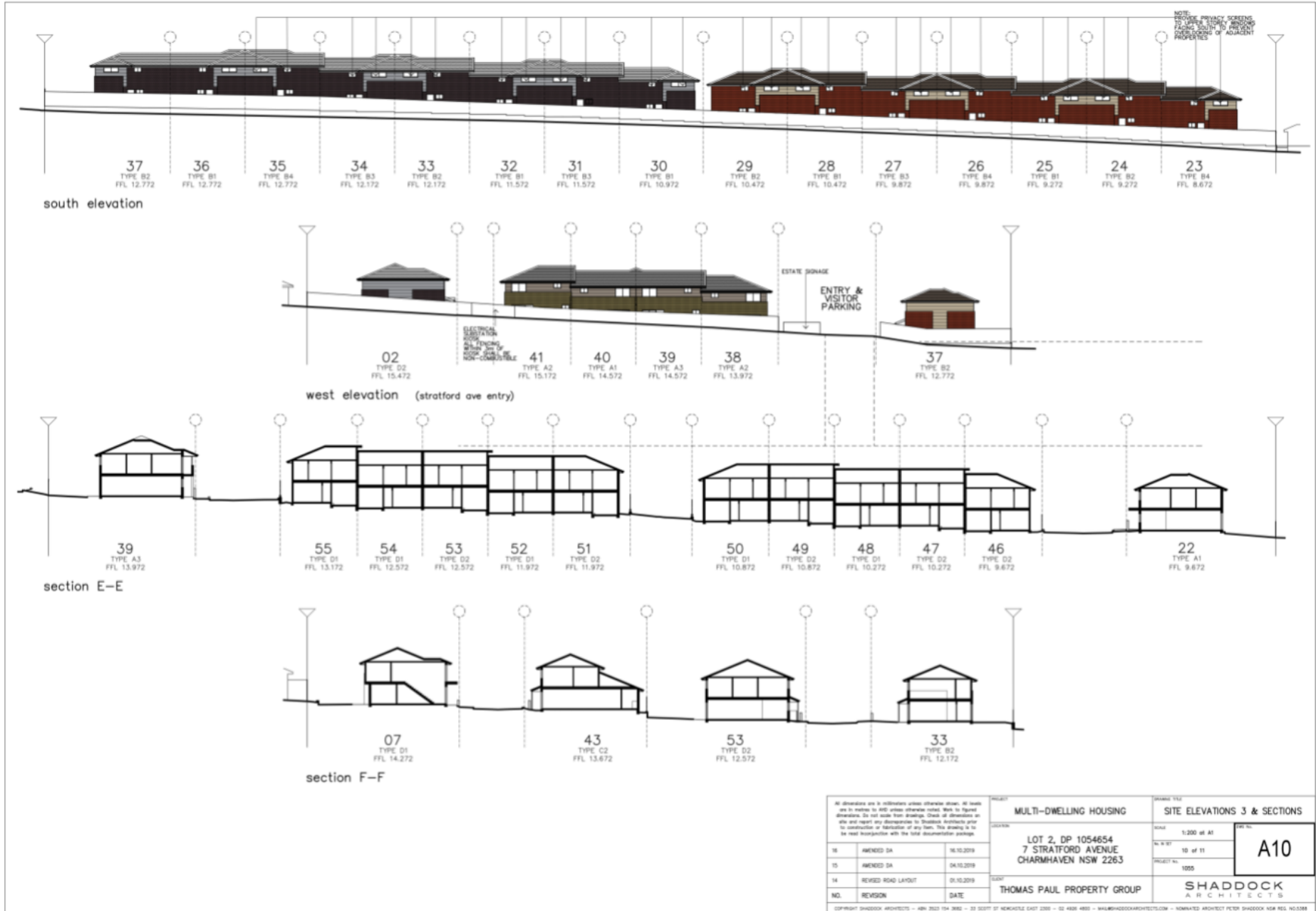
	All dimensions are in millimetres unless otherwise stated. All levels are in metres to AHD unless otherwise noted. Refer to figure alternatives to all wall face finish drawings. Check all dimensions on site and report any discrepancies to the architect prior to construction or fabrication of any item. This drawing is to be used in conjunction with the full documentation package.		PROJECT: MULTI-DWELLING HOUSING	DRAWING TITLE: SITE PLAN UPPER FLOOR
	16 AMENDED DA 16.10.2019 15 AMENDED DA 04.10.2019 14 REVISED ROAD LAYOUT 01.10.2019	CLIENT: THOMAS PAUL PROPERTY GROUP	PROJECT NO: 1005	SCALE: 1:300 at A1 NO. IN SET: 3 of 11 SHEET NO: A03
NO. REVISION DATE	ARCHITECT: SHADOCK ARCHITECTS	COPYRIGHT SHADOCK ARCHITECTS - AHN 2022 154 2862 - 23 SCOTT ST NEWCASTLE EAST 2300 - 02 4928 4822 - MAIL@SHADOCKARCHITECTS.COM - NOMINATED ARCHITECT PETER SHADOCK NEW REG. NO.5388		

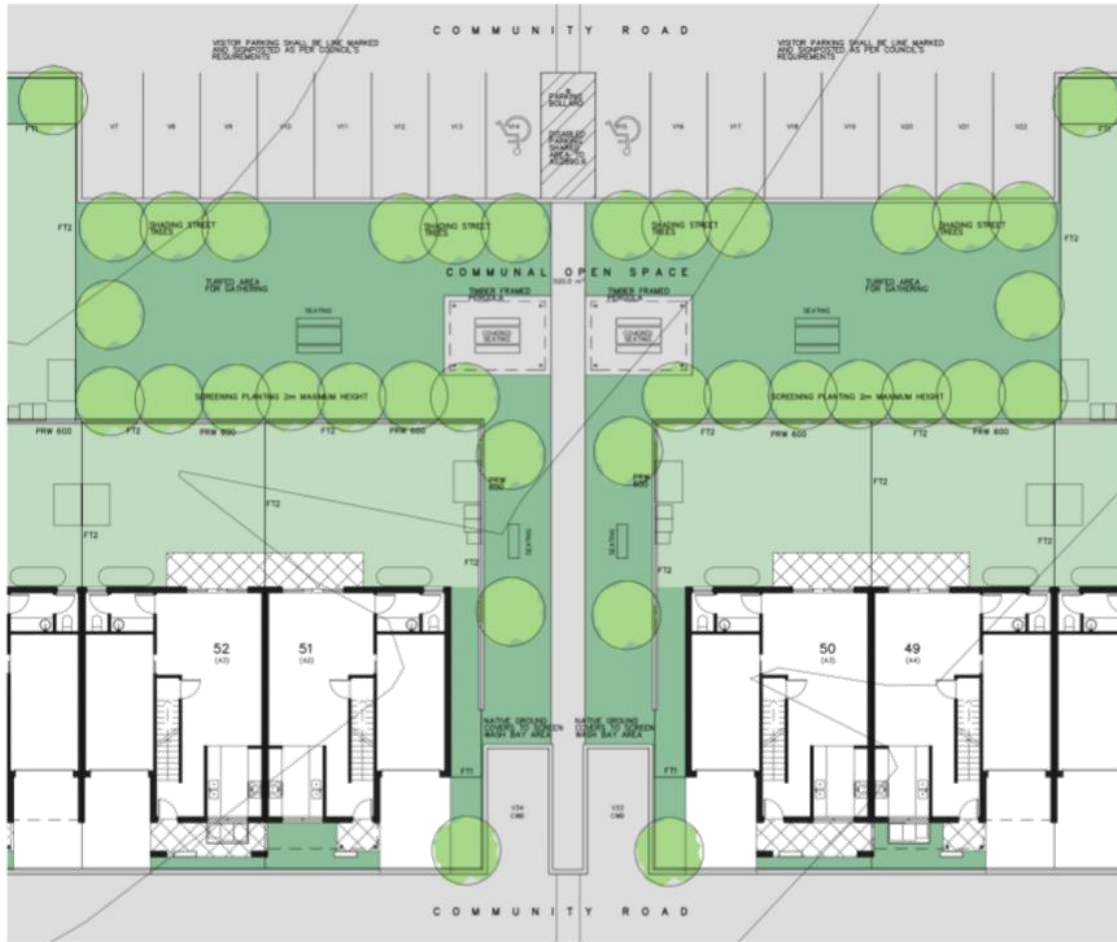


<small>All dimensions are in millimetres unless otherwise stated. All levels are in metres to AHD unless otherwise noted. Sites to be signed otherwise. Do not scale this drawing. Check all dimensions on site and report any discrepancies to Structural Architects prior to construction or fabrication of any item. This drawing is to be used in conjunction with the full documentation package.</small>		PROJECT <b>MULTI-DWELLING HOUSING</b>	DRAWING TITLE <b>SITE ELEVATIONS 1</b>	
NO. 16 AMENDED DA 16.10.2019		ADDRESS <b>LOT 2, DP 1054654                  7 STRATFORD AVENUE                  CHARMHAVEN NSW 2263</b>	SCALE 1:200 of A1 NO. 17 8 of 11 PROJECT NO. 1005	DRAWING NO. <b>A08</b>
NO. 15 AMENDED DA 04.10.2019				
NO. 14 REVISED ROAD LAYOUT 01.10.2019		CLIENT <b>THOMAS PAUL PROPERTY GROUP</b>	ARCHITECT <b>SHADDOCK ARCHITECTS</b>	
NO. 13 REVISION DATE		COPYRIGHT SHADDOCK ARCHITECTS - ABN 2922 754 2862 - 22 SCOTT ST NEWCASTLE EAST 2300 - 02 4928 4800 - MAIL@SHADDOCKARCHITECTS.COM - NOMINATED ARCHITECT PETER SHADDOCK NSW REG. NO.5338		



<p>All dimensions are in millimetres unless otherwise stated. All levels are in metres to AHD unless otherwise noted. Refer to figured dimensions. Do not scale this drawing. Check all dimensions on site and report any discrepancies to Project Architects prior to construction or fabrication of any item. This drawing is to be read in conjunction with the full documentation package.</p>			<p>PROJECT: MULTI-DWELLING HOUSING</p>	<p>DRAWING TITLE: SITE ELEVATIONS 2</p>
<p>NO. 16: AMENDED DA 16/10/2019</p> <p>NO. 15: AMENDED DA 04/10/2019</p> <p>NO. 14: REVISED ROAD LAYOUT 01/10/2019</p> <p>NO. 13: REVISION DATE</p>			<p>CLIENT: THOMAS PAUL PROPERTY GROUP</p>	<p>SCALE: 1:200 of A1</p> <p>SHEET NO. 9 of 11</p> <p>PROJECT NO. 1005</p>
<p>ADDRESS: LOT 2, DP 1054654 7 STRATFORD AVENUE CHARMHAVEN NSW 2263</p>			<p>ARCHITECT: SHADDOCK ARCHITECTS</p>	<p>DATE: 16/10/2019</p>

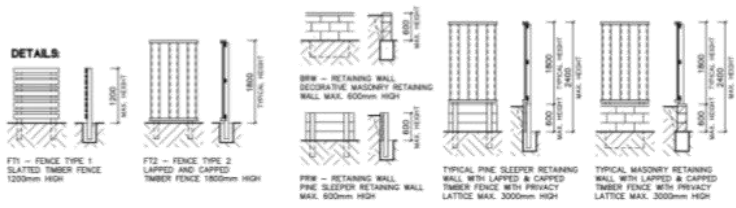




communal open space plan

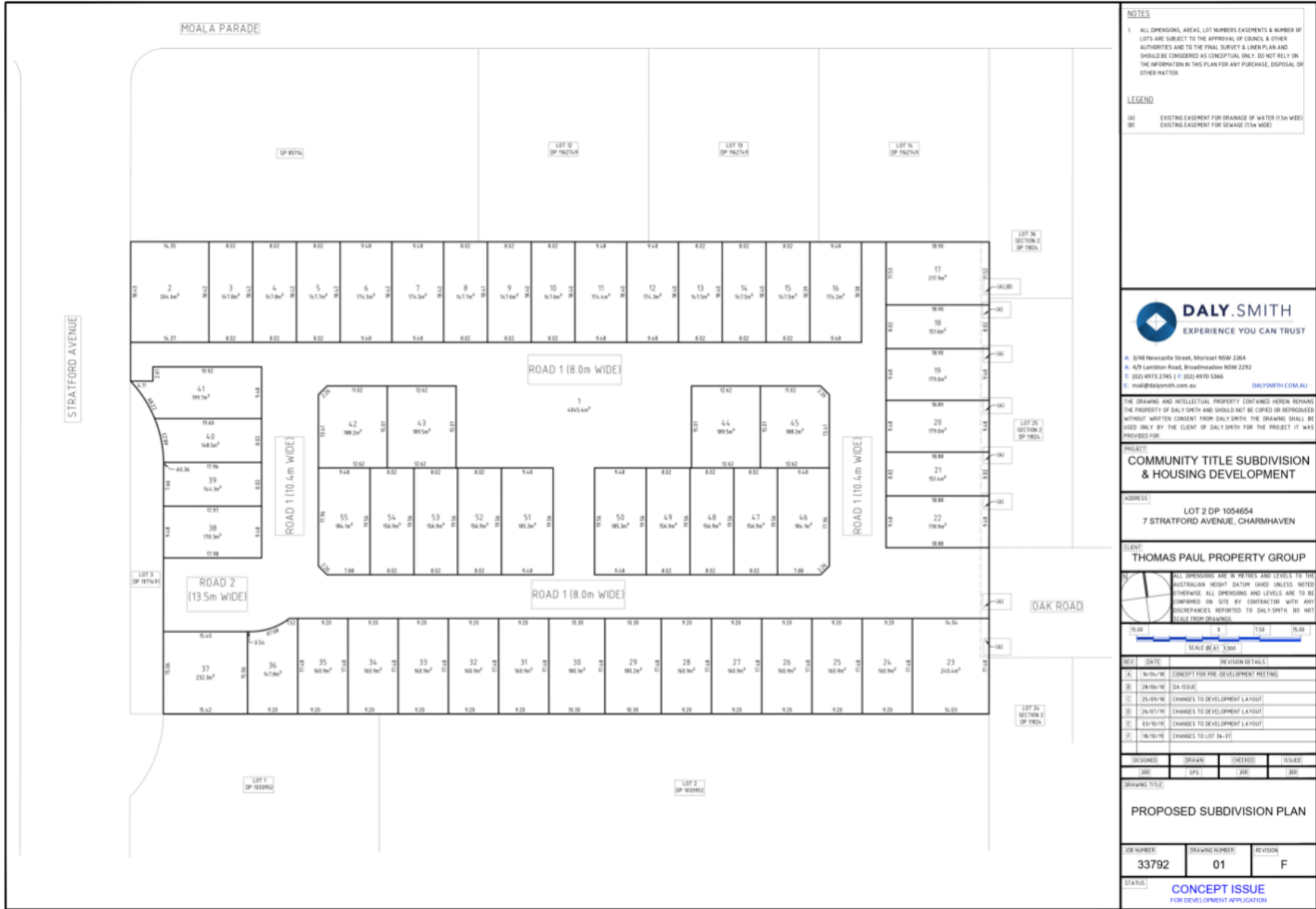
**NOTES**

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE FULL DOCUMENTATION PACKAGE.  
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION FOR PLANTING SCHEDULES & ADDITION DETAILS



ALL dimensions are in millimetres unless otherwise stated. All levels are in metres to AHD unless otherwise noted. Refer to signed alternatives to all call outs from drawings. Check all dimensions on site and report any discrepancies to Structural Architects prior to construction or fabrication of any item. This drawing is to be read in conjunction with the full documentation package.			PROJECT: MULTI-DWELLING HOUSING DRAWING TITLE: COMMUNAL OPEN SPACE PLAN
16 AMENDED DA 16.10.2019 15 AMENDED DA 04.10.2019 14 REVISED ROAD LAYOUT 01.10.2019			SCALE: 1:100 SHEET NO: 11 of 11 PROJECT NO: 1005
CLIENT: THOMAS PAUL PROPERTY GROUP			ARCHITECT: SHADDOCK ARCHITECTS
NO. REVISION DATE			DRAWING NO: A11





Plot Date: 18/10/19 - 0842 Cad File: C:\Users\james.fussell\DALY SMITH PTY LTD\DALY SMITH PTY LTD Team Site - Documents\Plan\103992\33792\1\_CIVIL\DA\DA\33792\_Sub-F.dwg



**Item No:** 3.2  
**Title:** DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy  
**Department:** Environment and Planning

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13705086  
Author: Jessica Summerhayes, Development Planner  
Manager: Andrew Roach, Unit Manager, Development Assessment  
Executive: Scott Cox, Director Environment and Planning

### Summary

An application has been received for a residential flat building development comprising 9 units, and an on-grade carpark at No. 145 Blackwall Road Woy Woy. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The development application is required to be reported to Council in accordance with Council's adopted *Policy for Determining Development Applications Subject to Significant Public Objection* as a total of twenty-six (26) submissions were received objecting to the proposal during the notification periods (8 in the first notification period, and 18 in the second notification period).

<b>Applicant</b>	S Gardner
<b>Owner</b>	S Gardner
<b>Application No</b>	DA55285/2018
<b>Description of Land</b>	LOT 81 DP 6774, No. 145 Blackwall Road Woy Woy NSW 2256
<b>Proposed Development</b>	Residential flat building with on-grade carpark
<b>Site Area</b>	743m <sup>2</sup>
<b>Zoning</b>	R1 General Residential
<b>Existing Use</b>	Dwelling house
<b>Employment Generation</b>	No
<b>Estimated Value</b>	\$1,074,185

### Recommendation

- 1** *That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.*
- 2** *That Council advise those who made written submissions of its decision.*

## Precis

<b>Proposed Development</b>	Residential flat building housing (9 units) with on-grade carparking.
<b>Permissibility and Zoning</b>	The subject site is zoned <i>R1 General Residential</i> under the provisions of <i>Gosford Local Environmental Plan 2014</i> . The proposed development is defined as 'residential flat building' which is permissible in the zone with consent of Council.
<b>Relevant Legislation / Policies</b>	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment.</p> <ul style="list-style-type: none"> <li>• <i>Environment Planning and Assessment Act 1979 - section 4.15 (EP&amp;A Act)</i></li> <li>• <i>State Environmental Planning Policy (Coastal Management) 2018</i></li> <li>• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></li> <li>• <i>State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65)</i></li> <li>• <i>State Environmental Planning Policy No 55 Remediation of Land</i></li> <li>• <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i></li> <li>• <i>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</i></li> <li>• <i>Gosford Development Control Plan 2013 (GDGP 2013)</i></li> <li>• <i>Draft Central Coast Development Control Plan 2018 (Draft CCDCP 2018)</i></li> <li>• <i>Apartment Design Guide. Tools for improving the design of residential apartment development (ADG)</i></li> <li>• <i>Gosford City Council Climate Change Policy</i></li> <li>• <i>Central Coast Regional Plan 2036 (CCRP 2036)</i></li> <li>• <i>Central Coast Council Community Strategic Plan 2018-2028</i></li> </ul>

<b>Legislative Clauses Requiring Consent Authority Satisfaction</b>	<ul style="list-style-type: none"> <li>• Section 4.15 of <i>Environmental Planning &amp; Assessment Act 1979</i> - Evaluation.</li> <li>• Clause 8A (2)(d) of <i>the Local Government Act 1993</i></li> <li>• Clause 7 of <i>State Environmental Planning Policy No 55 - Remediation of Land</i>.</li> <li>• Clause 28 (Determination of development applications) of <i>State Environmental Planning Policy (SEPP) No 65 – Design Quality of Residential Apartment Development</i>.</li> <li>• Clause 6 (Building to which Policy applies) of <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></li> <li>• Clause 2.3 (Zone Objectives and Land Use Table); Clause 4.6 (Exceptions to development standards of <i>Gosford Local Environmental Plan 2014</i>).</li> </ul>
<b>Current Use</b>	One (1) dwelling house on single lot
<b>Integrated Development</b>	No
<b>Submissions</b>	<p>Twenty-six (26) in total.</p> <p>Notified from 18 October 2018 until Thursday 8 November 2018, eight (8) submissions were received.</p> <p>Amended plans were notified from 30 May 2019 until Friday, 14 June 2019. Eighteen (18) public submissions were received.</p>
<b>Councillor Representations</b>	Nil

### Variations to Policies

<b>Policy</b>	<b>Clause / Description</b>	<b>Variation</b>
<b>Gosford Local Environmental Plan 2014</b>	Clause 4.4(2) (Floor Space Ratio)	<ul style="list-style-type: none"> <li>• The applicable FSR control is 0.6:1. The proposed development has a maximum FSR of 0.659:1 representing a 0.059:1, 44m<sup>2</sup> or 9.8% non-compliance with the development standard.</li> </ul>
	Clause 4.1B Minimum lot sizes for residential flat buildings	<ul style="list-style-type: none"> <li>• Residential flat building requires a 750m<sup>2</sup> allotment, the proposed lot is 743m<sup>2</sup> representing a variation of 6.8m<sup>2</sup> or 0.9%</li> </ul>

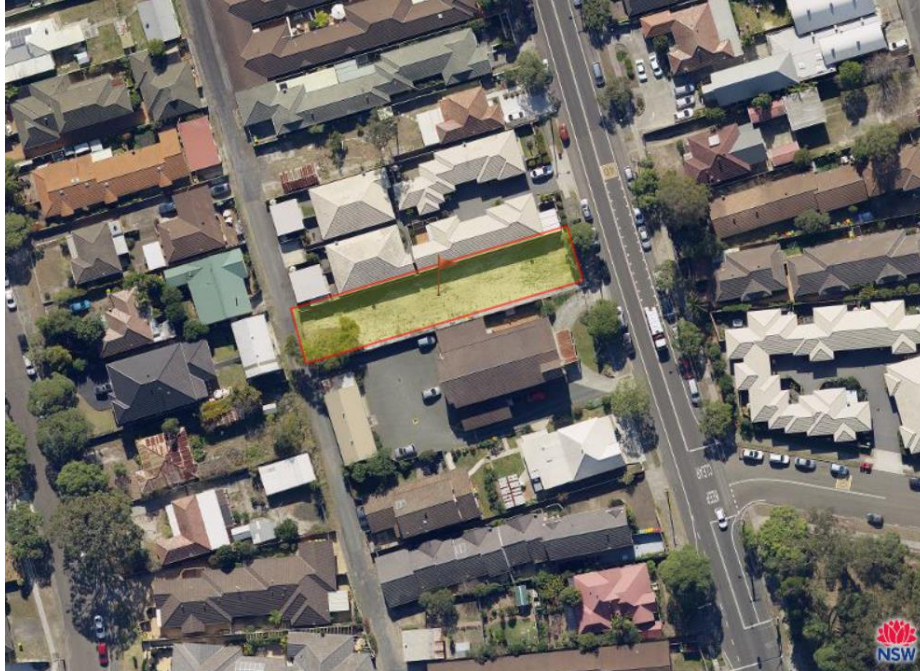
Policy	Clause / Description	Variation
<b>Gosford Development Control Plan 2013</b>	7.1 Car Parking	<ul style="list-style-type: none"> <li>14 resident car parking spaces are required. The proposed development provides 13 on-grade parking spaces. This results in a 1 space shortfall in parking or 7%.</li> </ul>
<b>Apartment Design Guide</b>	3F-1 Visual Privacy	<ul style="list-style-type: none"> <li>The minimum required separation distances from the subject building to the side and rear boundaries of the site is 6m (habitable) and 3m (non-habitable).</li> <li>The proposed development has an articulated façade that results in a varying setback along the length of these boundaries provide architectural interest. Details below: <ul style="list-style-type: none"> <li><u>Northern side</u> <ul style="list-style-type: none"> <li>The development proposes a minimum setback at ground floor of 1.5m to a non-habitable area (1.5m variation or 50%) with the majority of façade meeting the 3m requirement. A 3.6m setback to a habitable (terrace) area is proposed (2.6m variation or 40%)</li> <li>Level 1 and level 2 have a varied facade with a minimum setback of 1.5m from habitable areas (4.5m variation or 75% variation) due to the width of the lot size. Other portions feature a setback of 3.6m. Discussed under the ADG section of the report.</li> </ul> </li> <li><u>Southern side</u> <ul style="list-style-type: none"> <li>The development proposes a minimum setback at ground floor of 1.2m to a non-habitable area (lift &amp; waste storage area) (1.8m variation or 60%). A 1.6m setback to a habitable area (living areas) area is proposed (4.4m variation or 73%)</li> <li>Level 1 and level 2 have a varied facade with a minimum setback of 1.6m setback to a habitable area (living areas) area is proposed (4.4m variation or 73%). With some portions setback</li> </ul> </li> </ul> </li> </ul>

Policy	Clause / Description	Variation
		<p>3.5m. Discussed under ADG section of the report.</p> <p>The assessment of these variation is provided in Attachment 4</p>
	4D-1 Apartment Size and Layout	<ul style="list-style-type: none"> <li>• The minimum is 50m<sup>2</sup> for 1 bedroom units. The proposed ranges from 45m<sup>2</sup> to 55m<sup>2</sup>. A variation of 5m<sup>2</sup> or 10% is proposed for 4 out of 5 units.</li> <li>• The minimum is 70m<sup>2</sup> for 2 bedroom units. The proposed are 64m<sup>2</sup>. A variation of 6m<sup>2</sup> or 8.6% is proposed for all 4 of the 2 bedroom units.</li> </ul> <p>The assessment of this variation is provided in Attachment 4.</p>
	3D-1 Communal Open Space	<ul style="list-style-type: none"> <li>• 25% of the site area (186m<sup>2</sup>) is required as communal open space. 58m<sup>2</sup> (8% of the site) is proposed to accommodate communal open space, resulting in a 128m<sup>2</sup> or 69% variation.</li> </ul> <p>This variation is supported for following reasons :</p> <p>The narrow site has is constrained as due to the excavation for a basemen basement carparking is not possible, resulting in the need to accommodate the required car parking on grade. This results in the difficulty of providing 25% of the site area to be dedicated as communal open. A balance between open landscaped areas and site coverage (buildings &amp; carparking) is achieved on ground level.</p> <p>The extent of non-compliance is supported as the communal open space provided is supplemented by:</p> <ul style="list-style-type: none"> <li>-Adequate landscaped boundaries for amenity and outlook for residents;</li> <li>• -Each unit has been provided with a larger than required minimum balcony size,</li> </ul>

Policy	Clause / Description	Variation
		<ul style="list-style-type: none"> <li>○ 1 bedroom units require a balcony a minimum area of 8m<sup>2</sup> and depth 2m. The proposed 4 x 1 bedroom units have a balcony size of 11.71m<sup>2</sup> (depth 3m).</li> <li>● The 2 bedroom units require a balcony a minimum area of 10m<sup>2</sup> and depth of 2m. The proposed 4 x 2 bedroom units have a balcony size of 11.83m<sup>2</sup> (depth 2.6m).</li> <li>● The one unit on ground level complies with the required 15m<sup>2</sup> of private open space instead of a balcony a minimum depth of 3m.</li> </ul> <p>-A relatively deep front setback to accommodate substantial landscaping (3m setback and an area of 25m) and shade trees for amenity and outlook for residents; and -Public land as open space for recreational activity is available approx. 550m to the east of the site, at the foreshore area adjacent to Brisbane Water.</p> <ul style="list-style-type: none"> <li>● 2 hours sunlight is required to a minimum of 50% to the principal ground floor useable part of the communal open space. The design includes communal open space. The design includes principal communal open space (located on the ground floor to the north and east of the entry and lift) that receives solar access for 2 hours between 10am and 12pm in mid-winter. Minimum solar access compliance is achieved.</li> </ul> <p>The assessment of this variation is provided in Attachment 4.</p>

**The Site**

The site is made up of a single allotment No. 145 Blackwall Road, Woy Woy NSW 2256, and legally known as LOT 81 DP 6774. The site is level and is currently vacant.



**Figure 1 - Aerial photograph of the site and adjoining properties (site shown edged red)**

The site is located on the western side of Blackwall Road having a total area of 743.2m<sup>2</sup>. The land has a frontage to Blackwall Road of 12.19m. The rear (western) boundary is 12.19m, and the side (southern) boundary is 60.96m.

The site is zoned R1 General Residential under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014), refer to Figure 2.





**Figure 2 - Zoning of the site and adjoining properties (site shown highlighted in blue)**

### Surrounding Development

The site is located in a highly accessible area, being within reasonable walking distance to Woy Woy town centre (approx. 200m) with access to regular and frequent public transport services. Woy Woy train station is approximately 800m and bus stops are located along Blackwall Road. The site is within walking distance to Woy Woy Oval and the open space along the waterfront (refer to figure 2.1).



**Figure 2.1 – Map showing distance from the Subject site (indicated in blue) to Woy Woy Oval and shoreline**

Directly adjacent to the northern boundary of the site is a single storey multi dwelling housing development (villas).

Properties located on the opposite side to the southern boundary is a place of public worship, and to the western boundary is a rear laneway adjacent to a single storey dwelling house and garage.

**Background**

The development application was lodged on 28 September 2018 and originally proposed a three storey residential flat building comprising 10 units with a floor space ratio (FSR) of 0.823:1 resulting in a 36% variation to FSR (refer figure 3) with a compliant height. This initial application was subject to neighbor notification at that time.



**Figure 3 – Render of Eastern Elevation of original proposal**

In response to discussions with Council staff, amended plans were lodged on 16 May 2019 seeking approval for a three storey residential flat building, comprising 9 residential units, with a maximum floor space ratio (FSR) of 0.659:1 (9.8% variation) and a maximum height of building of RL 14.35 AHD (height of building 10m above natural ground) which complies with the height control. This proposal included the following amendments:

- Reduced the number of units from 10 units to 9 units,
- Reduced the size of three units (ground floor unit decreased from 2 bedrooms to 1 bedroom, and two units reduce from 66m<sup>2</sup> to 64m<sup>2</sup>;
- Reduced the FSR from 0.823:1 to 0.659:1,
- Lobby areas redesigned to now be open to the elements at the sides, with open vertical louvres, which does not constitute gross floor area for the purpose of calculating floor space ratio.
- Increase the northern & southern side setback,
- Addition of one resident parking space,
- Decreased the height of roof ridge line through the middle of the building,
- Redesign of the on-grade waste storage facilities and access path,
- Improve landscaping along the southern boundary.

These amended plans were again notified.

### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

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Following consultation with Council, further amended plans were lodged on 1 October 2019. These most recent plans are the subject of this report. These amended plans included minor amendments to the northern & southern side slab overhang to reduce bulk, improved on-structure landscaping & the inclusion of solar panels. These drawings were not further notified, in accordance with Gosford Development Control Plan (GDGP 2013) Chapter 7.3 which states;

*"...if in the opinion of Council or staff with the appropriate delegated authority the amendments are minor, or will result in no additional impacts, the amendments will not require re-advertisement or re-notification."*

#### **The Proposed Development**

Development consent is sought for the demolition of existing building and construction of:

- Three storey residential flat building comprising 9 units, including 5 x one bedroom units and 4 x two bedroom units. One of the units is an adaptable living unit.



**Figure 4 – Render of Eastern Elevation of subject proposal**

- Thirteen (13) on-grade resident car parking spaces are proposed, including one (1) accessible space.
- The colours and finishes of external facades will be in accordance with the schedule supporting the development application (refer to Figure 5).

Blackwall Residences

PROPOSED RESIDENTIAL FLAT BUILDING  
 For: S + T Gardner  
 145 Blackwall Road Woy Woy NSW Australia  
 Lot 81 in DP 8774

Sheet Index		
ID	Sheet Name	Drawing Scales
D000	Cover Sheet	
D100	Site Plan + Site Analysis Plan	1:250
D200	Ground Floor Plan	1:200
D201	First + Second Floor Plans	1:200
D202	Roof Plan	1:200
D300	Sections	1:200
D400	Elevations	1:200
D401	Elevations	1:200
D900	Shadow Diagrams Mar/Sept 21	
D901	Shadow Diagrams Jun 22	
D902	Shadow Diagrams 3D Neighb...	1:500
D903	Shadow Diagrams 3D Neighb...	1:500

- Schedule of Materials**  
 refer to image on this page
1. Core and slab edges - rendered finish
  2. Masonry walls - Rendered Granositic paint finish, off white
  3. Murobond Bridge paint to metalwork
  4. Hardwood timber decking to balconies
  5. Silver grey paving to common areas (non slip)
  6. Satin dark aluminium framing to glazing suites
  7. Concrete slab soffits to balconies and terraces
  8. Colorbond rainwater goods - Night Sky
  9. Metal Roof Sheeting - medium



- DA1: DA issue 1: revised issue, general reconfiguration of building layout to reduce over shading of property to the south by increasing setbacks to southern boundary, addition of parking space (DA1 7) approval, decrease height of building roof ridge through the middle of the building
- DA2: DA issue 2: adjusted overhang above parking at southern boundary west of 8th stage

**Basic Building Fabric Requirements (145 Blackwell Rd, Woy Woy)**

Element	Material Type	Detail
External walls	Cavity Brick + R1.0 Insulation + PB	Light colour
	Light cladding + R1.0 Insulation + PB	
Internal walls	Plasterboard on studs	Intra-tenancy walls
	Hebel wall	Intra-tenancy walls
Windows	ALM-002-01 A Aluminium B SG Clear	NFRC Glazing System (Glass+Frame) values: ⇒ U ≤ 6.70 and SHGC = 0.70 ±5% Weather stripping fitted on windows
Skylights	N/A	
Downlights	Sealed	Quantity as specified
Floor	Concrete slab	Tile - Kitchen and wet Carpet- Bedrooms Timber - Living area
	Concrete slab + R1.0 Insulation	To outside air, carpark and storage.
Ceiling + Roof	Plasterboard + R3.0 Insulation	Light colour
	Concrete slab	

**White + Dickson Architects**  
 PO Box 4074 East Gosford NSW 2250  
 Tel: +61 2 4284 3022  
 Incorporated Architect Andrew Dickson (Arch Registration No. 7657)

**Blackwall Residences**  
 Proposed Residential Flat Building  
 145 Blackwall Road Woy Woy NSW Australia  
 Lot 81 in DP 8774

Cover Sheet  
 Scale @ A3    March    Issue: DA1

Figure 5 - Colour and Material Schedule

- Landscaping will be in accordance with the landscape plan (site plan & landscaping) supporting the development application (refer to Figure 6). The landscape design proposes the retention of the existing street tree on Blackwall Road.

On-site garden planting, including (five (5) shade trees, is proposed inside the perimeter of both the street frontage (Blackwall Road) and along the rear laneway boundaries. Small shrub planting in a planter box is proposed on the first floor.

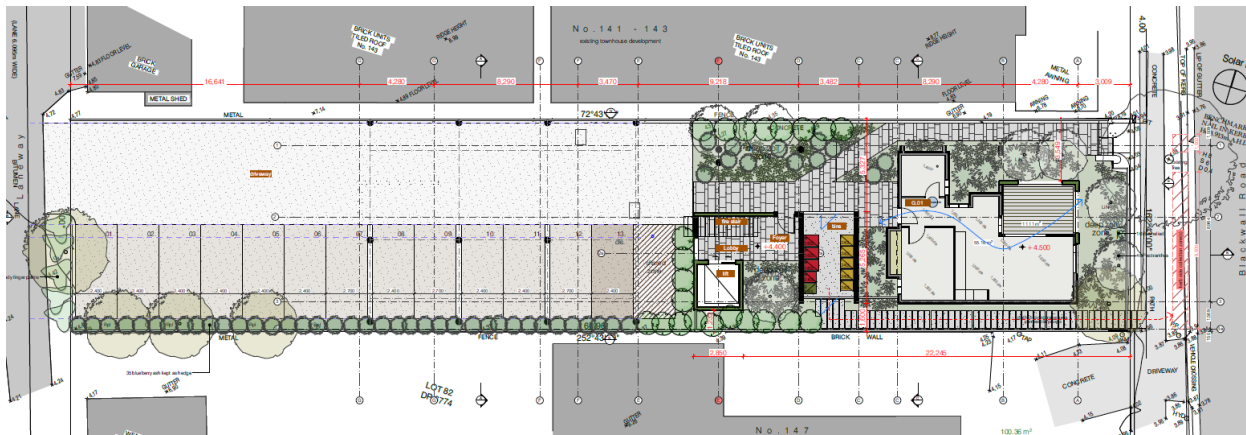


Figure 6 - Site plan and landscaping

## Submissions

### Public Consultation

The development application was notified on two occasions in accordance with Chapter 7.3 - Notification of Development Proposals of Gosford Development Control Plan 2013 (GDGP 2013). Twenty-six (26) submissions in total were received during the assessment of the subject development, across two notification periods as follows:

- The application was initially lodged on 28 September 2018, and notified from 18 October 2018 until Thursday 8 November 2018, eight (8) submissions were received.
- On 16 May 2019, the applicant lodged amended plans, which were notified from 30 May 2019 until close of business on Friday, 14 June 2019. Eighteen (18) public submissions were received.

The issues raised in the public submissions include:

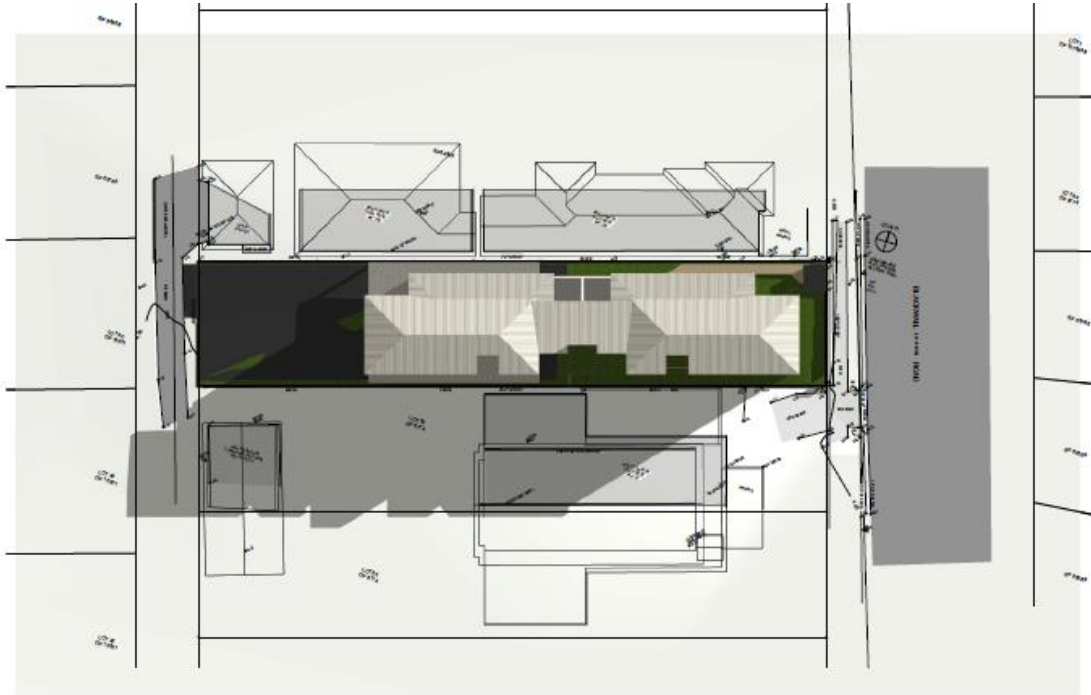
- ***The development will negatively impact the residents in the church to the South by creating significant shadowing impacts.***

### Comment

Shadow diagrams during the winter solstice (22 June) and summer equinox were submitted with the development application. A review of these shadow diagrams indicates that any shadows cast by the proposed development will not adversely impact the non-residential property to the south, comprising a place of public worship; Saint Luke's Anglican Church, located at No. 147 - 149 Blackwall Road, Woy Woy.

At 9am, during the winter solstice (22 June), shadows cast by the proposed development will fall upon the rear church car park and rear laneway.

At midday to 3pm, shadows cast by the proposed development will fall upon the southern landscaped setback within the development site and will encroach into the church and adjacent roadway Blackwall Road (refer to Figure 10). However, no objection is made as the usability of the affected areas will not be unreasonably compromised.



**Figure 7 - Winter Solstice, 22 June, 9am**

There will also be shadowing of the courtyard area on the northern side of the church, as well as the northern alcove, which has been built approximately 700mm from the side boundary with the subject site. There is also shadowing on the northern façade of the church during mid-winter. However, at 11am and 3pm during the winter solstice (22 June), the church will receive sunlight to 50% to 100% of the area of the clerestory stain glass windows (refer to Figure 8). Further, when there is shadowing of the windows in the morning, access remains available to general ambient light.



**Figure 8 - Winter Solstice, 22 June, solar access 11am - 3pm**

Further, approximately 40% of the communal open space of the church is located to the front of No. 147 - 149 Blackwall Road remains unaffected between 9am and midday.



**Figure 9 - Winter Solstice, 22 June, 12 NOON**



**Figure 10 - Winter Solstice, 22 June, 3pm**

The subject site and surrounding properties have been zoned for medium density housing, of up to 11m (3 storeys) in height, the proposal complies with the maximum height and the side setbacks have been amended to maximise solar access to the site to the south.

As the church is a non-residential use, no detailed controls regarding minimum hours of solar access specifically apply within the Apartment Design Guide (ADG) and the GDCP 2013. Therefore a merit based assessment has been made as per the above. The proposal allows a reasonable amount of solar access to the communal open spaces and to the interiors of the church, deemed to be appropriate for a non-residential land use.

In view of the above considerations, Council staff raised no objection with the shadows cast by the proposed development, as compliance is achieved with the GDCP 2013 and the *Apartment Design Guide* (ADG).

- ***The proposal is out of character with the area.***



### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

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#### Comment

The subject site is within the Sandplain Medium Density Character Statement No. 8 of Gosford Development Control Plan 2013 (GDPC 2013).

The building is surrounded by deep soil planting on the boundaries and open space within the site that is consistent with maintaining landscaping and green space. Whilst the proposed development includes a higher density of residential development than that which exists in the immediate locality, it is considered that the transition between neighbouring development and the proposed development is acceptable.

It is also noted that the area is undergoing a transition from primarily single-storey detached dwellings & villas to residential units at a variety of building heights – there are already a significant number of two and three-storey multi-unit residential developments in the immediate locality along Blackwall Road.

It is considered the development does not propose a bulk and scale that will adversely affect the scenic quality of the area. Furthermore, the use of landscaping on boundaries of the proposal and retention of street trees enhances the scenic quality of the area.

- ***The non-compliance with planning controls results in an overdevelopment. The building is out of proportion with its site and surroundings.***

#### Comment

The height of the proposed building complies with the planning controls at three storeys, however the proposal does result in a variation to FSR.

When assessing proposals which aim to vary building standards (in accordance to Clause 4.6 of the GLEP) in relation to Floor Space Ratio then matters of amenity (such as overshadowing of private open space or privacy impacts due to the non-compliant areas of the design) are considered. This has been undertaken and the variations can be supported as there is minimal amenity impacts resulting in the variations due to site size, location and overall design of the proposal. The following comments are made;

There is minor non-compliance of 44m<sup>2</sup> with cl.4.4 (Floor Space Ratio) under the GLEP 2014. This non-compliance equates to a 9.8% variation. This has been assessed and is supported as demonstrated the additional floor area is accommodated on site with minimal privacy impacts on the neighbouring residential development at No. 141-143 Blackwall Road, Woy Woy.

As stated there are variations to cl.4.4 (Floor Space Ratio) of the GLEP 2014. Clause 4.6 of the *Gosford Local Environmental Plan 2014* (GLEP 2014) provides for flexibility in the application of development standards with objectives to:

**3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)**

*'... provide an appropriate degree of flexibility in applying certain development standards to particular development'*

and to:

*'... achieve better outcomes for and from development by allowing flexibility in particular circumstances'*

- **The infrastructure on the Peninsular, especially stormwater, requires upgrading and there are questions as to whether or not the current infrastructure can cope with the development.**

Comment

The development application is accompanied by Stormwater Management Report, dated 15 May 2019, and Plans, dated 15 May 2019, prepared by Northrop. Council's Development Engineer has reviewed these documents and raises no objection.

If the proposal is supported, contributions towards local government infrastructure (refer to table 1 below) will be required as a result of the subject development via s.7.11 and s.7.12 levies and civil works.

SECTION 94	Small (+) dwelling	Medium (+) dwelling	Large (+) dwelling	Single (+) dwelling	CREDITS (-) (RBF only)	CREDITS (-) (Sub. Only)	AMOUNT	ACCOUNT NO.	KEY NO.
Roadworks - Capital	\$3,960.00	\$0.00	\$0.00	\$0.00	\$587.00	\$0.00	\$3,373.00	02023.055.1098	789
Open Space - Land	\$13,230.00	\$0.00	\$0.00	\$0.00	\$1,960.00	\$0.00	\$11,270.00	02023.055.1099	791
Open Space - Embellishment	\$36,189.00	\$0.00	\$0.00	\$0.00	\$5,361.00	\$0.00	\$30,828.00	02023.055.1100	790
Community Facilities - Land	\$648.00	\$0.00	\$0.00	\$0.00	\$96.00	\$0.00	\$552.00	02023.055.1102	793
Community Facilities - Capital	\$10,152.00	\$0.00	\$0.00	\$0.00	\$1,504.00	\$0.00	\$8,648.00	02023.055.1101	792
Drainage - Land	\$2,196.00	\$0.00	\$0.00	n/a	nil	n/a	\$2,196.00	02023.055.1096	787
Drainage - Capital	\$8,532.00	\$0.00	\$0.00	n/a	nil	n/a	\$8,532.00	02023.055.1097	788
						<b>TOTAL</b>	<b>\$65,399.00</b>		

**Table 1: s7.11 and s7.12 contributions**

- **Traffic and parking concerns associated with the proposed development.**

Comment

The circumstances do not allow for practical excavation for basement parking on the site. The site is isolated through the development of a place of public worship (St Luke's Anglican church) on the adjoining land to the south and an existing strata subdivided medium density development to the north, rendering the subject allotment physically unable to consolidate to become a larger allotment with more area to accommodate basement parking. Excavation for the purpose of a basement car park on this narrow site in this location with the gradient required for the ramp would result in impacts on the water table, therefore parking below ground is particularly impractical. This has resulted in the parking being accommodated on-grade.

### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

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The proposed development provides 13 on-grade parking spaces, being 93% of what is required under the GDCP 2013.

In accordance with the RTA *Guide to Traffic Generating Developments*, Council's traffic engineer has assessed the traffic and parking assessment, addendum to the *Statement of Environmental Effects*, by *Michael Levey Consulting*, which states that the proposal results in a traffic generation of approximately 4.0 peak hour vehicle trips in the AM and PM peaks. This is capable of being accommodated within the road network.

The previous development on the site was for a dwelling house, likely to have generated 0.7 vtpm in the am and pm peak, and therefore the additional traffic generation as a result of the proposed development in the am and pm peak is 3.3 vtpm, or 1 trip every 18 minutes.

The traffic and safety impacts associated with the proposed development have been assessed and no significant change in the performance of the surrounding network is anticipated as a result of this development.

The proposal has been modified to accommodate an additional car parking space. The proposed on-grade parking has a deficit of 1 car parking space as per requirement under Chapter 3.3.3.3.2 and Chapter 7.1 of GDCP 2013. However, the deficit of 1 space (7%) is acceptable, considering the unit size is predominately single bedroom units and the remaining being two bedroom units, and the proposal is an infill development for higher density within walking distance to Woy Woy town centre. Further, the site is located in a highly accessible area, being within reasonable walking distance to Woy Woy town centre (approx. 200m) and the Woy Woy Woolworths supermarket, and with access to regular and frequent public transport services (train approx. 800m and bus stops along Blackwall Road). This access to local services and public transport decreases the reliance of future residents on private vehicles.

In terms of traffic impacts during the construction phase, a Traffic and Pedestrian Management Plan is required to be submitted prior to the commencement of works (refer to proposed **Condition 3.9**).

- ***The development will negatively impact the amenity of residents in the adjoining streets by creating significant privacy impacts.***

#### Comment

The site is a long and narrow urban infill allotment, that has been isolated by development to the north and to the south, rendering the allotment unable to be consolidated to form a wider allotment. This is a major consideration as to why the building separation for *residential flat buildings* prescribed in the Apartment Design Guide (ADG) has not been met. The prescribed minimum required separation distances from the proposed building to the side and rear boundaries is 6m for habitable areas and 3m for non-habitable areas. Amended plans addressing privacy by increasing setbacks and removing balcony elements were received, however variations to the side setbacks remain, refer to Table 2.

Design Criteria	Required	Proposed	Compliance
<b>2G Street setbacks</b>	<i>In a suburban context, the street setback may accommodate front gardens, contributing to the landscape setting of buildings and the street.</i>	The setback of 3m – 7.3m from ground floor to second floor is appropriate as it contributes to the landscape setting of the buildings and Blackwall Road streetscape.	Yes, with the stated aims and objectives
<b>3F-1 Visual Privacy</b>	<i>Separation distances from buildings to the side and rear boundaries are; up to 12m (up to 4 storeys):</i>	As below	As below
	6m habitable 3m non-habitable	<u>Northern side</u> <u>Ground Floor</u> 3.6m 1.5m	No No
	6m habitable 3m non-habitable	<u>Northern Side</u> <u>First to Second Floor</u> 1.5m 1.55m	No No
	6m habitable 3m non-habitable	<u>Southern Side</u> <u>Ground Floor</u> 1.6m 1.2m	No No
	6m habitable 3m non-habitable	<u>Southern Side</u> <u>First to Second Floor</u> 1.6m 1.6m	No No
	6m habitable 3m non-habitable	<u>Western Rear</u> <u>Ground to Second Floor</u> 16.6m or more 16.6m or more	Yes Yes

**Table 2 – Building Setbacks – Apartment Design Guide (ADG)**

To the northern side boundary adjacent to the villas, the development proposes a minimum setback at ground floor of 1.5m to a non-habitable area (1.5m variation or 50%) with the majority of façade meeting the 3m requirement. A 3.6m setback to a habitable (terrace) area is proposed (2.6m variation or 40%).

Level 1 and level 2 have a varied facade with a minimum setback of 1.5m from habitable areas (4.5m variation or 75% variation). Other portions feature a setback of 3.6m. The non-compliant portions relate to balconies and bedroom & living rooms.

### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

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To the southern side boundary adjacent to the Church, the development proposes a minimum setback at ground floor of 1.2m to a non-habitable area (lift & waste storage area) (1.8m variation or 60%). A 1.6m setback to a habitable area (living areas) area is proposed (4.4m variation or 73%).

Level 1 and level 2 have a varied facade with a minimum setback of 1.6m setback to a habitable area (living areas) area is proposed (4.4m variation or 73%). With some portions setback 3.5m. It is considered the design of the development provides reasonable amenity for adjoining development and the proposed dwellings notwithstanding the reduced setbacks for the following reasons;

- Adequate building separation and space for landscaping opportunities are considered to provide a satisfactory level of privacy to the residential development to the north and to the church to the south,
  - No windows are proposed along the both side facades to habitable areas. Window are only proposed off bathroom areas. These windows are small and have a high sill height to reduce potential sight lines,
  - At the upper levels on the northern elevation, the balconies are located at a higher level than the adjoining single storey residential property therefore any potential sightlines would fall onto the roof rather than directly into any private open spaces,
  - In terms of solar access for the inhabitants, adequate access to sunlight is achieved by the stepping the floorplate design to capture sunlight in the mornings and afternoon through the balcony openings,
  - Despite non-compliance to the minimum setback standards, the proposed development offers a design with articulated facades, providing some sections with non-compliance with required standards but other sections of façade which setback requirements. This provides architectural interest in the design and removes the potential for blank and bland walls.
- ***The development will negatively impact the amenity of residents in the adjoining streets by creating significant noise impacts.***

The proposal is for residential development, as permitted within the zone. In terms of noise impacts as a result of internal noise from within the building, maximum noise level requirements will be included as a condition of consent to ensure the design the building does not exceeded the prescribed internal levels as per recommended **Condition 2.13**.

In terms of noise impacts as a result of construction works, the creation of a noise management plan during construction works is included as a condition of consent (refer to **Condition's 2.14** and **4.10**).

- ***The development does not address climate change and ecologically sustainable development principles.***

### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

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#### Comment

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

The design incorporates all BASIX energy efficiency requirements and satisfies the requirements under chapter 4U Energy Efficiency and 4V Water Management and Conservation in the *Apartment Design Guide* (ADG). In addition, solar panels are proposed on the roof.

#### **Public Authority Consultation / Approvals**

- NSW Roads and Maritime Services (NSW RMS)

#### Comment

NSW Roads and Maritime has reviewed the information provided and raises no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.

#### **Internal Consultation**

The application was referred to the following internal officers and the following comments have been provided:

- *Architect*

#### Comment

Council's Architect has reviewed the proposal and has supported the application with conditions. Detailed comments are provided under *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) Assessment.

- *Engineering*

#### Comment

Council's Development Assessment Engineer has reviewed the proposal and supports the application subject to conditions.

- *Department Waste Services (Garbage)*

#### Comment

Council's Waste Services Officer has reviewed the proposal and supports the application subject to conditions.

### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

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- *Water and Sewer*

#### Comment

Council's Water and Sewer Officer has reviewed the proposal and supports the application subject to conditions.

- *Arborist*

Council's Arborist has reviewed the proposal and supports the application without conditions.

- *Traffic*

#### Comment

Council's Traffic engineer has reviewed the proposal and supports the application with conditions.

### **Ecologically Sustainable Development 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 development application having regard to Council's Climate Change Policy and the following policy commitment statement:

*'Prepare, implement and review plans and strategies inclusive of consideration of risk from future sea level rise, and address the issue of, how to beneficially use coastal areas while recognising the long term need to protect, redesign, rebuild, elevate, relocate or retreat as sea levels rise.'*

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

### **3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)**

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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. The proposed development is considered satisfactory in relation to climate change.

#### **Assessment**

Having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Section 10.7 Planning Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information.

#### **Provisions of Relevant Instruments / Plans / Policies**

##### *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate.

The proposal is considered to be consistent with the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

##### *State Environmental Planning Policy (Coastal Management) 2018*

The provisions of *State Environmental Planning Policy (Coastal Management) 2018* require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Areas. The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning and Environment and the subject property falls within the mapped coastal management areas.

The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

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

The provisions of this *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) apply however, the site has a history of being utilised as a residential premises and so contamination is not likely to be present. In accordance with cl. 7(2) of the SEPP, no further consideration is required in this regard.

##### *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*



### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

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The proposal is subject to the requirements of *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65). Subclause 30(2)(b) of SEPP 65 provides that the consent authority should take into consideration the design quality of the proposed development. The Design Verification Statement which accompanies the application demonstrates consistency with the design quality principles.

Council's Architect has provided advice in relation to the SEPP 65 Design Quality Principles and supports the development application for the following reasons:

- **Context and Neighbourhood Character:** The application is subject to Gosford Development Control Plan 2013 Chapter 2.1 Character and is located in the Woy Woy 8: Sandplain Medium Density character area. A copy of the Desired Character is included.

The existing context is predominantly low rise villas and townhouses largely surrounded by driveways and paving. It is acknowledged that there is a three storey RFB on the corner of Blackwall Road and Terry Avenue though on a much larger corner site.

The site directly to the south is occupied by St Luke's Anglican Church. The nave of the church has a raised roof with clerestory windows on the north and south and a courtyard on the northern boundary. On the north is a recently constructed four unit single storey villa development. The private open spaces of these units are located on the north with the south elevation appearing to be bedrooms or service rooms facing an 1800mm high sheet metal fence. Neither adjoining site is likely to be redeveloped in the near future.

Despite the non-complying setbacks the application is now consistent with the Desired Character Statement. The amendments have increased the extent of landscaping along boundaries.

- **Built Form and Scale:** The application complies with height controls in terms of number of storeys permitted and height of the roof line.

The ADG requires a 6 metre boundary setback for habitable rooms including balconies up to 4 storeys. This cannot be achieved on a 12 metre wide block.

The amended application now proposes north and south side setbacks of 1.5 metres with two larger southern courtyards of 3m x 3m, though one of these is occupied by carparking and therefore cannot be landscaped.

It is considered that the increased setbacks allows improved amenity to the adjoining residential Lot at No. 141-143 Blackwall and to the Church at No. 147 – 149 Blackwall Road. The proposed building separation provides adequate visual privacy, acoustic privacy, solar access, view corridors, outlook and area for significant landscaping.

### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

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The application proposed slender form with articulated façades and some glass balustrades to reduce bulk. The roof form, as viewed from Blackwall Road streetscape, is concealed by use of a low pitch in order to reduce visual impact.

- **Density:** The proposed density has been reduced and is now less than 10% non-complying. Previous concerns regarding privacy to the north and solar access to the south have been addressed. The three storey building is compliant with the maximum of three storeys. In a location close to the Woy Woy commercial centre, a higher density development is considered appropriate.
- **Sustainability:** NatHERS certificate supporting the development application confirms compliance with mandatory energy efficiency standards. The design responds to sustainability principles by focusing on natural ventilation and access to natural light with 100% of the apartments having the prescribed access to sunlight and natural ventilation. In addition roof mounted solar photovoltaic panels are proposed.
- **Landscape:** Deep soil zones, permeable paving and landscaping of a variety of plant types and sizes are an integral part of the design.

The deep soil area complies with numerical controls and now increases landscaping on side boundaries. It is accepted that there is no landscaping on the rear section of the northern boundary however this is similar to the adjoining site and faces a sheet metal fence.

The amended proposal includes some large trees along some of the length of the southern boundary to screen the application and disguise its bulk and scale from the adjoining church.

It is considered the transition between neighbouring development and the proposed development is acceptable. The use of landscaping on all boundaries of the proposal enhances the scenic quality of the area.

- **Amenity:** Amenity within units is acceptable. All are generally well planned, achieve complying solar access and have adequate north facing private outdoor areas though the balconies of unit 1.01 and 2.01 are located above the carpark resulting in a poor outlook. This has been addressed by the inclusion of a planter box to the balcony of unit 1.01.

The bedrooms now have windows facing into internal recesses or balconies and do not have privacy impacts on adjoining sites. Balconies do overlook the building to the north however these are above the roof line and do not have detrimental impacts on privacy as the adjoining building has its private open space located to the north.

In terms of communal open space 58m<sup>2</sup> (8%) of the site area is proposed to accommodate communal open space. The Apartment Design Guide recommends 25% of the site area (186m<sup>2</sup>). The narrow site has a constraint relating to excavation for a basement, resulting in the need to accommodate the required car parking on grade. This difficulty of providing 25% of the site area as dedicated communal open space has been considered.

### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

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It is deemed a balance between open landscaped areas and site coverage (buildings & carparking) is achieved on ground level.

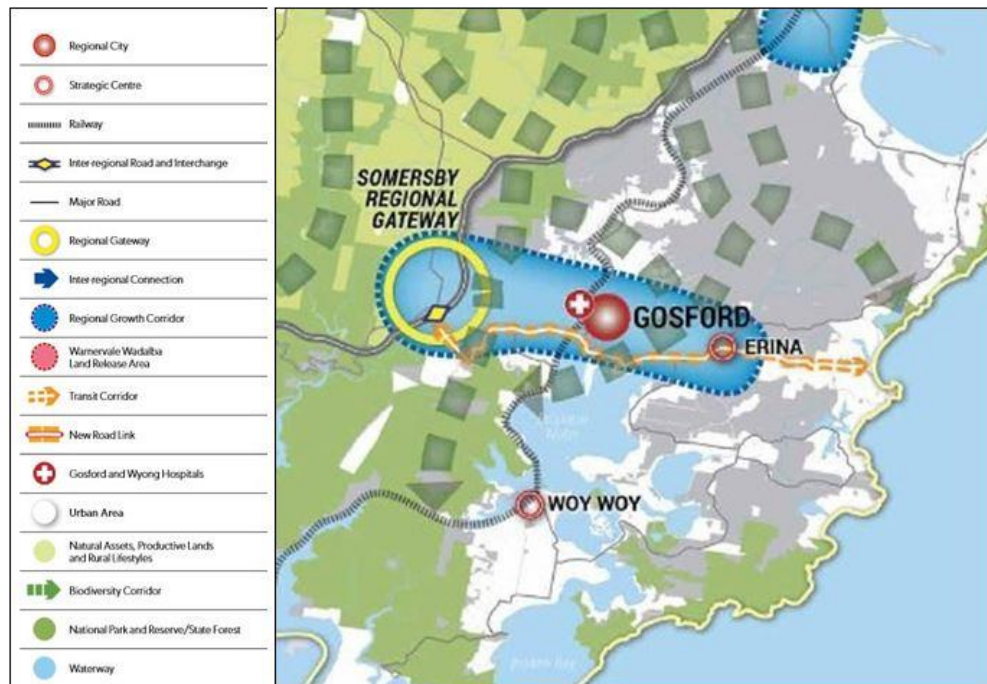
The extent of non-compliance is supported as the communal open space provided is supplemented by:

- Adequate landscaped boundaries for amenity and outlook for residents;
  - Each unit has been provided with a larger than required minimum balcony size :-
    - 1 bedroom units require a balcony a minimum area of 8m<sup>2</sup> and depth 2m. The 4 x 1 bedroom units have a balcony size of 11.71m<sup>2</sup> (depth 3m).
    - 2 bedroom units require a balcony a minimum area of 10m<sup>2</sup> and depth of 2m. The 4 x 2 bedroom units have a balcony size of 11.83m<sup>2</sup> (depth 2.6m).
    - The one unit on ground level complies with the required 15m<sup>2</sup> of private open space instead of a balcony a minimum depth of 3m.
  - A relatively deep front setback to accommodate substantial landscaping and shade trees for amenity and outlook for residents; and
  - Public land as open space for recreational activity is available approx. 550m to the east of the site, at the foreshore area adjacent to Brisbane Water.
- 
- **Safety:** The application has balconies and windows overlooking the street and carpark to provide surveillance. In addition, approximately half of the front fence is timber (or similar) panelling to permit some activation of the street.
  - **Housing Diversity and Social Interaction:** The application provides one and two bedroom units appropriate for the location, as well as an adaptable unit to cater for a variety of occupants.
  - **Aesthetics:** Aesthetics are acceptable with articulation and variation in materials used to disguise bulk and scale. Soft arches and semi enclosed balconies reduce the bulk, while using geometry to provide visual interest. Textured wall finishes provide depth to the finish while dark fences provide a backdrop for the landscape elements.

The ADG provides objectives, design criteria and design guidance on how residential development proposals can meet the Design Quality Principles contained within Schedule 1 of SEPP 65, through good design and planning practice. The proposal is considered acceptable having regard to the requirements of the ADG. For further consideration, refer to the ADG Compliance Table contained within **Attachment 3**.

#### *Central Coast Regional Plan 2036*

The subject site is included in the Central Coast Regional Plan 2036 as an 'urban area' and is located in a relatively close proximity to the 'strategic centre' of Woy Woy and the 'regional city' of Gosford (refer to Figure 18).



**Figure 18 - Central Coast Regional Plan 2036**

An assessment of all relevant provisions of the Central Coast Regional Plan 2036 has been carried out to ensure the consent authorities own assessment of the compatibility of the proposed development with the surrounding environment is complete.

The proposed redevelopment of the site is consistent with all relevant Directions under the *Central Coast Regional Plan 2036* in that upon completion the housing mix of the locality will be increased. Furthermore, the development is generally consistent with the locality in providing for additional population accommodation that will not adversely impact residential amenity nor create additional demands upon public infrastructure.

#### *Central Coast Council Community Strategic Plan 2018-2028 'One - Central Coast'*

Central Coast Council's Community Strategic Plan 2018-2028 'One - Central Coast' is a 10 year plan developed by Council through engagement with the community to help set the proprieties and confirm strategies and activities that best achieve the community's desired outcomes for the future.

The proposed redevelopment of the site is consistent with all relevant objectives in 'One- Central Coast' in that upon completion the housing mix of the locality will be increased. Furthermore, the development will not adversely impact residential amenity nor create additional demands upon public infrastructure further to that envisaged by the R1 General Residential zone.

### **3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)**

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#### *Draft Central Coast Local Environmental Plan*

Following a review of the Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018) which was exhibited until 27 February 2018, the zoning of the subject site remains R1 General Residential, where residential flat buildings remain permissible uses with the obtainment of development consent.

#### *Gosford Local Environmental Plan 2014 (GLEP 2014)*

#### Zoning and Permissibility

The subject site is zoned R1 General Residential under the provisions of GLEP 2014. Development for the purposes of residential flat building and multi-dwelling housing is permissible within the R1 General Residential.

The R1 General Residential zone is based on the following objectives:

- *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 ensure that development is compatible with the desired future character of the zone.*
- *To promote best practice in the design of multi dwelling housing and other similar types of development.*
- *To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.*

The proposal will assist in meeting the housing needs of the community within a medium density residential environment. The proposed development is three storeys in height and maintains and enhances the residential character and amenity of the surrounding area.

### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

#### Development Standards

An assessment of the proposed development against the relevant planning controls stipulated in the GLEP 2014 is detailed below.

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
Clause 4.3 Height of building	11m maximum	10m	Yes	N/A	Yes
Clause 4.4(2A) (Floor Space Ratio)	0.6:1 maximum	0.659:1	No see comments below	44m <sup>2</sup> 9.8%	Yes see comments below
Clause 4.1B Minimum lot sizes for residential flat buildings	750m <sup>2</sup>	743m <sup>2</sup>	No see comments	6.8m <sup>2</sup> or 0.9%	Yes see comments

#### Clause 4.3 Height of building

Clause 4.3 of GLEP 2014 provides that the height of a building on any land will not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height shown on the relevant map is 11m. The GLEP 2014 defines this as the height above existing ground level.

The proposed development does not exceed the maximum building height, at 10m from the existing natural ground level.

#### Clause 4.4 Floor space ratio

Clause 4.4(2) of GLEP 2014 provides that the maximum floor space ratio (FSR) permitted for a residential flat building development in the R1 General Residential zone under the Floor Space Ratio Map is 0.85:1.

Clause 4.3(2A)(c) of GLEP 2014 reduces this floor space ratio to 0.6:1 as the proposal provides car parking that is not in a basement.

The proposed FSR is 0.659:1 or 9.8% above the maximum permitted and does not comply with this requirement. The Applicant has sought to vary cl. 4.4(2A)(2) under cl. 4.6 of GLEP 2014.

#### Clause 4.6 Exceptions to development standards

Clause 4.6 (Exceptions to Development Standards) variation for the non-compliance associated with floor space ratio (cl 4.4 of GLEP 2014) and minimum allotment size (cl.4.1B of GLEP 2014) were provided.

### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

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In accordance with cl. 4.6 of GLEP 2014, development consent must not be granted for a development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated in subclause (3). Subclause 3 provides:

*Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard 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.'*

A cl. 4.6 (Exceptions to Development Standards) variation for the non-compliance associated with **floor space ratio** (cl 4.4 of GLEP 2014) was provided. The cl. 4.6 of GLEP 2014 request submitted by the applicant states how strict compliance with the development standards is unreasonable or unnecessary (having regard to the decision in *Wehbe v Pittwater Council [2007] NSW 827*) and how there are sufficient environmental planning grounds to justify the contravention, is summarised below:

- *The Map identifies the site as having an allowed floor space ratio of 0.85:1. Clause 4.4(2A)(c) reduces this floor space ratio to 0.6:1 as the proposal provides car parking that is not in a basement, and it is against this clause that the variation is sought*
- *The variation is minor, and is submitted as it is not practical to provide basement parking on this site, due to its narrow width (as a result of its isolation by an existing church on one side and an approved medium density development on the other side)*
- *The presence of potential acid sulfate soils and a high water table limits opportunities for excavation on the site*
- *The additional floor area over an FSR of 0.6:1 can be accommodated on site with no impacts on the Blackwall Road streetscape, and without adverse impacts on surrounding residential properties*

A cl. 4.6 (Exceptions to Development Standards) variation for the non-compliance associated with **minimum allotment size** (cl 4.4 of GLEP 2014) was provided. The cl. 4.6 of GLEP 2014 request submitted by the applicant states how strict compliance with the development standards is unreasonable or unnecessary (having regard to the decision in *Wehbe v Pittwater Council [2007] NSW 827*) and how there are sufficient environmental planning grounds to justify the contravention, is summarised below:

- *Compliance with the development standard is not physically possible as the site has an area of 743.2m<sup>2</sup> and has been isolated through the development of a church on the adjoining land to the south and an existing strata subdivided medium density development to the north, which prevent any practical consolidation of the subject land with an adjoining property in order to increase the minimum lot size*

### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

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- *The proposed variation is negligible, being a variation of less than 1% to the minimum standard, and for all intents and purposes the site satisfies the intent of the standard*
- *The proposal will also promote the delivery of affordable housing through providing additional housing choice and diversity*
- *The variation will not have an adverse impact on the environment, nor on the social and economic welfare of the community*
- *Is the proposal in the public interest, being consistent with the objectives of the development standard and the objectives of the R1 General Residential Zone*

In order to demonstrate if the proposal has merit, consideration of the proposed **floor space ratio** non-compliance has been provided with regard to the objectives of the control contained within cl. 4.4(1) of GLEP 2014:

a) *to establish standards for the maximum development density and intensity of land use*

The maximum floor space ratio for buildings has been identified for this property.

b) *to control building density and bulk in relation to site area in order to achieve the desired future character for different locations*

The proposal does not result in excessive building bulk and scale. The proposal is consistent with zone objectives and provides for medium density residential development with a compliant building height which is consistent with development in the locality.

c) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain*

The minor non-compliance with floor space ratio does not exacerbate overshadowing. Although the side setbacks are non-compliant, they provide adequate separation between developments on adjoining properties and is not considered to have unreasonable impacts on future developments. In light of the above, it is considered that the proposed variation in no way hinders the attainment of this objective.

d) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation*

The proposal maintains an appropriate visual relationship with neighbouring properties and will not result in a visually prominent development when viewed from public spaces in the vicinity of the site. In light of the above, it is considered that the proposed variation in no way hinders the attainment of this objective.

e) *to provide an appropriate correlation between the size of a site and the extent of any development on that site*



### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

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Clause 4.4 (Floor Space Ratio) of GLEP 2014 establishes a maximum floor FSR for buildings. The applicable FSR control is 0.6:1. The maximum gross floor area permitted on the subject site is 445.8m<sup>2</sup>. The proposed development has a maximum FSR of 0.695:1, representing a 0.095:1 or 9.8% variation with the development standard. The maximum floor space proposed on the site totals 489.7m<sup>2</sup>, 44m<sup>2</sup> greater than that permitted.

The proposed exceedance of the maximum permissible floor space is approximately 22m<sup>2</sup> over the first and second level of the development, which will not be visually apparent or lead to excessive bulk. Despite this variation, it is considered the proposed development will maintain an appropriate visual relationship with existing and future development in the locality, without causing unreasonable amenity impacts to adjoining properties.

Based on the consideration of this objective, Council is advised that compliance with the development standard is unnecessary, as the proposed additional FSR does not hinder the objective being realised.

*f) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design*

Council's Architect has reviewed the amended proposal and raised no objection.

*g) to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope*

The proposed building form is within the maximum height and the majority of the floor space ratio applicable to this site.

*h) to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level*

The site is isolated through the development of a place of public worship (St Luke's Anglican church) on the adjoining land to the south and an existing strata subdivided medium density development to the north, rendering the subject allotment physically unable to consolidate to become a larger allotment with more area to accommodate basement parking. Excavation for the purpose of a basement car park on this narrow site in this location with the gradient required for the ramp would result in impacts on the water table, therefore parking below ground is particularly impractical.

The cl.4.6 of GLEP 2014 variation request submitted by the applicant also provides assessment of the proposal against the relevant development standard and zone objectives, and Council is satisfied that the applicant has demonstrated consistency with these objectives such that the proposal is in the public interest.

### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

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In order to demonstrate if the proposal has merit, consideration of the proposed allotment size non-compliance has been provided with regard to the objectives of the control contained within cl. 4.1(B) of GLEP 2014:

*a) achieve planned residential density in certain zones*

The proposal is consistent with this objective, being on a site within 1% of the required 750m<sup>2</sup> minimum lot size therefore it is considered to be very minor and is sufficient size to accommodate the proposed residential flat building, as is permitted within the established R1 General Residential zone. The proposal will provide additional housing choice and diversity that responds to the future demographic needs of the local community.

The cl.4.6 of GLEP 2014 variation request submitted by the applicant also provides assessment of the proposal against the relevant development standard and zone objectives, and Council is satisfied that the applicant has demonstrated consistency with these objectives such that the proposal is in the public interest.

In accordance with cl. 4.6(4)(b) development consent must not be granted for development that contravenes a development standard unless the concurrence of the Secretary has been obtained.

Planning Circular PS 18-003, issued 21 February 2018, states that a delegate of Council may not assume the concurrence of the Secretary when considering exceptions to development standards under cl.4.6 of GLEP 2014 if the development contravenes a development standard by greater than 10%. In this instance, the proposed variations do not exceed 10%, and the concurrence of the secretary can be assumed.

This assessment has been carried out having regard to the relevant principles identified in the following case law:

- *Wehbe v Pittwater Council [2007] NSWLEC 827*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248*

The cl. 4.6 (Exceptions to Development Standards) of GLEP 2014 request submitted by the applicant appropriately addresses the relevant principles and exhibits consistency with the relevant objectives under GLEP 2014.

This assessment concludes that the cl. 4.6 (Exceptions to Development Standards) of GLEP 2014 variation provided having regard to cl. 4.4 of GLEP 2014 are well founded and worthy of support.

#### Clause 7.1 Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils (class 3) and the matters contained in cl. 7.1 of *Gosford Local Environmental Plan 2014* are relevant.

### 3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)

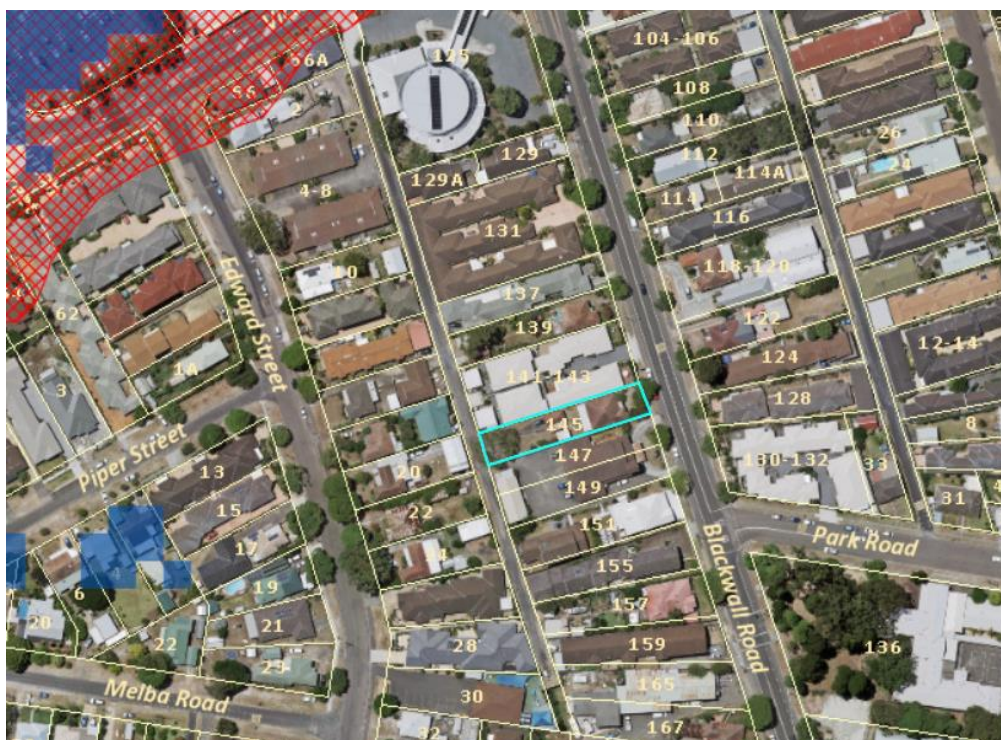
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The site is classified as Class 3, the works proposed however are not 1m below the natural ground surface and no works by which the water table is to be lowered beyond 1m below natural surface is proposed as no basement excavations are proposed.

Therefore, an Acid Sulfate Soils Management Plan is not required, no further assessment required under this section.

#### Clause 7.2 Flood planning

The subject site and adjoining roadways are not located at or below the flood planning level, or affected by mapped sea level rise (refer to Figure 21).



**Figure 21 – Flood and Sea Level Rise mapping (site shown highlighted in blue & red)**

#### **Provisions of any Development Control Plan**

##### Gosford Development Control Plan 2013 (GDPC 2013)

An assessment of the proposed development against the relevant chapters of GDPC 2013 is provided in a Compliance Table under **Attachment 3**, where it is concluded that despite the variations the development is appropriate in the locale.

#### *3.3 Multi Dwelling Housing & Residential Flat Buildings*

##### *3.3.3.3 Car Parking*

### **3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)**

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Car parking requirements are stated within Chapter 7.1 Car Parking of GCDP 2013 as follows:

- *Resident parking is requires 1.5 spaces per dwelling*, the proposed development for 9 units requires 14 resident car spaces. 13 resident spaces are provided, resulting in a variation of 1 space.
- *Visitor parking 0.2 visitor spaces per dwelling*, the proposed development requires 2 visitor car spaces. No visitor spaces are provided. However, the proposal complies with the specific clause relating to the Woy Woy area as below.
- *On the Peninsula (i.e. Woy Woy) visitor parking and service vehicle access may be provided on the existing street where:*
  - \* *development contains less than 4 units, or*
  - \* *unrestricted on-street parking is safely available within 60m of the development*

The subject amended design removed one unit to reduce the car parking deficit. The proposed deficit is in total now 1 parking space or 7%, this is considered minor and reasonable. These spaces comprising mainly visitor parking can be accommodated along Blackwall Road or Park Road within a 50m of the subject site.

Further, the site is located in a highly accessible area, being within reasonable walking distance to Woy Woy town centre (approx. 200m) and the Woy Woy Woolworths supermarket, and with access to regular and frequent public transport services (train approx. 600m and bus stops along Blackwall Road). This access to local services and public transport decreases the reliance of future residents on private vehicles.

#### **The Likely Impacts of the Development**

##### *Built Environment*

The proposed built form is considered acceptable in the context of the site.

There will be no amenity impacts as a result of the variations to cl.4.4 (Floor Space Ratio) under GLEP 2014 that would warrant further modification of the development application.

##### *Natural Environment*

The subject site does not contain any threatened species or habitat and will have no impact on the conservation of fish and marine vegetation.

The proposal will not affect any identified wildlife corridor. The proposal is considered satisfactory in relation to impacts on the natural environment as identified throughout this report.

##### *Economic Impacts*

The proposed development will contribute to the supply of housing needs in the locality and is considered to be satisfactory from an economic perspective.

**3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy (contd)**

*Social Impacts*

No social impacts will arise from the approval of this residential development.

**The Suitability of the Site for the Development**

A review of Council’s records has identified that the site is not impacted by constraints such as bushfire, flooding, risk of landslip and Acid Sulfate Soil.

There are no constraints that would render the site unsuitable for the development of the site.

**The Public Interest**

The approval of the application is considered to be in the public interest as it will provide for the housing needs of the community through provision of a variety of housing types and densities within the area.

The proposal is consistent with the desired future character of the area positively contributing to the streetscape and is not considered to have an adverse impact on the amenity of adjoining properties.

**Other Matters for Consideration**

*Development Contribution Plan*

The subject site is located within Contribution Plan No. 31 Peninsula where residential flat buildings and multi-dwelling housing developments are subject to s7.11 *Contribution towards provision or improvement of amenities or services* of the EP&A Act. The applicable contribution amount was calculated and will be imposed as a standard condition of consent requiring the contribution to be paid prior to the issue of any Construction Certificate (refer to the table below and as listed in **Condition 2.2**).

SECTION 94	Small (+) dwelling	Medium (+) dwelling	Large (+) dwelling	Single (+) dwelling	CREDITS (-) (RBF only)	CREDITS (-) (Sub. Only)	AMOUNT	ACCOUNT NO.	KEY NO.
Roadworks - Capital	\$3,960.00	\$0.00	\$0.00	\$0.00	\$587.00	\$0.00	\$3,373.00	02023.055.1098	789
Open Space - Land	\$13,230.00	\$0.00	\$0.00	\$0.00	\$1,960.00	\$0.00	\$11,270.00	02023.055.1099	791
Open Space - Embellishment	\$36,189.00	\$0.00	\$0.00	\$0.00	\$5,361.00	\$0.00	\$30,828.00	02023.055.1100	790
Community Facilities - Land	\$648.00	\$0.00	\$0.00	\$0.00	\$96.00	\$0.00	\$552.00	02023.055.1102	793
Community Facilities - Capital	\$10,152.00	\$0.00	\$0.00	\$0.00	\$1,504.00	\$0.00	\$8,648.00	02023.055.1101	792
Drainage - Land	\$2,196.00	\$0.00	\$0.00	n/a	nil	n/a	\$2,196.00	02023.055.1096	787
Drainage - Capital	\$8,532.00	\$0.00	\$0.00	n/a	nil	n/a	\$8,532.00	02023.055.1097	788
						<b>TOTAL</b>	<b>\$65,399.00</b>		

*Water and Sewer Contributions*

The proposed development is subject to Water and Sewer Contributions.

**Conclusion**

This application has been assessed under the heads of consideration of section 4.15 of the *Environmental Planning & Assessment Act 1979* and all relevant instruments and polices.

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, it is recommended that Council grant development consent approval to DA55285/2018.

**Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Conditions of Consent   | D13729407 |
| <b>2</b> | Redacted - Architectural Drawings RevisionD DA55285 2018 - 145 Blackwall<br>RD WOY WOY 2256 | D13734703 |
| <b>3</b> | Gosford Development Control Plan Compliance Table   | D13706258 |
| <b>4</b> | Apartment Design Guide Assessment Table   | D13705983 |

## Conditions

### 1. PARAMETERS OF THIS CONSENT

#### 1.1 Approved Plans and Supporting Documents

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

##### Architectural Plans by: White + Dickson Architects

Drawing	Description	Sheets	Issue	Date
D000	Cover Sheet + Materials Schedule	-	E	30/09/19
D100	Site Plan + Site Analysis Plan + Landscaping	-	E	30/09/19
D200	Ground Floor Plan	-	E	30/09/19
D201	First + Second Floor Plans	-	E	30/09/19
D202	Roof Plan	-	E	30/09/19
D300	Sections	-	E	30/09/19
D400	Elevations	-	E	30/09/19
D401	Elevations	-	E	30/09/19

##### Supporting Documentation:

Title	Prepared by	Date
Statement of Environmental Effects & Clause 4.6 - Allotment size	Michael Leavey Consulting	September 2018
Addendum to SEE – amended Clause 4.6 - Floor Space Ratio	Michael Leavey Consulting	March 2019
Addendum to SEE – Additional information response to submissions	Michael Leavey Consulting	26 July 2019
Addendum to SEE – additional information cover letter	Michael Leavey Consulting	16 May 2019
Amended ADG design verification statement	White + Dickson Architects	August 2019
BASIX Certificate Number 960988M_02	SLR Consulting Pty Ltd	31 May 2019
NatHERS Summary Certificate No. 0003907430	Hamidul Islam - SLR Consulting Australia Pvt. Ltd	31 May 2019
Waste Management Plan	Michael Leavey Consulting	20 March 2018
Stormwater Management Report	Northrop	15 May 2019
Civil works drawings	Northrop	15 May 2019
Vehicle Turning Paths	Northrop	20/03/2019
Survey	Barry Hunt Associates	13/12/17
D900 RevE Shadow Diagrams Mar/Sept 21	White + Dickson Architects	30/09/19
D901 RevE Shadow Diagrams Jun 22	White + Dickson Architects	30/09/19
D902 RevE Shadow Diagrams 3D Neighbour	White + Dickson Architects	30/09/19
D902 RevE Shadow Diagrams 3D Neighbour	White + Dickson Architects	30/09/19

1.2 Carry out all building works in accordance with the Building Code of Australia.

1.3 Comply with all commitments listed in the BASIX Certificate for the development as required under

clause 97A of the Environmental Planning and Assessment Regulation 2000.

## 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1 All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2 Pay to Council a total contribution amount of **\$65,399.00**, that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 31A, 31B, 31C & 31D - Peninsula.

Roadworks - Capital	B	(Key No 789)	\$3,373.00
Open Space - Land	C	(Key No 791)	\$1,270.00
Open Space - Embellishment	C	(Key No 790)	\$30,828.00
Community Facilities - Land	D	(Key No 793)	\$552.00
Community Facilities - Capital	D	(Key No 792)	\$8,648.00
Drainage - Land	A	(Key No 787)	\$2,196.00
Drainage - Capital	A	(Key No 788)	\$8,532.00
<b>TOTAL AMOUNT</b>			<b>\$65,399.00</b>

The total amount must be indexed each quarter in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.

Contact Council's Contributions Planner on Tel 4325 8222 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104 of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the office of Central Coast Council, 49 Mann Street Gosford or on Council's website:

### Development Contributions - former Gosford LGA

- 2.3 Submit amendments to the approved plans to the Accredited Certifier pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000* that must detail:
- a. The plans are to be amended to remove any landscaping from within the road reserve of the laneway,
  - b. Compliance with the relevant BASIX Certificate. The use of solar hot water or other energy saving options should also be considered;
  - c. Mail boxes shall be secure and large enough to accommodate articles such as newspapers;
  - d. Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures:
    - i. Away from the street frontage;
    - ii. Integrated into the roof-design and in a position where such facilities will not become a skyline feature at the top of any building;
    - iii. Adequately setback from the perimeter wall or roof edge of buildings;
  - e. A master antenna must be provided for the residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas;



- f. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%;
- g. Thirteen (13) residential car parking spaces, including one (1) accessible car parking space must be provided on-site;
- h. One (1) car wash bay must be provided with a drain and water supply for the washing of vehicles. The drain is to be connected to the on-site nutrient control facility;
- i. One (1) apartments must be capable of being modified to create adaptable units;
- j. Storage areas are to be in accordance with the following average rates:
  - i. 7.5m<sup>3</sup> for studio and one bedroom units; and
  - ii. 10m<sup>3</sup> for two bedroom units;
  - iii. At least 50% of the required storage areas are to be provided within each dwelling.
- k. Demonstrate compliance with the External Finishes Schedule approved in Condition 1.1 of this consent.

**2.4** No activity is to be carried out on-site until the Construction Certificate has been issued, other than:

- a. Site investigation for the preparation of the construction, and / or
- b. Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
- c. Demolition

**2.5** Submit an application to Council under section 305 of the *Water Management Act 2000* to obtain a section 307 Certificate of Compliance. The *Application for a 307 Certificate under section 305 Water Management Act 2000* form can be found on Council's website [www.centralcoast.nsw.gov](http://www.centralcoast.nsw.gov). Early application is recommended.

A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.

**2.6** Submit engineering details prepared and certified by a practising structural engineer that comply with *Council's Building Over or Adjacent To Sewer and Water Main Guidelines* to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.

**2.7** Submit an application to Council under section 305 of the *Water Management Act 2000* to obtain a section 307 Certificate of Compliance. The *Application for a 307 Certificate under section 305 Water Management Act 2000* form can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au). Early application is recommended.

A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.

**2.8** Submit an application to Council under section 138 of the *Roads Act 1993* for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's *Civil Works Specification* and Chapter 6.3 - *Erosion Sedimentation Control* of the Gosford Development Control Plan 2013. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. A 3m wide sealed pavement in the laneway centrally located within the laneway road reserve. The design must ensure that drainage patterns in the laneway are not altered
- b. Vehicle crossing in the rear laneway that has a width of 5.5m and constructed with a 40mm thick asphaltic concrete seal on a minimum 250mm thick layer of base course material
- c. all redundant vehicular crossings are to be removed and footway formation reinstated
- d. the piping of stormwater from within the site to Council's drainage system located in Blackwall Road.
- e. erosion and sedimentation control plan

The Roads Act application must be approved by Council prior to commencing works in the road reserve.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Service Centre on (02) 4325 8222.

**2.9** Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development. The dilapidation report may be updated with the approval of the Principal Certifying Authority prior to the commencement of works.

**2.10** Submit design details of the following engineering works within private property:

- a. driveways and car parking areas must be designed according to the requirements of Australian Standard AS 2890: *Parking Facilities* for the geometric designs, and industry Standards for pavement designs
- b. a stormwater detention system must be designed in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013 and Council's *Civil Works Specification*. The stormwater detention system must limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards. The onsite detention system is to be designed generally in accordance with the 'Concept Stormwater Management Report' prepared by Northrop Engineers (Job No NL181676 Rev C dated 15.05.19) and the plans prepared by Northrop Engineers (Ref NL181676 Drawing No's C3.1 & 5.1 both Rev D dated 15.05.19).
- c. nutrient/pollution control measures must be designed in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient / pollution control report including an operation and maintenance plan must accompany the design. The nutrient/pollution control system is to be designed generally in accordance with the 'Concept Stormwater Management Report' prepared by Northrop Engineers (Job No NL181676 Rev C dated 15.05.19) and the plans prepared by Northrop Engineers (Ref NL181676 Drawing No's C3.1 & 5.1 both Rev D dated 15.05.19).
- d. on-site stormwater retention measures must be designed in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design
- e. piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system located in Blackwall Road

These design details and any associated reports must be included in the Construction Certificate.

**2.11** Submit a pavement investigation and report prepared by a practising Geotechnical Engineer for the road works.

This report must be submitted with the Construction Certificate application or application for work

under the *Roads Act 1993*.

The pavement depths must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
Laneway	300,000

- 2.12** Pay a security deposit of \$4,000 into council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to council's assets as a result of the development.
- 2.13** Design the building so the following internal LAeq levels are not exceeded:
- in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
  - anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.
- 2.14** Submit to Council for approval a Noise Management Plan for construction works prepared in accordance with the Interim Construction Noise Guidelines (Department of Environment and Climate Change NSW, 2009).

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1** All conditions under this section must be met prior to the commencement of any works.
- 3.2** Appoint a Principal Certifying Authority for the building work:
- The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
  - Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 3.3** Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- The name, address and telephone number of the Principal Certifying Authority for the work; and
  - The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - That unauthorised entry to the work site is prohibited
  - Remove the sign when the work has been completed.
- 3.4** Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the Plumbing and Drainage Act 2011 (to be provided by licensed plumber). These documents can be found on Council's website at: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

Contact Council prior to submitting these forms to confirm the relevant fees.

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes

stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

- 3.5** Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for food scraps and papers.
- 3.6** Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- a. erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
  - b. diverting uncontaminated run-off around cleared or disturbed areas, and
  - c. preventing the tracking of sediment by vehicles onto roads, and
  - d. stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot
- 3.7** Submit a dilapidation report to Council, the Accredited Certifier and relevant adjoining property owners. The report is to be prepared by a suitably qualified person detailing the structural characteristics of all buildings located on properties immediately adjoining the site boundaries and any council asset in the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site and to the road, kerb, footpath, driveways, water supply and sewer infrastructure, street trees and street signs or any other Council asset in the vicinity of the development.

In the event that access to an adjoining property(s) for the purpose of undertaking the dilapidation report is denied, submit evidence in writing demonstrating that all steps were taken to obtain access to the adjoining property(s).

- 3.8** Erect a temporary hoarding or temporary construction site fence 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:
- a. could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
  - b. could cause damage to adjoining lands by falling objects, or
  - c. involve the enclosure of a public place or part of a public place

**Note 1:** A structure on public land or on or over a public road requires the prior approval of the relevant authority under the [Local Government Act 1993](#) or the [Roads Act 1993](#), respectively.

**Note 2:** The [Work Health and Safety Act 2011](#) and [Work Health and Safety Regulation 2011](#) contain provisions relating to scaffolds, hoardings and other temporary structures.

- 3.9** Submit to the Principal Certifying Authority a Traffic and Pedestrian Management Plan prepared by a suitably qualified professional.

The Plan must be prepared in consultation with Council, and where required, the approval of Council's Traffic Committee obtained.

The Plan must address, but not be limited to, the following matters:

- ingress and egress of vehicles to the Subject Site
- loading and unloading, including construction zones
- pedestrian and traffic management methods, and
- other relevant matters

The Applicant must submit a copy of the final Plan to Council, prior to the commencement of work

- 3.10 Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.11 Protect street trees by installing protective fencing. Any street tree damaged during works must be immediately reported to Council, which may incur a compensation fee, rectifying and / or replaced with a tree of similar height and species at no cost to Council.
- 3.12 Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must 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.
- 3.13 Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a. be a standard flushing toilet connected to a public sewer, or
- b. have an on-site effluent disposal system approved under the Local Government Act 1993, or
- c. be a temporary chemical closet approved under the Local Government Act 1993.

## 4. DURING WORKS

- 4.1 All conditions under this section must be met during works.
- 4.2 Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7.00am and 5.00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

- 4.3 During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
- a. All excavation or disturbance of the area must stop immediately in that area, and
  - b. The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.

**Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

- 4.4 Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5 Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.

- 4.6 Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the Plumbing and Drainage Act 2011.

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).

- 4.7 Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as 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. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.
- 4.8 Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by M. Leavey, dated March 2018.
- 4.9 Submit a report prepared by a registered Surveyor to the Principal Certifying Authority at each floor level of construction of the building (prior to the pouring of concrete) indicating that the finished floor level is in accordance with the approved plans. A compilation of these reports is to be provided to Council at completion of the Occupation Certificate.
- 4.10 Undertake works in accordance with the approved Noise Management Plan.

## 5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1 All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2 Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the Plumbing and Drainage Act 2011.
- 5.3 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. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 5.4 Provide the Principal Certifying Authority with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.
- 5.5 Provide to the Principal Certifying Authority a design verification statement from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the Design Quality Principles set out in Part 2 of *State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development*.
- 5.6 Implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:
- provide adequate lighting to common areas as required under Australian Standard AS 1158: *Lighting for roads and public spaces*
  - design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
  - provide signage within the development to identify all facilities, entry / exit points and direct

- movement within the development
- d. install a system of Closed Circuit Television of a type and in locations on the site that will record high-quality images of all public areas within the site.
- 5.7 Provide 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.
- 5.8 Complete works within the road reserve in accordance with the approval under the *Roads Act 1993*. The works must be completed in accordance with Council's *Civil Design Guide, Construction Specifications and Standard Drawings* and Chapter 6.3 - *Erosion Sedimentation Control* of the Gosford Development Control Plan 2013. Documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 5.9 Rectify to the satisfaction of Council any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the developer's expense.
- 5.10 Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.11 Construct the stormwater management system in accordance with the approved Stormwater Management Plan and Australian Standard AS 3500.3-2004: Stormwater drainage systems. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifying Authority.
- 5.12 Amend the Deposited Plan (DP) to:
- include an Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan
- a. create a Restriction as to use of land over all lots containing an on-site stormwater detention system and / or a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility

And,

include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s)

- b. to ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that
- (i) the facility will remain in place and fully operational
  - (ii) the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
  - (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost
  - (iv) Council is indemnified against all claims of compensation caused by the facility

Submit to the Principal Certifying Authority copies of registered title documents showing the restrictive and positive covenants.

- 5.13** Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.14** Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.15** Provide certification from an appropriately qualified architect to the principal certifier that the External Finishes Schedule approved in Condition 1.1 of this consent is consistent with the development constructed.

## 6. ONGOING OPERATION

- 6.1** Ensure the garbage / recycling bins do not encroach on the car parking or vehicle manoeuvring areas
- 6.2** Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.3** Maintain the site landscaping for the life of the development.
- 6.4** Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.5** No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.6** Comply with all commitments as detailed in the Waste Management Plan signed by M. Leavey, dated 20 December 2018.
- 6.7** Locate the approved waste storage enclosure / area as indicated on Project No. 1613, Drawing Number D200, Revision DA/e, 30 September 2019, prepared by White + Dickson Architects.
- 6.8** Waste bin enclosure to be screened from view from within the development, adjoining premises and public view.
- 6.9** Place the mobile garbage/recycling/green waste containers at the approved location at the kerbside no earlier than the evening prior to the collection day and return to the approved waste bin storage enclosure as soon as possible after service, no later than the evening on collection day. The residents, caretaker, owner, Owners Corporation are responsible for the placement and return of the mobile waste containers.
- 6.10** Maintain the on-site detention and nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.11** Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.12** Operate and maintain all external lights in accordance with the AS4282-1997: Control of the obtrusive effects of outdoor lighting.



## 7. PENALTIES

**7.1** Failure to comply with this development consent and any condition of this consent may be a criminal offence. Failure to comply with other environmental laws may also be a criminal offence.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

### Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and / or custodial sentences for serious offences.

## ADVISORY NOTES

The inspection fee for works associated with approvals under the *Roads Act 1993* is calculated in accordance with Council's current fees and charges policy.

Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.

Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.

The following public authorities may have separate requirements in the following aspects:

- a. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
- b. Jemena Asset Management for any change or alteration to the gas line infrastructure
- c. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
- d. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
- e. Central Coast Council in respect to the location of water, sewerage and drainage services

Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.

### Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

# Blackwall Residences

PROPOSED RESIDENTIAL FLAT BUILDING

For: S + T Gardner

145 Blackwall Road Woy Woy NSW Australia  
Lot 81 in DP 6774

### Sheet Index

ID	Sheet Name	Drawing Scales
D000	Cover Sheet	
D100	Site Plan + Site Analysis Plan	1:250
D200	Ground Floor Plan	1:200
D201	First + Second Floor Plans	1:200
D202	Roof Plan	1:200
D300	Sections	1:200
D400	Elevations	1:200
D401	Elevations	1:200
D900	Shadow Diagrams Mar/Sept 21	
D901	Shadow Diagrams Jun 22	
D902	Shadow Diagrams 3D Neighbo...	1:500
D903	Shadow Diagrams 3D Neighbo...	1:500

### Schedule of Materials

refer to image on this page

1. Core and slab edges - rendered finish
2. Masonry walls - Rendered Granostitic paint finish, off white
3. Murobond Bridge paint to metalwork
4. Hardwood timber decking to balconies
5. Silver grey paving to common areas (non slip)
6. Satin dark aluminium framing to glazing suites
7. Concrete slab soffits to balconies and terraces
8. Colorbond rainwater goods - Night Sky
9. Metal Roof Sheetting - medium



### Basix Building Fabric Requirements (145 Blackwell Rd, Woy Woy)

Element	Material Type	Detail
External walls	Cavity Brick + R1.0 Insulation + PB	Light colour
	Light cladding + R1.0 Insulation + PB	
Internal walls	Plasterboard on studs	Intra-tenancy walls
	Hebel wall	Inter-tenancy walls
Windows	ALM-002-01 A	NFRC Glazing System (Glass+Frame) values:
	Aluminium B SG Clear	⇒ U ≤ 6.70 and SHGC = 0.70 ±5% Weather stripping fitted on windows
Skylights	N/A	
Downlights	Sealed	Quantity as specified
Floor	Concrete slab	Tile - Kitchen and wet Carpet - Bedrooms Timber - Living area
		Concrete slab + R1.0 Insulation
Ceiling +	Plasterboard + R3.0 Insulation	
Roof	Concrete slab	Light colour

This drawing and the design contained herein, in whole or in part, is subject to copyright. This offering is based on a preliminary concept design and must not be used for construction, construction or any other offer that is not a professional design document. To the scale of this drawing, use figure dimensions where provided.

Rev.	Description	Date
DA/e	DA issue 1/e	26/9/18
DA/e	DA issue 1/e	20/12/18
	FSR reduction	
	Delete unit 2.04, rework unit 2.03 reduce size of units 1.01, 2.01, 3.01 common circulation optimised/open air rework stairs/egress add in path for bins to kerb	
DA/e	DA issue 1/e	18/03/19
	revised issue, general reconfiguration of building layout to reduce over shadowing of property to the south by increasing setback to southern boundary, addition of parking space (total 13 spaces), decrease height of building roof ridge line through the middle of the building	
DA/e	DA issue 1/e	16/08/19
	adjust overhang above parking at southern boundary west of lift shaft	
DA/e	DA issue 1/e	30/08/19
	adjust overhang above parking at northern boundary, add planter box to north west corner balcony, add solar panels to roof	



Certificate no: 0003907430  
Assessor Name: Hamidul Islam  
Accreditation no: 100982  
Certificate date: 31 May 2019

Dwelling Address:  
145 Blackwall Road  
Woy Woy, NSW  
2256



PO Box 4371 East Gosford NSW 2256  
Tel: +61 2 4324 3632  
Nominated Architect: Andrew Dickson DWA (Arch Registration No. 9837)

### Blackwall Residences

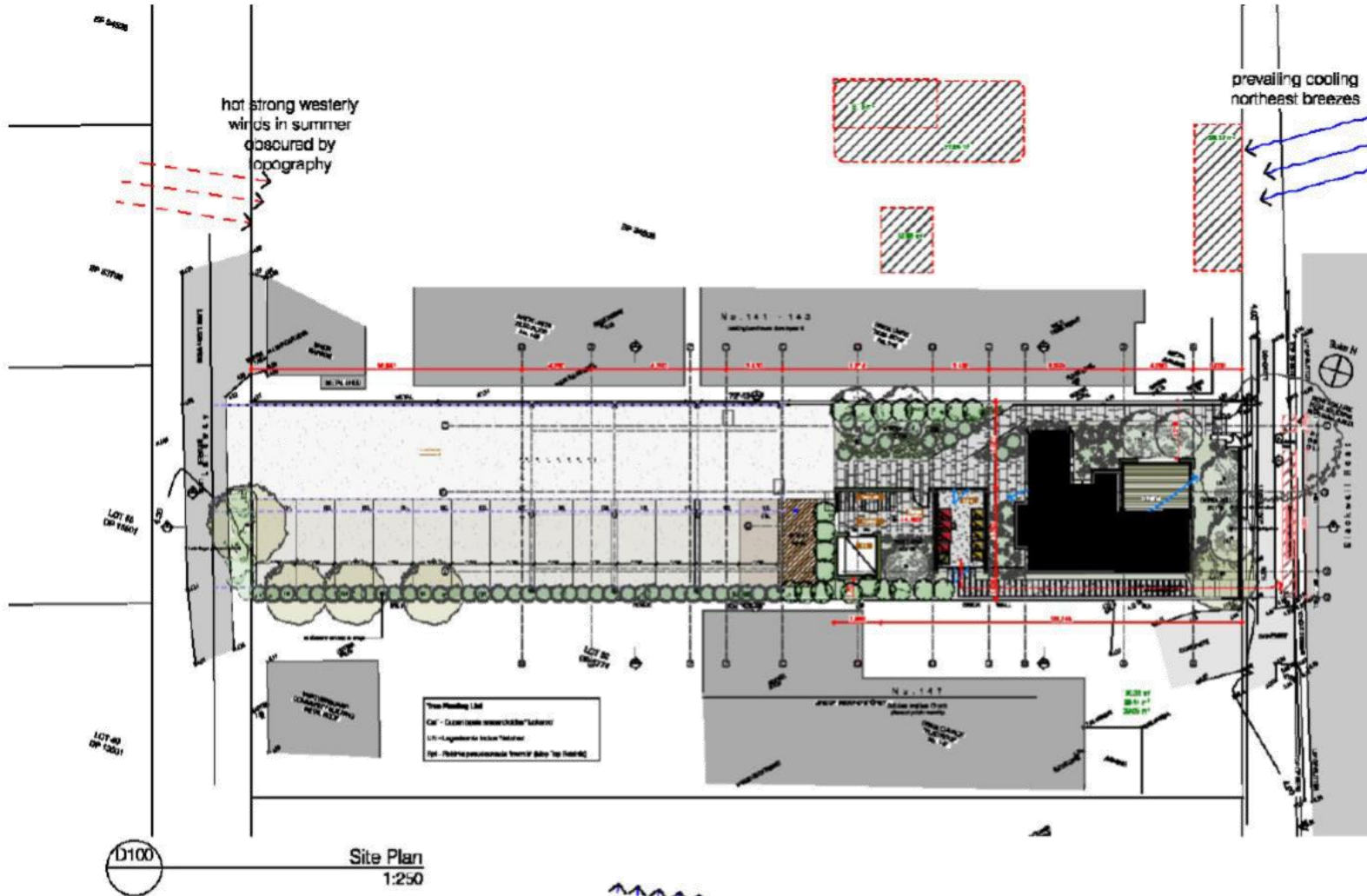
Proposed Residential Flat Building

145 Blackwall Road Woy Woy NSW Australia

Lot 81 in DP 6774

Cover Sheet

Scale @ A3 1:1, 1:312.70	September 2019	Issue: DA/e
Project: 1813		D000



The drawings are to be used for construction purposes only. They are not to be used for any other purpose without the written consent of the architect.

Rev.	Description	Date
DA/0	DA Issue 01	25/09/18
DA/1	DA Issue 02 FBR reduction Delete unit 2.04, rework unit 2.09 rework unit 1.01, 2.01, 2.02 correct circulation and makeover all newer stairwells add in path for cars to level	07/12/18
DA/2	DA Issue 03 rework level, general reconfiguration of building levels to reduce over shading of property to the south by increasing setback to southern boundary, addition of parking space (200 x 10 spaces), decrease height of building and ridge line through the middle of the building	10/03/19
DA/3	DA Issue 04 rework shading above parking at southern boundary wall of R1 zone	10/03/19
DA/4	DA Issue 05 rework shading above parking at northern boundary, add planter box to north wall corner terrace, add solar panels to roof	30/03/19

**White + Dickson Architects.**

PO Box 4571 East Coast NSW 2256  
 Tel: +61 2 4324 3252  
 Numbered National Practice Register (NPR) (with Registration No. 7607)

**Blackwall Residences**

Proposed Residential Flat Building

145 Blackwall Road Woy Woy NSW Australia

Lot 81 in DP 6774

Site Plan + Site Analysis Plan

Scale @ A3 1:250	September 2019	Issue: DA/6
Project: 1615		D100

**NATIONWIDE HOUSE ENERGY RATING SCHEME**

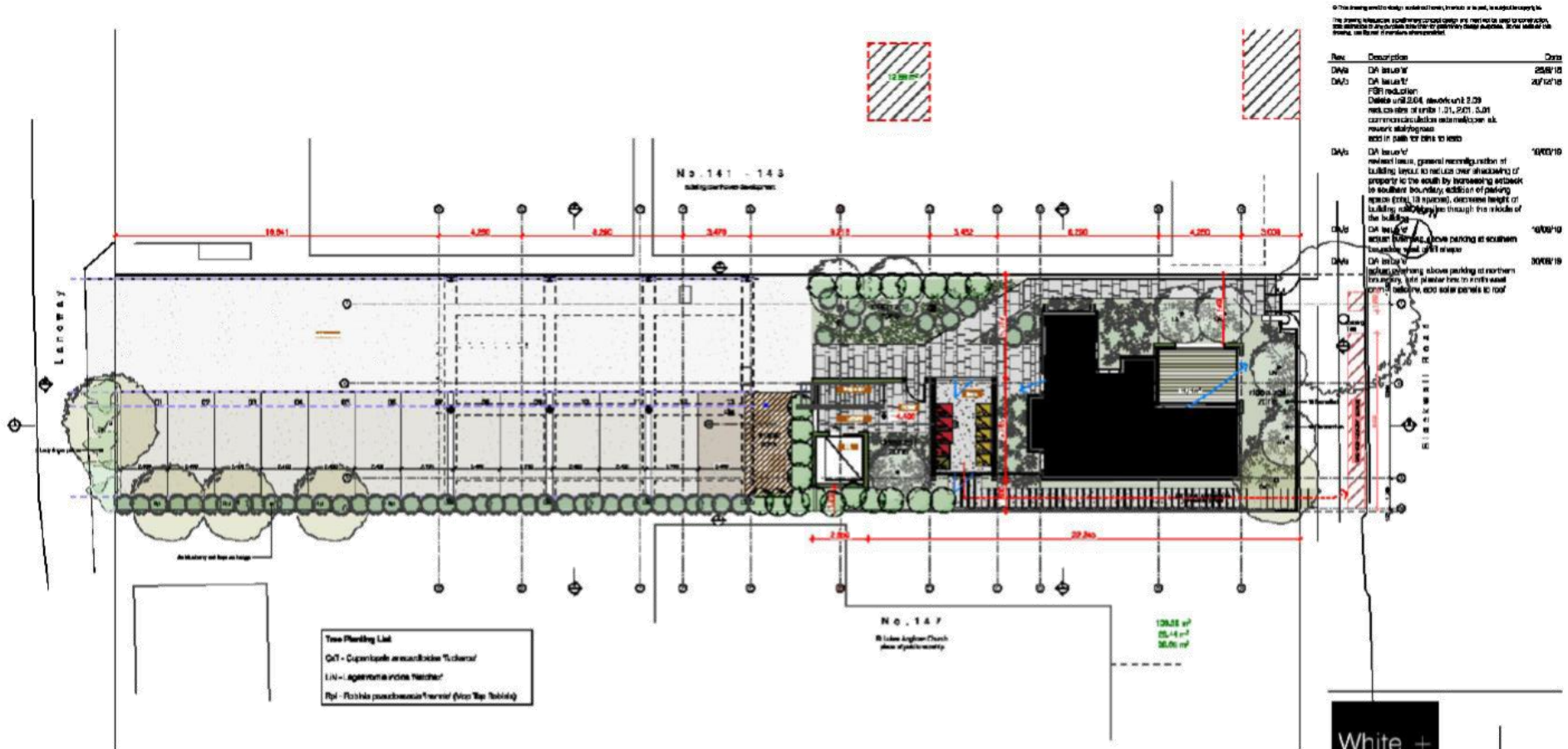
6.1  
 Average star rating

Certificate no.: 0003907439  
 Assessor Name: Hamidul Islam  
 Accreditation no.: 100982  
 Certificate date: 31 May 2019  
 Dwelling Address:  
 145 Blackwall Road  
 Woy Woy, NSW  
 2256  
 www.nathers.gov.au

**ABSA**

Architectural Board of South Australia

1000 Adelaide Road  
 Adelaide SA 5000  
 Tel: +61 8 8232 4000  
 www.absa.org.au



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Rev.	Description	Date
DA16	DA Issue #1	25/09/18
DA17	DA Issue #2	30/12/18
DA18	FBI reduction	
DA19	Delete unit 2.04, reconfigure 2.09	
DA20	reconfigure unit 1.01, 2.01, 2.02	
DA21	correct construction details and all relevant annotations	
DA22	add in path for cars to rear	
DA23	DA Issue #3	10/03/19
DA24	redefine layout, general reconfiguration of building to meet over cover setback of property to the south by increasing setback to southern boundary, addition of parking space (200, 10 spaces), decrease height of building to meet through the setbacks of the building	10/03/19
DA25	DA Issue #4	10/03/19
DA26	redefine layout, increase parking at southern boundary and add area	10/03/19
DA27	DA Issue #5	30/06/19
DA28	redefine layout, increase parking at northern boundary, add glass line to north wall, correct setbacks and solar panels to roof	30/06/19

**Tree Planting List**  
 QM - *Cupressus araucanica* 'Scolara'  
 L/N - *Agave americana* 'Fasciata'  
 Rpl - *Platanus racemosa* 'Forest' (Also 'Big Tolly')

**NATIONWIDE HOUSE**  
 6.1  
 Average star rating  
 www.natthew.gov.au

Certificate no.: 000907430  
 Assessor Name: Hamdul Islam  
 Accreditation no.: 100982  
 Certificate date: 31 May 2019  
 Dwelling Address:  
 145 Blackwall Road  
 Woy Woy, NSW  
 2256  
 www.natthew.gov.au



**White + Dickson Architects.**

PO Box 4271 East Coker NSW 2256  
 Tel: +61 2 4324 3252  
 Northern Suburb, Andrew Dickson FWA (with Registration No. 7607)

**Blackwall Residences**

Proposed Residential Flat Building

145 Blackwall Road Woy Woy NSW Australia

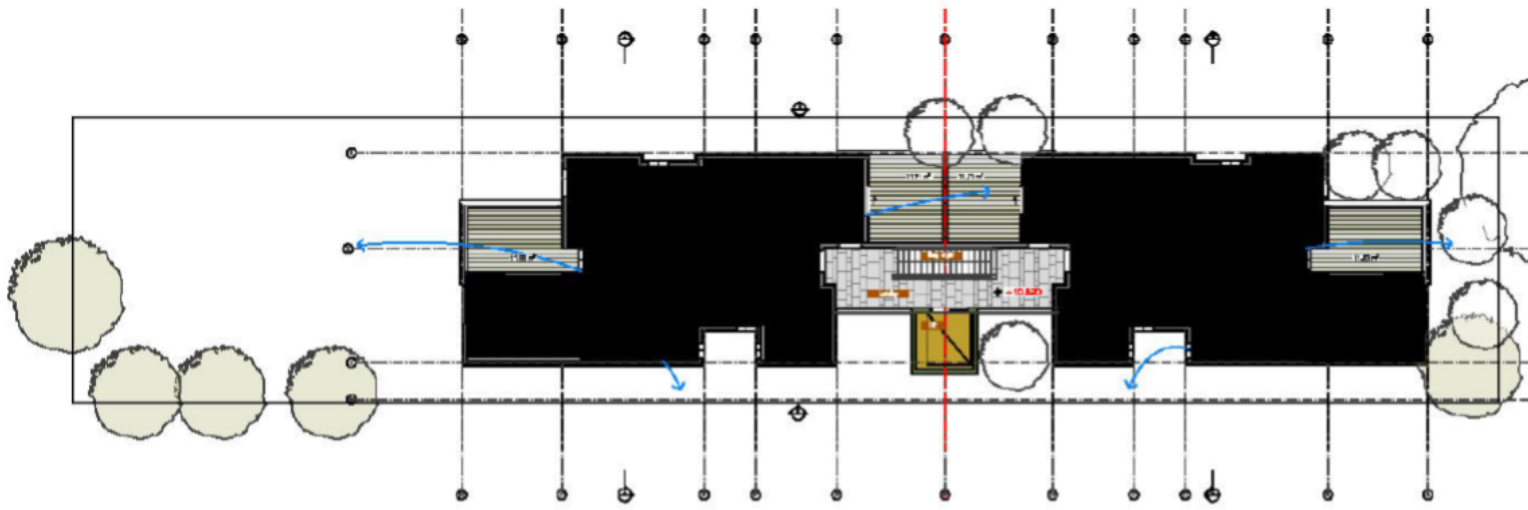
Lot 81 in DP 6774

Ground Floor Plan

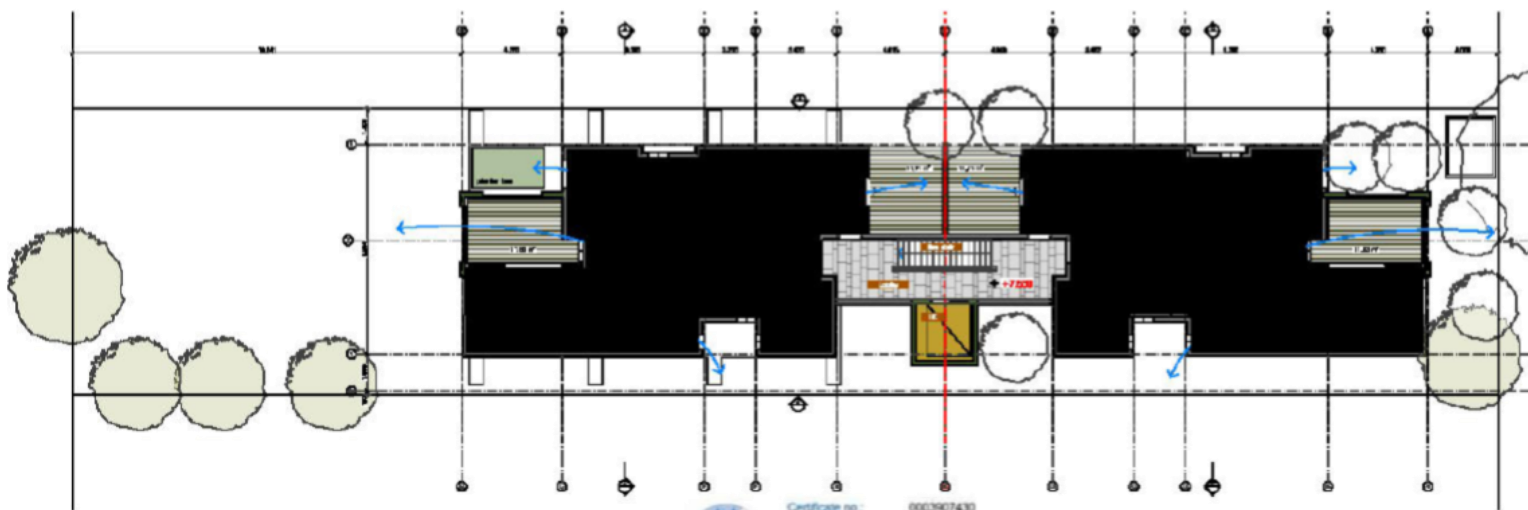
Scale @ A3 1:200	September 2019	Issue: DA16
Project: 1615		D200

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Rev.	Description	Date
DA1	DA Issue 1st	25/01/18
DA2	DA Issue 2nd	02/12/18
DA3	DA Issue 3rd	
DA4	DA Issue 4th	
DA5	DA Issue 5th	
DA6	DA Issue 6th	
DA7	DA Issue 7th	
DA8	DA Issue 8th	
DA9	DA Issue 9th	
DA10	DA Issue 10th	
DA11	DA Issue 11th	
DA12	DA Issue 12th	
DA13	DA Issue 13th	
DA14	DA Issue 14th	
DA15	DA Issue 15th	
DA16	DA Issue 16th	
DA17	DA Issue 17th	
DA18	DA Issue 18th	
DA19	DA Issue 19th	
DA20	DA Issue 20th	
DA21	DA Issue 21st	
DA22	DA Issue 22nd	
DA23	DA Issue 23rd	
DA24	DA Issue 24th	
DA25	DA Issue 25th	
DA26	DA Issue 26th	
DA27	DA Issue 27th	
DA28	DA Issue 28th	
DA29	DA Issue 29th	
DA30	DA Issue 30th	
DA31	DA Issue 31st	
DA32	DA Issue 32nd	
DA33	DA Issue 33rd	
DA34	DA Issue 34th	
DA35	DA Issue 35th	
DA36	DA Issue 36th	
DA37	DA Issue 37th	
DA38	DA Issue 38th	
DA39	DA Issue 39th	
DA40	DA Issue 40th	
DA41	DA Issue 41st	
DA42	DA Issue 42nd	
DA43	DA Issue 43rd	
DA44	DA Issue 44th	
DA45	DA Issue 45th	
DA46	DA Issue 46th	
DA47	DA Issue 47th	
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DA81	DA Issue 81st	
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DA89	DA Issue 89th	
DA90	DA Issue 90th	
DA91	DA Issue 91st	
DA92	DA Issue 92nd	
DA93	DA Issue 93rd	
DA94	DA Issue 94th	
DA95	DA Issue 95th	
DA96	DA Issue 96th	
DA97	DA Issue 97th	
DA98	DA Issue 98th	
DA99	DA Issue 99th	
DA100	DA Issue 100th	



5. Second Floor Plan 1:200



4. First Floor Plan 1:200

**White + Dickson Architects.**

170/171-177 East Colmore NSW 2056  
 Tel: 1447 2434 3050  
 Northcott National Review System (NRS) (with Registration No. 7607)

<b>Blackwall Residences</b>		
Proposed Residential Flat Building		
145 Blackwall Road Woy Woy NSW Australia		
Lot 81 in DP 6774		
First + Second Floor Plans		
Scale @ A3 1:200	September 2018	Issue: DA16
Project: 1615		D201

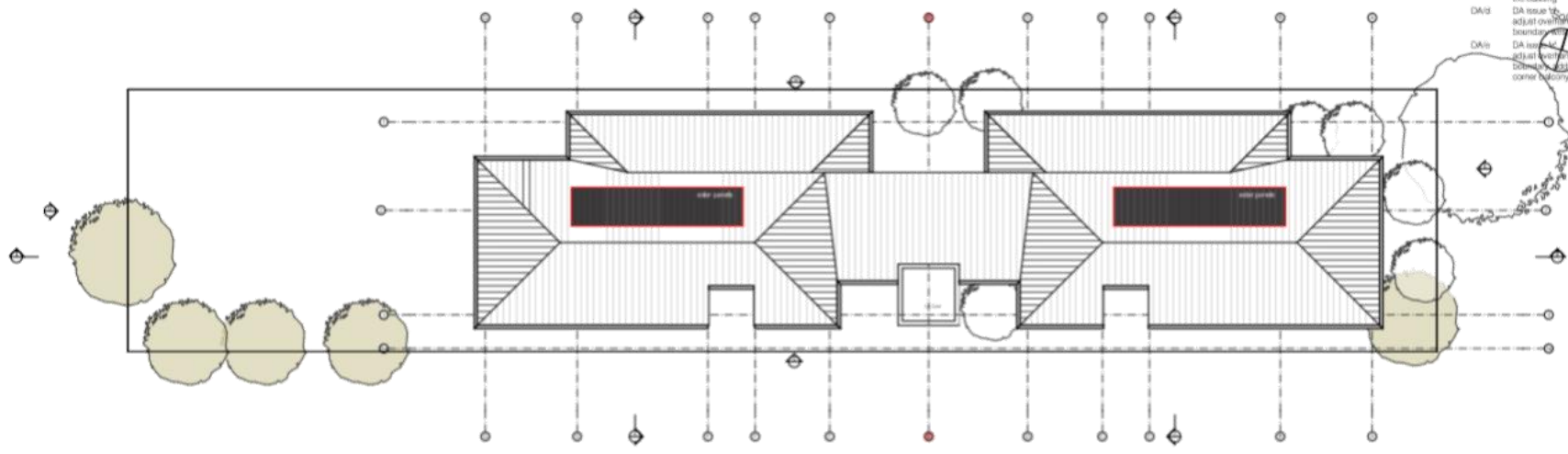
Certificate no.: 0003907430  
 Assessor Name: Hamidul Islam  
 Accreditation no.: 100982  
 Certificate date: 31 May 2019  
 Dwelling Address:  
 145 Blackwall Road  
 Woy Woy, NSW  
 2256

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**ABSA**  
 Australian Building Sustainability Association

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Rev.	Description	Date
DA/a	DA issue 'a'	26/9/18
DA/b	DA issue 'b' FSR reduction Delete unit 2.04, rework unit 2.03 reduce size of units 1.01, 2.01, 3.01 common circulation external open air rework stairs/egress add in path for bins to kerb	20/12/18
DA/c	DA issue 'c' revised issue, general reconfiguration of building layout to reduce over shadowing of property to the south by increasing setback to southern boundary, addition of parking space (total 13 spaces), decrease height of building roof ridge line through the middle of the building	18/03/19
DA/d	DA issue 'd' adjust overall building footprint to allow parking at southern boundary, adjust lift shape	16/08/19
DA/e	DA issue 'e' adjust overall building footprint to allow parking at northern boundary, adjust corner lots to north west corner factory, add solar panels to roof	30/09/19



6. Roof Plan 1:200


 Certificate no.: 9003907430  
 Assessor Name: Hamidul Islam  
 Accreditation no.: 100982  
 Certificate date: 31 May 2019  
 Dwelling Address: 145 Blackwall Road Woy Woy, NSW 2256  
[www.nathert.gov.au](http://www.nathert.gov.au)



**White + Dickson Architects.**  
 PO Box 4371 East Gosford NSW 2256  
 Tel: +61 2 4324 3632  
 Nominated Architect: Andrew Dickson DWA (Arch Registration No. RB37)

**Blackwall Residences**  
 Proposed Residential Flat Building  
 145 Blackwall Road Woy Woy NSW Australia  
 Lot 81 in DP 6774

Roof Plan		
Scale @ A3 1:200	September 2019	Issue: DA/e
Project: 1813		D202

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Rev.	Description	Date
DA/a	DA issue 'a'	26/9/18
DA/b	DA issue 'b' FSR reduction Delete unit 2.04, rework unit 2.03 reduce size of units 1.01, 2.01, 3.01 common circulation external/open air rework stair/egress add in path for bins to kerb	20/12/18
DA/c	DA issue 'c' revised layout, general reconfiguration of building layout to reduce over shading of property to the south by increasing setback to southern boundary, addition of parking space (total 13 spaces), decrease height of building roof ridge line through the middle of the building	18/03/19
DA/d	DA issue 'd' adjust overhang above parking at southern boundary west of lift shaft	16/08/19
DA/e	DA issue 'e' adjust overhang above parking at northern boundary, add planer box to north west corner balcony, add solar panels to roof	30/08/19



B Section BB  
1:200



**White + Dickson Architects.**  
 PO Box 4371 East Gosford NSW 2256  
 Tel: +61 2 4324 3632  
 Nominated Architect: Andrew Dickson DWA (Arch Registration No. 8857)

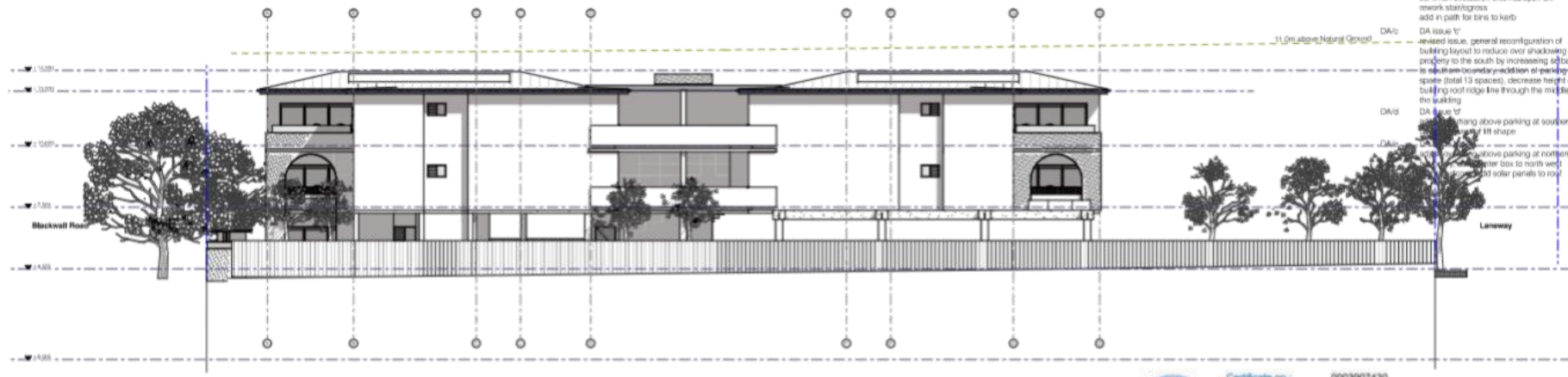
**Blackwall Residences**  
 Proposed Residential Flat Building  
 145 Blackwall Road Woy Woy NSW Australia  
 Lot 81 in DP 6774

Sections		
Scale @ A3 1:200	September 2019	Issue: DA/e
Project: 1813		D300



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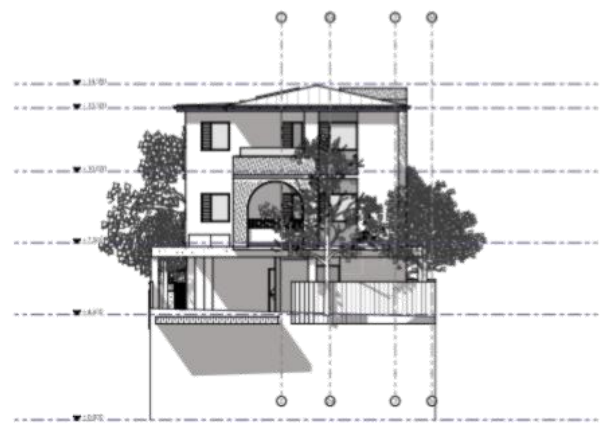
Rev.	Description	Date
DA/a	DA Issue 'a'	26/9/18
DA/b	DA Issue 'b'	20/12/18
	FSR reduction	
	Delete unit 2.04, rework unit 2.03	
	reduce size of units 1.01, 2.01, 3.01	
	common circulation external open air	
	rework stairs/egress	
	add in path for bins to kerb	
DA/c	DA Issue 'c'	18/03/19
	revised issue, general reconfiguration of building layout to reduce over shadowing of property to the south by increasing setback to southern boundary, addition of parking spaces (total 13 spaces), decrease height of building roof ridge line through the middle of the building	
DA/d	DA Issue 'd'	16/08/19
	change above parking of southern boundary to 'T' shape	
DA/e	DA Issue 'e'	30/08/19
	change above parking at northern boundary to north west and solar panels to roof	



N  
North Elevation  
1:200

Certificate no.: 0003907430  
 Assessor Name: Hamidul Islam  
 Accreditation no.: 100982  
 Certificate date: 31 May 2019  
 Dwelling Address:  
 145 Blackwall Road  
 Woy Woy, NSW  
 2256  
[www.nathers.gov.au](http://www.nathers.gov.au)

ABSA  
 Australian Building Sustainability Association  
 Green Star Rating  
 6.1  
 Average star rating  
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W  
West Elevation  
1:200



C  
Section CC  
1:200

**White + Dickson Architects.**  
 PO Box 4371 East Gosford NSW 2256  
 Tel: +61 2 4324 3632  
 Nominated Architect: Andrew Dickson (Arch Registration No. 8507)

**Blackwall Residences**  
 Proposed Residential Flat Building

145 Blackwall Road Woy Woy NSW Australia

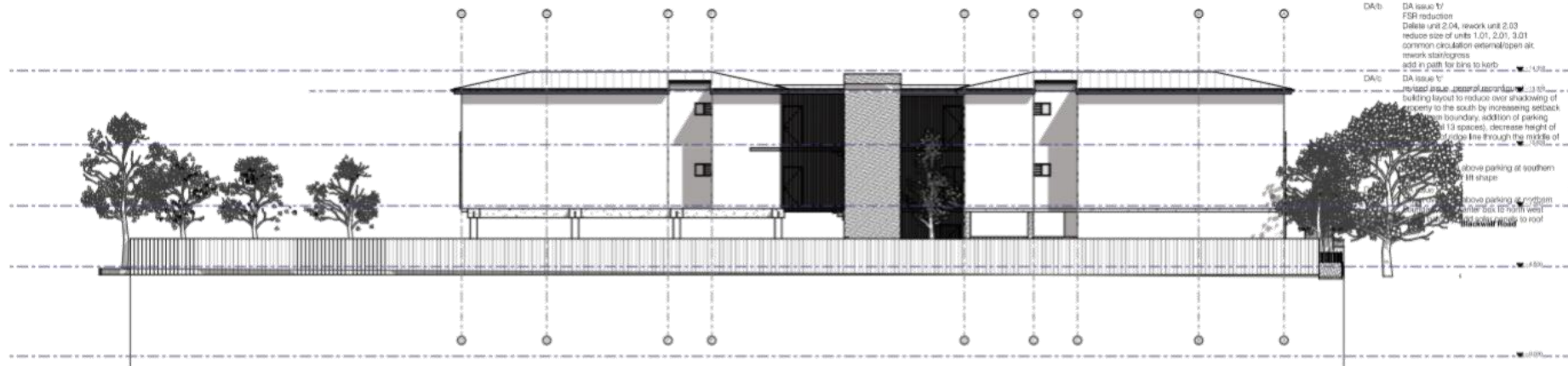
Lot 81 in DP 6774

Elevations

Scale @ A3 1:200	September 2019	Issue: DA/e
Project: 1813		D400

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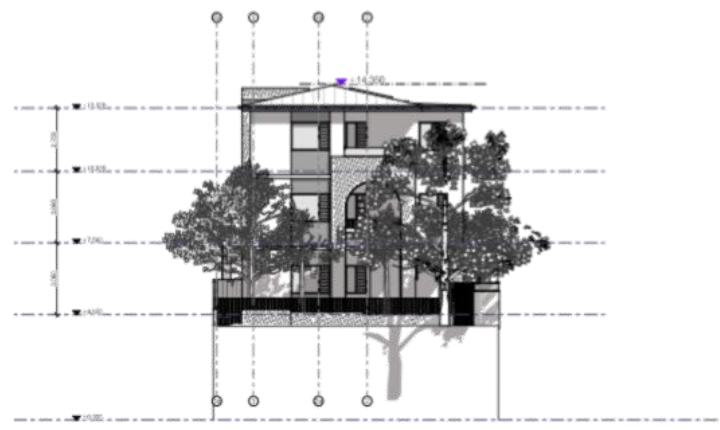
Rev.	Description	Date
DA/e	DA issue '1'	26/9/18
DA/b	DA issue '1'	20/12/18
	FSR reduction	
	Delete unit 2.04, rework unit 2.03	
	reduce size of units 1.01, 2.01, 3.01	
	common circulation external open air	
	rework stairs/gross	
	add in path for bins to kerb	
DA/c	DA issue '1'	18/03/19
	revised issue general arrangement	
	building layout to reduce over shadowing of	
	property to the south by increasing setback	
	boundary, addition of parking	
	1.01 & 1.03 spaces, decrease height of	
	of ridge line through the middle of	
	16/08/19	
	above parking of southern	
	lift shape	
	30/08/19	
	above parking system	
	10/12/19	
	and solar panels to roof	
	Blackwall Road	



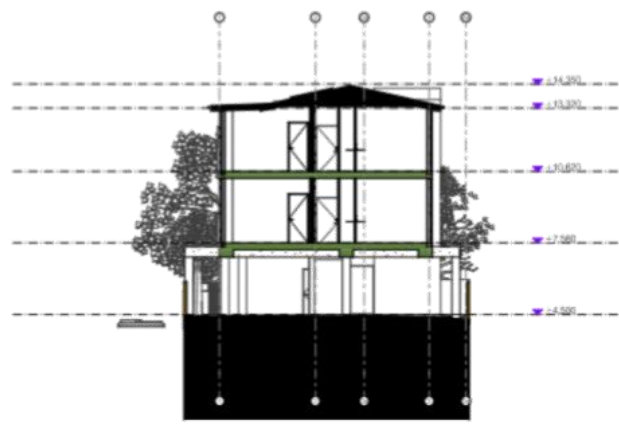
S South Elevation  
1:200



Certificate no. 0003907430  
 Assessor Name: Hamdul Islam  
 Accreditation no. 100982  
 Certificate date: 31 May 2019  
 Dwelling Address:  
 145 Blackwall Road  
 Woy Woy, NSW  
 2256  
[www.natwh.com.au](http://www.natwh.com.au)



E East Elevation  
1:200



A Section AA  
1:200

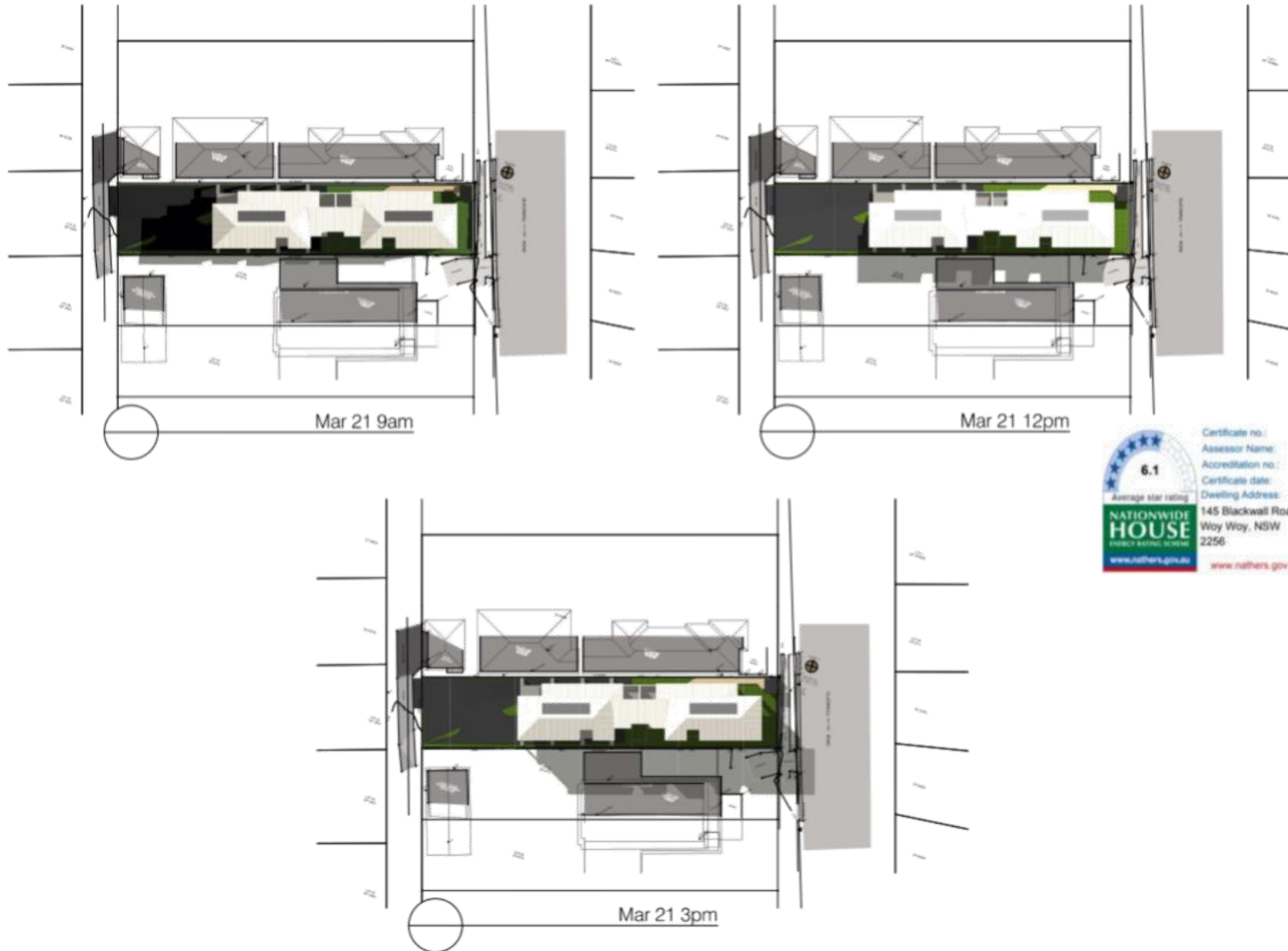
**White + Dickson Architects.**  
 PO Box 4371 East Gosford NSW 2256  
 Tel: +61 2 4324 3632  
 Nominated Architect: Andrew Dickson DWA (Arch Registration No. 8657)

**Blackwall Residences**  
 Proposed Residential Flat Building

145 Blackwall Road Woy Woy NSW Australia  
 Lot 81 in DP 6774

Elevations  
 Scale @ A3 September Issue: DA/e  
 1:200 2019  
 Project: 1813 D401

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Rev.	Description	Date
DA/a	DA issue 1/1	26/9/18
DA/b	DA issue 1/2 FSR reduction Delete unit 2.04, rework unit 2.03 reduce size of units 1.01, 2.01, 3.01 common circulation external/open air rework stairs/egress add in path for bins to kerb	20/12/18
DA/c	DA issue 1/3 revised issue, general reconfiguration of building layout to reduce over shadowing of property to the south by increasing setback to southern boundary, addition of parking space (total 13 spaces), decrease height of building roof ridge line through the middle of the building	18/03/19
DA/d	DA issue 1/4 adjust overhang above parking at southern boundary west of lift shaft	16/08/19
DA/e	DA issue 1/5 adjust overhang above parking at northern boundary, add planer box to north west corner balcony, add solar panels to roof	30/08/19


 Certificate no: 6003907430  
 Assessor Name: Hamidul Islam  
 Accreditation no: 100982  
 Certificate date: 31 May 2019  
 Dwelling Address: 145 Blackwall Road, Woy Woy, NSW 2256  
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 ABSA Building Services  
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 Accredited for: Building Services  
 Accredited to: 22561  
 Accredited against: AS/NZS 4576  
 Accredited under: AS/NZS 4576:2012  
 Accredited by: The Australian Building Services Association (ABSA)

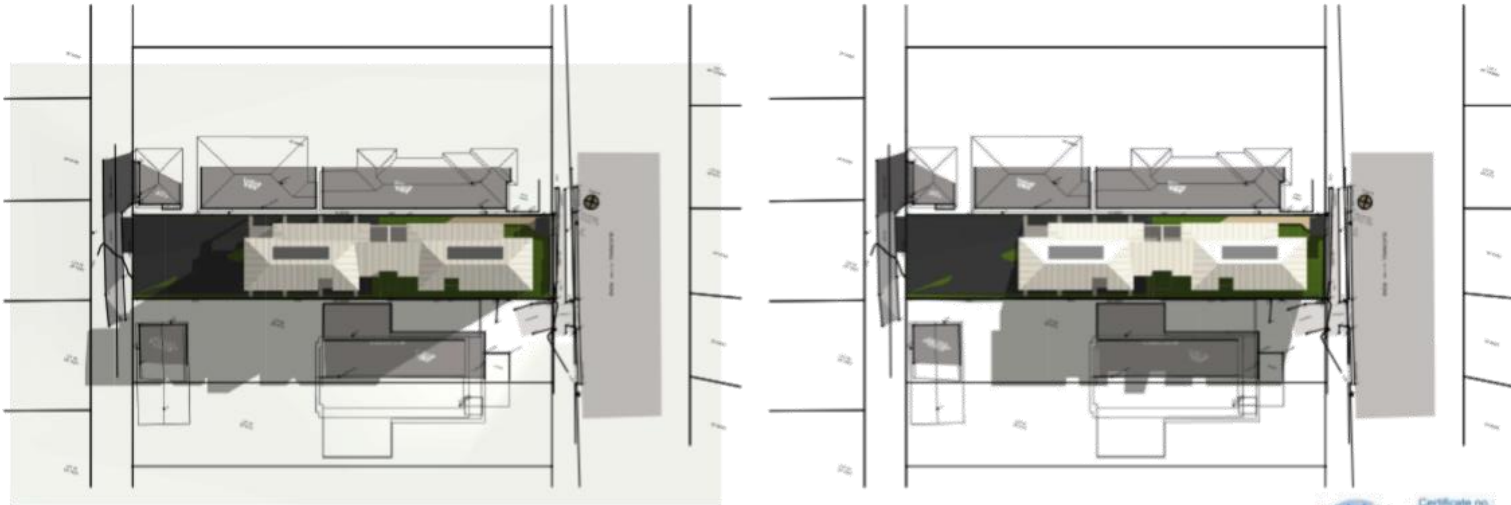
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 Nominated Architect: Andrew Dickson DWA (Arch Registration No. 8517)

**Blackwall Residences**  
 Proposed Residential Flat Building  
 145 Blackwall Road Woy Woy NSW Australia  
 Lot 81 in DP 6774

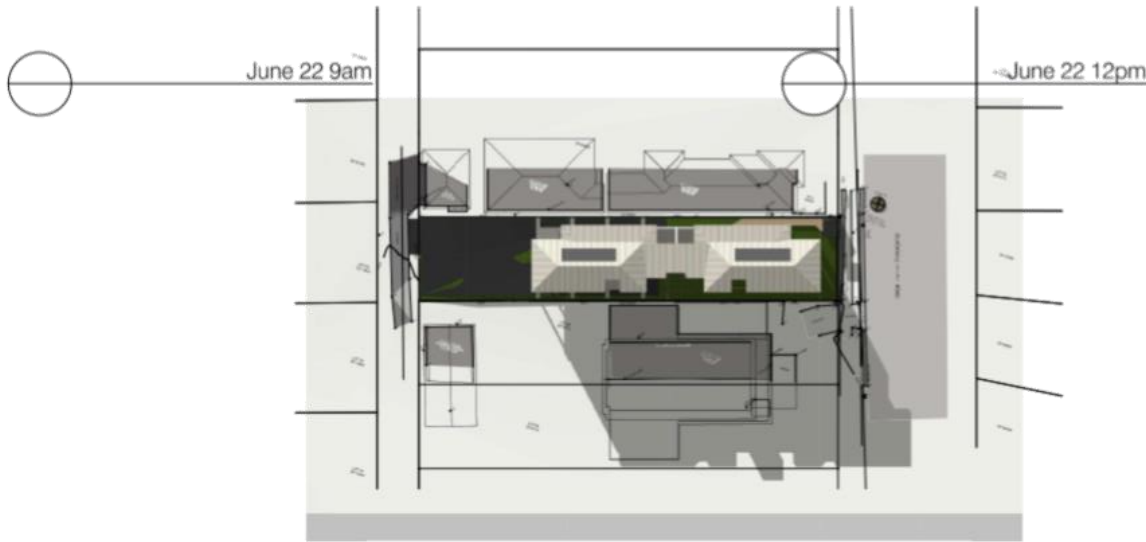
Shadow Diagrams Mar/Sept 21

Scale @ A3 1:400 1:680.39 Project: 1813	September 2019	Issue: DA/e          D900
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Rev.	Description	Date
DA/a	DA issue 'a'	26/9/18
DA/b	DA issue 'b'	20/12/18
	PSR reduction	
	Delete unit 2.04, rework unit 2.03	
	reduce size of units 1.01, 2.01, 3.01	
	common circulation external open air	
	rework stairs/egress	
	add in path for bins to kerb	
DA/c	DA issue 'c'	18/03/19
	revised issue, general reconfiguration of building layout to reduce over shadowing of property to the south by increasing setback to southern boundary, addition of parking space (total 13 spaces), decrease height of building roof ridge line through the middle of the building	
DA/d	DA issue 'd'	16/08/19
	adjust overhang above parking at southern boundary west of lift shaft	
DA/e	DA issue 'e'	30/08/19
	adjust overhang above parking at northern boundary, add planter box to north west corner balcony, add solar panels to roof	



Certificate no.: 0003007430  
 Assessor Name: Hamdul Islam  
 Accreditation no.: 100982  
 Certificate date: 31 May 2019  
 Dwelling Address:  
 145 Blackwall Road  
 Woy Woy, NSW  
 2256  
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 Tel: +61 2 4324 3632  
 Nominated Architect: Andrew Dickson DWA (Arch Registration No. 8637)

**Blackwall Residences**  
 Proposed Residential Flat Building  
 145 Blackwall Road Woy Woy NSW Australia  
 Lot 81 in DP 6774

Shadow Diagrams Jun 22

Scale @ A3 1:323,30 1:680,39 Project: 1813	September 2019	Issue: DA/e          D901
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Rev.	Description	Date
DA/e	DA issue 1/1	26/9/18
DA/b	DA issue 1/2 FSR reduction Delete unit 2.04, rework unit 2.03 reduce size of units 1.01, 2.01, 3.01 common circulation optimise open air rework stairs/egress add in path for bins to kerb	20/12/18
DA/c	DA issue 1/3 revised issue, general reconfiguration of building layout to reduce over shadowing of property to the south by increasing setback to southern boundary, addition of parking space total 13 spaces, decrease height of building roof ridge line through the middle of the building	18/03/19
DA/d	DA issue 1/4 adjust overhang above parking at southern boundary west of H shape	16/08/19
DA/e	DA issue 1/5 adjust overhang above parking at northern boundary, add planter box to north west corner balcony, add solar panels to roof	30/08/19



Jun22 Neighbour 8am




Jun22 Neighbour 9am



Jun22 Neighbour 10am



Jun22 Neighbour 11am


 Certificate no.: 6003907430  
 Assessor Name: Hamidul Islam  
 Accreditation no.: 100982  
 Certificate date: 31 May 2019  
 Dwelling Address:  
 145 Blackwall Road  
 Woy Woy, NSW  
 2256  
[www.nathens.gov.au](http://www.nathens.gov.au)



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 Architects.  
 PO Box 4371 East Gosford NSW 2256  
 Tel: +61 2 4324 3632  
 Nominated Architect: Andrew Dickson DWA (Arch Registration No. RB37)

**Blackwall Residences**  
 Proposed Residential Flat Building  
 145 Blackwall Road Woy Woy NSW Australia  
 Lot 81 in DP 6774  
 Shadow Diagrams 3D Neighbour 01  
 Scale @ A3: 1:500  
 September 2019  
 Issue: DA/e  
 Project: 1813  
 D902

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Rev.	Description	Date
DA/c	DA issue 1/1	26/9/18
DA/b	DA issue 1/2 FSR reduction Delete unit 2.04, rework unit 2.03 reduce size of units 1.01, 2.01, 3.01 common circulation optimise open air rework stairs/egress add in path for bins to kerb	20/12/18
DA/c	DA issue 1/3 revised issue, general reconfiguration of building layout to reduce over shadowing of property to the south by increasing setback to southern boundary, addition of parking space total 13 spaces, decrease height of building roof ridge line through the middle of the building	18/03/19
DA/d	DA issue 1/4 adjust overhang above parking at southern boundary west of H shape	16/08/19
DA/e	DA issue 1/5 adjust overhang above parking at northern boundary, add planter box to north west corner balcony, add solar panels to roof	30/08/19



Jun22 Neighbour 12pm



Jun22 Neighbour 1pm



Jun22 Neighbour 2pm



Jun22 Neighbour 3pm

**White + Dickson Architects.**  
 PO Box 4371 East Gosford NSW 2256  
 Tel: +61 2 4324 3632  
 Nominated Architect: Andrew Dickson DWA (Arch Registration No. 1857)

**Blackwall Residences**  
 Proposed Residential Flat Building  
 145 Blackwall Road Woy Woy NSW Australia  
 Lot 81 in DP 6774  
 Shadow Diagrams 3D Neighbour 02  
 Scale @ A3 September 2019 Issue: DA/e  
 Project: 1813 D903

Certificate no.: 0003907438  
 Assessor Name: Hamidul Islam  
 Accreditation no: 100982  
 Certificate date: 31 May 2019  
 Dwelling Address:  
 145 Blackwall Road  
 Woy Woy, NSW  
 2256  
 www.natthers.gov.au

## Gosford Development Control Plan 2013 compliance table

## Chapter 2 Scenic Quality and Character

Development Control	Required	Proposed	Compliance With Controls	Compliance With Objectives
<b>2.1 Character</b>	<p><u>Desired Character</u></p> <ul style="list-style-type: none"> <li>• These areas should remain medium-density residential neighbourhoods where improved standards of amenity and urban design quality are achieved by new low-rise multi-unit developments.</li> <li>• Surround each multi-unit development with leafy gardens that conserve existing visually-prominent trees, particularly along back fences and street frontages or verges.</li> <li>• Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves that disguise the scale and bulk of exterior walls.</li> <li>• A "light-weight appearance" is preferable for all visible facades</li> </ul>	<p>The subject site is within the Woy Woy Character Statement No. 8 Sandplain Medium Density – Desired.</p> <p>The overall design of the development has a narrow subtle frontage with a complying heights and low pitch roof form to reduce bulk and scale.</p> <p>The development is surrounded by deep soil planting on the front and side boundaries towards the front of the lot, that is consistent with maintaining landscaping and green space as per the desired character.</p> <p>lightweight façade cladding, 'timber' screening and glass balustrades, rather than extensive use of plain masonry.</p>	Yes	Yes
<b>2.2 Scenic Quality</b>	<p>The subject site is located within the Peninsula Geographic Unit and encompasses the Woy Woy/ Umina Landscape Unit and the Woy Woy Bays Landscape Units</p>	<p>The proposal is subject to the provisions of GDCP 2013 Chapter 2.2 – Scenic Quality.</p> <p>Overall the development does not propose a bulk and scale that will adversely affect the scenic quality of the area. Views will be maintained around and through the site. The use of</p>	Yes	Yes

Development Control	Required	Proposed	Compliance With Controls	Compliance With Objectives
		<p>landscaping on boundaries of the proposal enhances the scenic quality of the area.</p> <p>The proposal is <b>consistent</b> with the stated objectives of GDCP 2013 Chapter 2.2 - Scenic Quality.</p>		

### Chapter 3.3 Multi Dwelling Housing & Residential Flat Buildings

The relevant provisions of Chapter 3.3 have been considered in the assessment of application as summarised in the table below.

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
<b>3.3.2 Desired Character</b>	<ul style="list-style-type: none"> <li>Siting of buildings and surrounding garden areas shall be consistent with locality.</li> <li>Height, size and scale of new buildings shall be compatible with locality</li> <li>Garden design and details shall be compatible with scenic quality and streetscape character.</li> <li>Street verges shall conserve visually prominent landscape features.</li> </ul>	Consistent with desired character.	Yes	Yes
<b>3.3.3.1 Height</b>	<ul style="list-style-type: none"> <li>Max height LEP = 11m</li> <li>Max 3 storeys</li> <li>Max height exterior wall 10m</li> <li>Min 2.7m ceiling heights for 2 storey buildings</li> <li>Min 2.4m ceiling heights for 1 storey buildings</li> </ul>	<ul style="list-style-type: none"> <li>Max height = 10m</li> <li>Max 3 storeys</li> <li>10m maximum exterior wall height</li> <li>2.7m ceiling heights</li> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> <li>Yes</li> <li>Yes</li> <li>Yes</li> </ul>	Yes, see comments under GLEP2014 section Height of Buildings of this report.
<b>3.3.3.2a Setbacks</b>	<p>Deep soil along boundaries</p> <ul style="list-style-type: none"> <li>Side boundary min width 2m</li> <li>Rear boundary min width 6m</li> </ul>	<ul style="list-style-type: none"> <li>The building rear and side setbacks are assessed under the <i>Apartment Design</i></li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> <li>N/A</li> </ul>



Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
	<ul style="list-style-type: none"> <li>Front boundary min width 6m</li> </ul>	<p><i>Guide</i>, refer attachment 4</p> <ul style="list-style-type: none"> <li>The building street setback and deep soil setback is assessed under the <i>Apartment Design Guide</i>, refer attachment 4</li> </ul>		
<b>3.3.3.2 Setbacks</b>	Setbacks to Exterior Walls <ul style="list-style-type: none"> <li><b>Side</b> boundaries average 4m, min 3.5m</li> </ul>	<ul style="list-style-type: none"> <li>Assessed under the <i>Apartment Design Guide</i>, refer attachment 4</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	N/A
	Setbacks to Exterior Walls <ul style="list-style-type: none"> <li><b>Side</b> boundaries average 4m, min 3.5m</li> </ul>	<ul style="list-style-type: none"> <li>Assessed under the <i>Apartment Design Guide</i>, refer attachment 4</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	N/A
	Setbacks to Exterior Walls <ul style="list-style-type: none"> <li><b>Front</b> Setback 6m</li> <li><i>For the exterior walls of any third storey: an additional setback of at least 2.5m measured from the face of the lower storey walls immediately below.</i></li> </ul>	<ul style="list-style-type: none"> <li>Street setback assessed under the <i>Apartment Design Guide</i>, refer attachment 4</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	N/A
	Setbacks to Exterior Walls <ul style="list-style-type: none"> <li><b>Rear</b> Setback 6m</li> </ul>	<ul style="list-style-type: none"> <li>The eastern rear setback is assessed under the <i>Apartment Design Guide</i>, refer attachment 4</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	N/A
<b>3.3.3.3.2 Car Parking</b>	<ul style="list-style-type: none"> <li>Resident 1.5 sp/unit</li> <li>Visitor 0.2 sp/unit</li> </ul> <p>On the Peninsula (i.e. Woy Woy) visitor parking and service vehicle access may be provided on the existing street where: * development contains less than 4 units, or</p>	<p>GDCP 2013 is the applicable planning control for car parking under the ADG. The basement parking complies with the requirements of the GDCP 2013. Parking provided meets Central Coast</p>	<ul style="list-style-type: none"> <li><b>No</b>, however no objection is made in this instance, as discussed</li> </ul>	Yes

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
	<p>* unrestricted on-street parking is safely available within 60m of the development</p>	<p>Council DCP requirements of 1.5 spaces per dwelling plus 0.2 visitor spaces per dwelling</p> <p>Total required – 16 spaces in total 14 resident and 2 visitor car spaces (unless unrestricted on-street parking is available within 60m of the development).</p> <p>Provided; Residents - 13 Visitors – nil, however on-street Total car spaces provided: 13</p> <p>The amended design removed one unit to reduce the car parking deficit. The proposed deficit is now 1 parking space or 7%, this is considered minor. These spaces comprising mainly visitor parking can be accommodated along Blackwall Road or Park Road within a 50m of the subject site.</p> <p>Further, the site is located in a highly accessible area, being within reasonable walking distance to Woy Woy town centre (approx. 200m) and the Woy Woy Woolworths supermarket, and with access to regular and frequent public transport services (train approx. 600m and bus stops along Blackwall Road). This access to local services and public transport decreases the</p>		

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
		reliance of future residents on private vehicles.		
<b>3.3.3.3.4 Car Parking</b>	<ul style="list-style-type: none"> <li>Not located facing street/lane.</li> <li>Not located in front setback</li> <li>Not create continuous row of enclosed garages</li> </ul>	<ul style="list-style-type: none"> <li>Onsite parking is provided on-grade as accessed from the rear laneway. No garages are proposed.</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>	Yes
<b>3.3.3.3.5 Driveway Design</b>	<ul style="list-style-type: none"> <li>3m wide driveway, 5.5m wide width at kerb</li> </ul>	<ul style="list-style-type: none"> <li>Vehicle crossing in has a minimum width of 6m</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>	Yes
<b>3.3.3.4.2 Articulation</b>	<ul style="list-style-type: none"> <li>Max width and depth of building - 25m</li> <li>Buildings between 25m-35m</li> <li>with 1 large canopy tree</li> <li>Surrounding each courtyard height of exterior walls reduced</li> </ul>	<ul style="list-style-type: none"> <li>Max approx. 16m due to the semi enclosed circulation core forming two building forms partially connected.</li> <li>N/A</li> <li>The courtyard unit has 1 or more trees.</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> <li>N/A</li> <li>Yes</li> </ul>	Yes
<b>3.3.3.4.3 Internal Building Separation</b>	<ul style="list-style-type: none"> <li>Separation distance between two buildings on one site is 6m</li> <li>Driveways flanked by landscaped verges</li> <li>Separation between buildings provide satisfactory sunlight and privacy for adjacent dwellings</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	N/A
<b>3.3.3.4.4 Articulation</b>	<ul style="list-style-type: none"> <li>The unarticulated length of any wall should not exceed 8m</li> </ul>	<p>A portion of wall to the south is approx. 11m, however this portion is isolated to only the first and second floor, while the remainder of the building is highly articulated.</p> <p>Long lengths of wall are particularly difficult to avoid on very long sites</p>	<ul style="list-style-type: none"> <li>No, however is supported as discussed</li> </ul>	Yes

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
		<p>that are also narrow. Further, articulation via fenestration (design and positioning of windows and other exterior openings) or balconies is not appropriate in this location due to potential privacy issues that may arise.</p> <p>Therefore the blank wall length is reasonable and supported</p>		
<b>3.3.3.4.5 Appearance of adjoining buildings</b>	<ul style="list-style-type: none"> <li>The appearance of adjoining buildings should be varied</li> </ul>	<ul style="list-style-type: none"> <li>Adjoining units (apartments) are sufficiently articulated to create a varied façade design.</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>	Yes
<b>3.3.3.5.2 Solar Access</b>	<ul style="list-style-type: none"> <li>Sunlight min 3 hrs/day in living, dining, family rooms and 50% of principle Open Space areas. Received by 70% of dwellings.</li> <li>Sunlight retained to existing residential neighbours.</li> </ul>	Refer to assessment for solar access under the applicable Apartment Design Guide – Attachment 4	Refer to Attachment 4	Refer to Attachment 4
<b>3.3.3.5.3 Site Planning</b>	<ul style="list-style-type: none"> <li>Site planning to provide for reasonable privacy for existing &amp; proposed dwellings.</li> <li>If screening is provided these distances can be lessened.</li> </ul>	<ul style="list-style-type: none"> <li>Reasonable privacy is achieved. Refer to assessment for building separation access under the applicable Apartment Design Guide – Attachment 4</li> </ul>	Refer to Attachment 4	Refer to Attachment 4
<b>3.3.3.5.4 Natural cross ventilation</b>	<ul style="list-style-type: none"> <li>Min 60% of dwellings must have suitable floor plans for cross ventilation.</li> </ul>	<ul style="list-style-type: none"> <li>100% of units provide for cross ventilation.</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>	Yes
<b>3.3.3.5.5 Open Space</b>	<ul style="list-style-type: none"> <li>Private open space all dwellings - min area 50m<sup>2</sup></li> <li>Min width 5m x 5m</li> <li>Min dimension is 3.5m</li> <li>1 tree and landscaping per POS</li> </ul>	<p>N/A</p> <p>The private open space for the apartments is assessed under the applicable Apartment Design Guide 4E-1</p>	N/A	N/A

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
	<ul style="list-style-type: none"> <li>All should have one sunny spot, be located adjacent to a living space &amp; a space for clothes drying</li> </ul>	Balconies – Attachment 4 - in which it complies.		
<b>3.3.4.1 Housing Choice</b>	<ul style="list-style-type: none"> <li>Provide a variety of dwelling types</li> <li>a. In developments with more than ten dwellings: at least 10% should be “accessible”: For 9 units no adaptable unit is prescribed to be provided</li> </ul>	<ul style="list-style-type: none"> <li>A mix of single, double bedroom dwellings proposed.</li> <li>One (1) adaptable units proposed. A disabled parking space is proposed to facilitate this unit.</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> <li>Yes</li> </ul>	Yes
<b>3.3.4.2 Residential Address</b>	<ul style="list-style-type: none"> <li>Provide a traditional street address - Front doors, windows, patios etc facing street</li> <li>Dwellings with private open space at ground level have private entrance</li> <li>Garages are not located on street frontage</li> <li>Solid fences to a height of 1.2m, and partially transparent screening above that for fences that face public/communal areas.</li> </ul>	<ul style="list-style-type: none"> <li>An appropriate entry address is provided. Further, appropriate articulation (including medium size window openings and balconies &amp; courtyard) is provided to the eastern façade facing Blackwall Road.</li> <li>The front fence does not have solid elements higher than 1.2m. The design incorporates wide transparent panelling on top of a masonry base.</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>	Yes
<b>3.3.4.3 Facades</b>	<ul style="list-style-type: none"> <li>Divide facade into “panels”</li> <li>Use gently-pitched roof elements</li> <li>roofs surrounded by wide eaves</li> <li>Balconies used to disguise expanses of flat exterior walls</li> <li>Light weight finishes incorporated</li> </ul>	<ul style="list-style-type: none"> <li>The facades are sufficiently articulated to differentiate each unit.</li> <li>Appropriate use of small eaves and balcony overhang is provided.</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> <li>Yes</li> </ul>	Yes
<b>3.3.4.4 Landscaped Areas</b>	<ul style="list-style-type: none"> <li>Provide a landscape plan</li> <li>Site surrounded by canopy trees</li> <li>New trees to have mature heights of 8-</li> </ul>	N/A Assessed under the applicable Apartment Design Guide - 40 Landscape Design –	N/A	N/A

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
	<p>10m (similar height to building)</p> <ul style="list-style-type: none"> <li>• Continuous screen plantings to side and rear boundaries</li> <li>• Front setback to include 2 canopy trees, side setback to include 1, rear setback to include 2</li> <li>• Side and rear setbacks should include screen plantings</li> <li>• Driveway flanked by landscaping</li> </ul>	Attachment 4 - in which it complies		
<b>3.3.4.5.2 Stormwater</b>	<ul style="list-style-type: none"> <li>• 25% of the development site shall be deep soil</li> </ul>	<ul style="list-style-type: none"> <li>• The proposal provides a deep soil area of 7.8% (58m<sup>2</sup>).</li> <li>• Further, the stormwater is managed in accordance with the GDCP in terms of onsite detention, as assessed by Council engineer.</li> </ul>	<b>No</b> , however the deep soil proposed exceeds the minimum required (7%) in the <i>Apartment Design Guide</i> .	Yes
<b>3.3.4.5.3 Garbage bin enclosures</b>	<ul style="list-style-type: none"> <li>• Not compromise urban design quality</li> </ul>	<ul style="list-style-type: none"> <li>• Waste storage is located within the discrete waste storage area on-grade, positioned behind the ground floor unit.</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> </ul>	Yes
<b>3.3.4.5.5 Storage</b>	<ul style="list-style-type: none"> <li>• Two bedroom: 8m<sup>3</sup>,</li> <li>• Three bedrooms or more: 10m<sup>3</sup>,</li> </ul>	N/A Assessed under the applicable Apartment Design Guide - 4G-1 Storage – Attachment 4 - in which it complies	N/A	N/A
<b>7.1.2.7 Car Parking with Persons with Disability</b>	<ul style="list-style-type: none"> <li>• a) Where car parking is provided in excess of five (5) spaces, provision shall be made for parking for persons with a disability at the rate of one (1) space per one hundred (100) or part thereof of car spaces provided. A higher proportion of such</li> </ul>	<ul style="list-style-type: none"> <li>• Included in the parking requirement (13 resident spaces) is the disabled spaces associated with each adaptable unit provided (1 units).</li> </ul>	Yes	Yes

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
	spaces may be required for uses which are likely to generate a higher demand for such facilities.			
<b>7.1.3.3 Bicycle Parking Facilities</b>	<ul style="list-style-type: none"> <li>a) Provision is to be made for cyclists via the installation of bicycle parking facilities in accordance with Australian Standard AS 2890.3.</li> </ul>	Nil. Further assessed under the applicable Apartment Design Guide 3J-1 Bicycle and Car Parking – Attachment 4 - in which it complies.	Yes	Yes
<b>7.1.4.2- Parking Spaces</b>	<ul style="list-style-type: none"> <li>Single garage 3.2m x 6m</li> <li>Double garage 6m x 6m</li> </ul>	Complies however open car park spaces, not garages	Yes	Yes

### Chapter 6 Environmental Controls

Development Control	Required	Proposed	Compliance	Compliance with objectives
<b>6.1 Acid Sulfate Soils</b>	Report required.	<p>This land has been identified as being affected by the Acid Sulfate Soils (class 3)</p> <p>The site is classified as Class 3, the works proposed however are not 1m below the natural ground surface and no works by which the water table is to be lowered beyond 1m below natural surface is proposed as no basement excavations are proposed.</p> <p>Therefore, an Acid Sulfate Soils Management Plan is not required.</p>	Yes	Yes
<b>6.3 Erosion and Sediment Control</b>	Plans required.	Complies.	Yes	Yes
<b>6.4 Geotechnical Requirements For Development Applications</b>	Report may be required.	No excavations, no geotechnical report required.	N/A	N/A
<b>6.7 Water Cycle Management</b>	Minimise the impact of the development on	The proposal is inconsistent with Chapter 6.7 – Water Cycle Management in that.	Yes	Yes

Development Control	Required	Proposed	Compliance	Compliance with objectives
	the natural predevelopment water cycle.			

## Chapter 7 General Controls

Development Control	Required	Proposed	Compliance	Compliance with objectives
<b>7.1 Car Parking</b>	<p><u>Residential Car Parking</u> 1.5 spaces per dwelling</p> <p><u>Visitor Spaces</u> 0.2 spaces per dwelling</p> <p>In the area defined as the Peninsula (ie Booker Bay, Blackwall, Ettalong, Umina, Woy Woy) visitor parking and service vehicle access may be provided on the existing street where:</p> <p>* unrestricted on-street parking is safely available within 60m of the development, or *development contains less than 4 units</p>	<p>GDGP 2013 is the applicable planning control for car parking under the ADG. The basement parking complies with the requirements of the GDGP 2013.</p> <p>Parking provided meets Central Coast Council DCP requirements of 1.5 spaces per dwelling plus 0.2 visitor spaces per dwelling</p> <p>Total required – 16 spaces in total 14 resident and 2 visitor car spaces (however unrestricted on-street parking is safely available within 60m of the development, therefore no visitor spaces are required on site).</p> <p>Provided; Residents - 13 Visitors – nil, however on-street. Total car spaces provided: 13</p> <p>The amended design removed one unit to reduce the car parking deficit. The proposed deficit is now 1 parking spaces or 7%, this is considered minor. These spaces comprising mainly visitor parking can be accommodated along</p>	No	Yes, as discussed below



Development Control	Required	Proposed	Compliance	Compliance with objectives
		<p>Blackwall Road or Park Road within a 50m of the subject site.</p> <p>Further, the site is located in a highly accessible area, being within reasonable walking distance to Woy Woy town centre (approx. 200m) and the Woy Woy Woolworths supermarket, and with access to regular and frequent public transport services (train approx. 600m and bus stops along Blackwall Road). This access to local services and public transport decreases the reliance of future residents on private vehicles.</p>		
<b>7.2 Waste Management</b>	Clause 7.2.16.4 states that residential flat buildings having 18 units or less can be serviced at the kerbside	As the development comprises 9 units and no basement car parking, the waste is serviced/collected at the kerbside and a storage facility hidden from the street is incorporated into the design.	Yes	Yes

ADG Compliance Table

Design Criteria	Required	Proposed	Compliance
<b>2G Street setbacks</b>	<p>In a centre, the street setback or building line may be set at the property boundary defining the street corridor with a continuous built edge.</p> <p>In a suburban context, the street setback may accommodate front gardens, contributing to the landscape setting of buildings and the street.</p>	<p>The proposed front setback of 3m – 7.3m from ground floor to the uppermost level is appropriate as it satisfies the merit based aims and objectives of this section;</p> <ul style="list-style-type: none"> <li>• The 3m setback at ground floor provides space that can contribute to the landscape as the setback includes deep soil capable of providing adequate landscaping including shade trees, as per the landscape plan.</li> <li>• The frontage provides passive surveillance and outlook to the street.</li> <li>• The frontage establishes the desired spatial proportions of the street and appropriately defines the street edge in proportion to the narrow allotment width, while the height is compliant at 3 storeys.</li> </ul>	Yes
<b>3A Site analysis</b>	<p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</p>	<p>The design is in keeping with the GDCP 2013 providing a residential street address for an apartment block style. The narrow building from follows the long narrow site, creating a rational urban infill development in a medium density residential area, on the fringe of the Woy Woy Town Centre.</p>	Yes
<b>3B Orientation</b>	<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</p> <p>Overshadowing of neighbouring properties is minimised during mid winter.</p>	<p>The building form opens up via relatively large balconies for each unit to gain solar access to the north, east and west.</p> <p>The building frontage to the east appropriately addresses the street edge as viewed travelling on along Blackwall Road.</p>	Yes
<b>3C</b>	<p>Transition between private and public</p>	<p>The entrance to the residence is clearly identified. While conditions of consent in line</p>	Yes

Design Criteria	Required	Proposed	Compliance
<b>Public domain interface</b>	<p>domain is achieved without compromising safety and security</p> <p>Amenity of the public domain is retained and enhanced.</p>	<p>with Crime Prevention through Environmental Design (CPTED) principles have been applied relating to security cameras to be installed.</p> <p>The existing grade of the street verge is maintained with street trees retained in keeping with the existing. In addition, landscaping of various sizes and species is included within the front setback.</p>	
<b>3D-1 Communal Open Space</b>	<p>Minimum communal open space area 25% of the site area</p>	<p>25% of the site area (186m<sup>2</sup>) is required as communal open space. 58m<sup>2</sup> (<b>8%</b>) is proposed to accommodate communal open space, resulting in a 128m<sup>2</sup> or <b>69%</b> variation.</p> <p>For a site with constraints relating to basement excavation, resulting in the need to accommodate car parking on grade, the difficulty of providing 25% of the site area as dedicated private open space has been considered.</p> <p>A balance between open landscaped areas and site coverage with buildings &amp; carparking is achieved on ground level.</p> <p>The extent of non-compliance is supported, as the communal open space is supplemented by:</p> <ul style="list-style-type: none"> <li>• Adequate landscaped boundaries and a relatively deep landscaped front setback for amenity and outlook for residents; and</li> <li>• Public land for open space for recreational activity is available approx. 550m to the east of the site, at the foreshore area adjacent to Brisbane Water.</li> </ul>	<b>No</b> , however no objection is made in this instance.
	<p>50% direct sunlight to principal usable part for min 2 hrs between 9am and 3pm mid-winter</p>	<p>2 hours sunlight is required to a minimum of 50% to the principal ground floor useable part of the communal open space. The design includes principal communal open space (located on the ground floor to the north &amp; east of the entry and lift) that receives full solar access for 2 hours between 10am and 12pm in mid-winter.</p>	Yes
<b>3E-1 Deep Soil Zone</b>	<p>Minimum 7% of the site, with minimum dimension of 3m for a site area</p>	<p>The proposal provides a deep soil area of 7.8% (58m<sup>2</sup>) with a substantial portion of this area having a width of 3.6m, with the remaining portions having a width of 2m.</p>	Yes

Design Criteria	Required	Proposed	Compliance
	between 650m <sup>2</sup> and 1,500m <sup>2</sup>		
<b>3F-1 Visual Privacy</b>	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are:</p> <ul style="list-style-type: none"> <li>up to 12m (4 storeys) = 6m habitable (3m non-habitable)</li> </ul>	<p><u>Northern side</u></p> <ul style="list-style-type: none"> <li>The development proposes a minimum setback at ground floor of <b>1.5m</b> to a non-habitable area (1.5m variation or <b>50%</b>) with the majority of façade meeting the 3m requirement. A 3.6m setback to a habitable (terrace) area is proposed (2.6m variation or 40%)</li> <li>Level 1 and level 2 have a varied facade with a minimum setback of <b>1.5m</b> from habitable areas (4.5m variation or <b>75%</b> variation). Other portions feature a setback of 3.6m. The non-compliant portions relate to balconies and bedroom &amp; living rooms. However, no windows are proposed along this portion of the façade to avoid direct sight lines. In the location of the balconies, the neighbouring development is single storey therefore the overlooking will fall onto the roof rather than into any private open space. In addition, two large trees are proposed to create a natural buffer between building boundaries.</li> </ul> <p><u>Southern side</u></p> <ul style="list-style-type: none"> <li>The development proposes a minimum setback at ground floor of <b>1.2m</b> to a non-habitable area (lift &amp; waste storage area) (1.8m variation or <b>60%</b>). A 1.6m setback to a habitable area (living areas) area is proposed (4.4m variation or 73%)</li> <li>Level 1 and level 2 have a varied facade with a minimum setback of 1.6m setback to a habitable area (living areas) area is proposed (4.4m variation or 73%). With some portions setback 3.5m.</li> </ul> <p><u>Western rear</u></p> <ul style="list-style-type: none"> <li>The proposal exceeds the setback requirement from ground floor to the uppermost second storey, at 16.6m or more.</li> </ul> <p>Notwithstanding the variations noted above, the proposal is considered to meet the objectives of design of the development</p>	<p><b>No</b>, however no objection is made in this instance, as discussed.</p> <p><b>No</b>, however no objection is made in this instance, as discussed.</p> <p><b>No</b>, however no objection is made in this instance, as discussed.</p> <p><b>No</b>, however no objection is made in this instance, as discussed.</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
		<p>provides reasonable amenity for adjoining development and the proposed dwellings;</p> <ul style="list-style-type: none"> <li>• The only neighbouring residential development is to the north, comprising single storey villas therefore any potential overlooking would fall onto the roof rather than directly into any private open spaces.</li> <li>• No windows are proposed along the side facades to habitable areas. Window are only proposed off bathroom areas. These windows are small and have a high sill height to reduce potential sight lines.</li> <li>• Adequate building separation and space for landscaping opportunities are considered to provide a satisfactory level of privacy to the residential development to the north and to the church to the south.</li> <li>• In terms of solar, adequate access to sunlight is achieved by the stepping the floorplate design to capture sunlight in the mornings and afternoon through the balcony openings.</li> </ul>	
<b>3J-1 Bicycle and Car Parking</b>	Minimum parking provided in accordance with the Gosford DCP 2013	<p>GDCP 2013 is the applicable planning control for car parking under the ADG. The basement parking complies with the requirements of the GDCP 2013.</p> <p>Parking provided meets Central Coast Council DCP requirements of 1.5 spaces per dwelling plus 0.2 visitor spaces per dwelling</p> <p>Total required – 16 spaces in total 14 resident and 2 visitor car spaces (however unrestricted on-street parking is safely available within 60m of the development, therefore no visitor spaces are required on site).</p> <p>Provided; Residents - 13 Visitors – nil, however on-street. Total car spaces provided: 13</p> <p>The amended design removed one unit to reduce the car parking deficit. The proposed deficit is now 1 parking spaces or 7%, this is considered minor. These spaces comprising mainly visitor parking can be accommodated along Blackwall Road or Park Road within a 50m of the subject site.</p>	<b>No</b> , however no objection is made in this instance, as discussed

Design Criteria	Required	Proposed	Compliance
		Further, the site is located in a highly accessible area, being within reasonable walking distance to Woy Woy town centre (approx. 200m) and the Woy Woy Woolworths supermarket, and with access to regular and frequent public transport services (train approx. 600m and bus stops along Blackwall Road). This access to local services and public transport decreases the reliance of future residents on private vehicles.	
	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas	No basement is provided and no secure bicycles spaces are provided within it.  For a smaller development of 9 units with no basement, no dedicated bicycle	<b>No</b> , however no objection is made in this instance, as discussed
	Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces	Garbage storage room has been provided on-grade.  Servicing is provided by on-street kerbside collection. The path of travel from the storage to the collection point does not require crossing the path of dedicated car parking spaces.  Storage is also provided for the units in the units.	Yes
<b>4A-1 Solar and Daylight Access</b>	Living rooms and private open space of at least 70% of apartments receive a minimum of 3hr sun between 9am and 3pm mid-winter	6.3 (7 rounded up) units are required to comply (70%)  7 units are readily compliant as they receive solar access in the mornings and afternoons. Two (2) units (unit 1.01 & unit 1.04) are unlikely to comply due to the location to the south and the deep balconies above them preventing maximum solar access through the sliding doors to the living room. However they do not receive zero solar, they just are unlikely to receive 3 hours.  As 7 of units receive the 3 hours of solar, the overall building is compliant with the prescribed guideline.	Yes
	Maximum of 15% of apartments receive no direct sun between 9am and 3pm mid-winter	None of the units do not receive no direct sunlight (0%)	Yes

Design Criteria	Required	Proposed	Compliance
<b>4B-3 Natural Ventilation</b>	Min 60% of apartments cross ventilated	All 9 units are cross ventilated (100%)	Yes
<b>4C-1 Ceiling Heights</b>	Minimum 2.7m	Complies	Yes
<b>4D-1 Apartment Size</b>	1 bedroom: 50m <sup>2</sup>  2 bedroom: 70m <sup>2</sup>	The 1 bedroom units range from 45m <sup>2</sup> to 55m <sup>2</sup> . A variation of 5m <sup>2</sup> or 10% is proposed.  The 2 bedroom units are 64m <sup>2</sup> . A variation of 6m <sup>2</sup> or 8.6%  The minor variation is supported as reasonable amenity is provided, particularly considering the balconies are larger than the prescribed minimum. Further the apartments are well proportioned and functional despite the minor variation to size.	<b>No</b> , however no objection is made in this instance, as discussed
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	All habitable rooms have a window within the external wall that have a larger area than 10%.	Yes
<b>4D-2 Room depths</b>	Habitable room depths a maximum of 2.5 x the ceiling height. And a maximum 8m depth for open plan layouts.	All habitable rooms comply.	Yes
<b>4D – 3 Layout</b>	Bedroom and living room sizes – 9 & 10m <sup>2</sup> bedrooms with min 3m width, 3.6m-4m width living rooms	Complies.	Yes
<b>4E-1 Balconies</b>	1 bedroom: 8m <sup>2</sup> , min 2m depth 2 bedroom: 10m <sup>2</sup> , min 2m depth	All primary balconies comply with this requirement at 11 – 12m <sup>2</sup>	Yes
	Podium/ground level private open space minimum	One ground level apartment is proposed, comply with the 15m <sup>2</sup> , 11m <sup>2</sup> provided in the courtyard and additional space approx. 3m <sup>2</sup> and more adjacent is provided for outlook,	Yes

Design Criteria	Required	Proposed	Compliance
	15m <sup>2</sup> , minimum depth 3m	while a 3m min depth is achieved and actually exceeded.	
<b>4F-1 Common Circulation</b>	Maximum of 8 apartments off a circulation core (although design guidance allows up to 12 apartments)	Complies.	Yes
<b>4G-1 Storage</b>	1 bedroom: 6m <sup>3</sup> 2 bedroom: 8m <sup>3</sup> 3 bedroom: 10m <sup>3</sup>  Note: Minimum 50% within unit	Compliant storage areas are proposed in individual dwellings.	Yes
<b>4H Acoustic Privacy</b>	Noise transfer is limited through the siting of the buildings and building layout	It is considered the apartments have been orientated so as to minimise noise from living areas and circulation spaces, while considering the allotment is very narrow at 12m, creating spatial arrangement difficulties.  The southern apartments face out from building facades utilising corner balconies much as possible and utilise both faces of the corners to minimise noise from living and adjoining outdoor balconies.	Yes
<b>4J Noise and Pollution</b>	The impact of external noise transfer and pollution are minimised through the siting and layout of the building.	The waste storage area/utilities room has been located , while the stair core and lift well is located away from the units forming internal circulation core that is separated as much as possible.  And allowance in wall thickness is applied to accommodate discontinuous construction of walls to reduce or eliminate noise transfer.	Yes
<b>4K Apartment Mix</b>	A range of apartment types are provided to cater for different household types, and distributed throughout the building.	Complies.  Apartment Types: 1 Bed Room Apartment single level 2 Bed Room Apartment single level.	Yes
<b>4L Ground Floor Apartments</b>	Maximise street frontage activation and amenity.	The one ground floor unit complies.	Yes
<b>4M Facades</b>	Provide visual interest whilst respecting the	Complies, the height is compliant and visual interest is achieved via corner balconies, arch features, different façade materials particularly the semi enclosed area in the centre of the	Yes



Design Criteria	Required	Proposed	Compliance
	character of the area.	building that includes timber (or similar) panelling	
<b>4N Roof Design</b>	Roof features are incorporated in the roof design, respond to the street and add to the sustainability performance of the building.	<p>The roof treatment is set back from the building street edge and has a shallow pitch to reduce bulk and scale.</p> <p>The roof design incorporates sustainability features including;</p> <ul style="list-style-type: none"> <li>• solar panels,</li> <li>• sufficient roof overhang over the balconies facing west,</li> <li>• sufficient roof overhang over the north to sufficiently shade windows from summer sun</li> <li>• roof material is a light colour to reduce heat gain.</li> </ul>	Yes
<b>4O Landscape Design</b>	Landscape design is viable, sustainable, contributes to the streetscape and amenity.	<p>Landscaping is provided on the northern, southern, eastern boundaries to the front half of the site. And along the entire southern boundary, however is narrow due to the car park design.</p> <p>In addition planting is also provided on the first floor utilising the exposed slab area.</p>	Yes
<b>4P Planting on Structures</b>	Appropriate soil depths are provided.	<p>On-site deep soil planting complies.</p> <p>On-structure planting (level one) complies in accordance with <i>Table 5 Minimum soil standards for plant types and sizes</i>.</p>	Yes
<b>4W Waste</b>	Waste storage facilities are provided to minimise impacts on the streetscape, building entry an amenity of residents.	The waste storage areas on the site is secure and behind the ground floor unit and is not visible from the streetscape.	Yes
<b>4U Energy efficiency</b>	<p>Development incorporates passive environmental design.</p> <p>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</p>	<p>The design incorporates all BASIX energy efficiency requirements. In addition solar panels are provided.</p> <p>Building and unit design and orientation are aligned to maximise heat storage in winter and cater for minimising heat exposure in summer.</p> <p>Maximising opportunities for cross flow ventilation is incorporated within the design.</p> <p>The roof design incorporates sustainability features including;</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Design Criteria	Required	Proposed	Compliance
	Adequate natural ventilation minimises the need for mechanical ventilation.	<ul style="list-style-type: none"> <li>• solar panels,</li> <li>• roof material is a light colour to reduce heat gain.</li> <li>• sufficient roof overhang over the balconies facing west.</li> </ul>	
<b>4V Water management and conservation</b>	<p>Potable water use is minimised.</p> <p>Urban stormwater is treated on site before being discharged to receiving waters.</p> <p>Flood management systems are integrated into site design.</p>	<p>Appropriate water efficiency and energy saving measures have been incorporated into the development as per BASIX.</p> <p>Further, the development will need to provide retention of rainwater for reuse within the development in accordance with Chapter 6.7 of Council's Gosford DCP2013. Northrop Engineers lodged 'Concept Stormwater Management Report' and Engineering plans. These details satisfactory address the requirements for stormwater management for the site associated with Onsite Sewer Detention (OSD), nutrient/pollution controls, discharge to the kerb &amp; gutter, and retention for reuse.</p>	<p>Yes</p> <p>Yes</p>



**Item No:** 3.3  
**Title:** DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale  
**Department:** Environment and Planning

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9 December 2019 Ordinary Council Meeting

Trim Reference: DA/171/2019 - D13709985  
Author: Gary Evans, Principal Health and Building Surveyor  
Scott Rathgen, Section Manager, Central Coast Building Certification North  
Manager: Brian Jones, Unit Manager, Environment and Compliance  
Executive: Scott Cox, Director Environment and Planning

### Summary

An application has been received for the construction of a detached secondary dwelling at No. 292 Palmdale Rd, Palmdale. The application has been examined having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

This development application is required to be reported to Council due to the number of submissions received with respect to the proposal exceeding the threshold as indicated within the policy for Determination of Development Applications subject to public objection.

<b>Applicant</b>	Tim Shelley Planning
<b>Owner</b>	Mr J T and Mrs E M Rock
<b>Application No</b>	171/2019
<b>Description of Land</b>	Lot: 522 DP788519, 292 Palmdale Road, Palmdale
<b>Proposed Development</b>	Detached Secondary Dwelling
<b>Site Area</b>	3.440 Hectares
<b>Zoning</b>	RU2 Rural Landscape
<b>Existing Use</b>	Dwelling House
<b>Employment Generation</b>	Nil
<b>Estimated Value</b>	\$180,000

### Recommendation

- 1 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other relevant issues.**
- 2 That Council advise those who made written submissions of its decision.**

**Background**

<b>Proposed Development</b>	Detached Secondary Dwelling
<b>Permissibility and Zoning</b>	The subject site is zoned RU2 Rural Landscape under <i>Wyong Local Environmental Plan 2013</i> . The proposed development is defined as a secondary dwelling which is permissible in the zone with consent of Council.
<b>Relevant Legislation</b>	The following planning policies and control documents are relevant to the development and were considered as part of the assessment. <ul style="list-style-type: none"> <li>• <i>Environmental Planning &amp; Assessment Act 1979 - Section 4.15</i></li> <li>• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></li> <li>• <i>Wyong Local Environmental Plan 2013 (WLEP 2013)</i></li> <li>• <i>Wyong Development Control Plan 2013 (WDCP 2013)</i></li> </ul>
<b>Current Use</b>	Rural residential
<b>Integrated Development</b>	No
<b>Submissions</b>	One hundred (100) public submissions were received during the notification period against the proposed development.  One (1) public submission was received in support of the proposed development.

**Variations to Policies**

The proposed development includes the following variations to Council's WDCP 2013.

Clause	3.2(f)
Standard	The proposal seeks a reduced setback to the top of the bank of the adjoining watercourse.
WDCP 2013	DCP 2013 Chapter 2.1 "Dwelling Houses, Secondary Dwellings and Ancillary Structures"
Departure Basis	The proposal seeks a reduced setback to the top of the bank of the adjoining watercourse. The secondary dwelling is proposed at an approximate setback of 28.0 metres in lieu of the required 40.0 metres.

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Clause	3.2(f)
	<p>The proposed location of the secondary dwelling is the optimum location as there is no alternative due to the gradients into the water course area. The proposed site is the only level area above the 1% Average Exceedance Probability floodplain available for the location of the dwelling.</p> <p>The variation is 12.0 metres or 30%.</p>

Clause	Part 3
Standard	The proposal seeks reduced buffer distances to the watercourse and eastern side allotment boundary in relation to required effluent disposal areas.
WDCP 2013	DCP 2013 Chapter 3.8 "On Site Effluent Disposal in Non Sewered Areas"
Departure Basis	<p>The proposal seeks a reduced buffer distance of 40.0 metres to the bank of the watercourse in lieu of the recommended 100.0 metres. This represents a variation of 60.0 metres or 60%.</p> <p>The variation is necessary as there is no alternative due to the steep gradients elsewhere on the site.</p> <p>Additionally, the proposal seeks a reduced buffer distance to the eastern side allotment boundary of 1.5 metres in lieu of the required 3.0 metres. This represents a variation of 1.5 metres or 50%.</p> <p>These variations to the WDCP2013 are acceptable in accordance with the risk based buffer distances set out in <i>AS1547:2012 Onsite Domestic Waste Water Management</i> and the draft Central Coast Development Control Plan 2018.</p>

**The Site**

The site is known as No. 292 Palmdale Road, Palmdale and is located on the southern side of Palmdale Road (Figure 1). The site is an irregular shape and has an overall area of 3.440 hectares with a street frontage to Palmdale Road of 259.0 metres. The site is transected by a watercourse known as Canada Drop Down Creek and is constrained by flooding.

The proposed secondary dwelling is to be located on an area of the site, above the 1% Average Exceedance Probability (AEP) flood level. Additional comments in relation to the flooding affected area are provided within the report below.

The site is bounded to the north by Palmdale Road, Ourimbah Creek State Forest to the south and other RU2 Rural Landscape zoned allotments to the east and west.

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The secondary dwelling is proposed to be located adjoining the sites eastern boundary, approximately 210.0 metres from the existing principal dwelling on the allotment (Figure 2).

The site contains an existing dwelling, an inground swimming pool, an ancillary stable building and other outbuildings. Vehicular access from Palmdale Road is obtained adjacent to the existing primary dwelling site.

There is also an existing secondary vehicular access point from Palmdale Road located in proximity to an existing shed and stable outbuildings to the east of the existing dwelling on the allotment. The existing secondary access point will provide vehicular access to the proposed secondary dwelling (photograph 1). Photographs 2-5 show the development site and other aspects.

The site is zoned RU2 Rural Landscape under *Wyong Local Environmental Plan 2013* (WLEP 2013).

The proposal has been considered against the provisions of *Planning for Bush Fire Protection 2006* prepared by the NSW Rural Fire Service, with the appropriate construction requirements of Bushfire Attack Level 29.0 to be included on the approval where granted and is mapped as bushfire prone.

The site is also mapped as containing an Endangered Ecological Community (EEC). The issue of the proposed developments impact upon the EEC, is discussed within the body of the report below.



**Figure 1 – Aerial view of Palmdale Road with the site highlighted in blue**



Figure 2 – Aerial view of site indicating the location of the proposed secondary dwelling



Photograph 1 – Detailing the existing secondary site access point that will service the proposed secondary dwelling.



***Photograph 2 – Detailing the area of the allotment where the secondary dwelling is proposed looking south***



***Photograph 3 – Detailing the area of the allotment where the secondary dwelling is proposed looking north east. The principal objector's dwelling is in the distance beyond the boundary fence line.***





***Photograph 4 – Detailing the slope located to the rear of the area of the site where the secondary dwelling is proposed looking south west. The tree line in the foreground is effectively the edge of Canada Drop Down Creek and the sites southern boundary.***



***Photograph 5 – Detailing the area of the site to the west of the area where secondary dwelling is proposed, noting the Canada Drop Down creek line on the left of the photograph.***

### **Surrounding Development**

The surrounding development consists of state forest to the north and south of the site and other RU2 zoned Rural Landscape allotments to the east and west of a similar size to the subject site, both of which contain single dwellings and associated ancillary outbuildings.

There are no secondary dwellings near the site however, consent has recently been granted for development of a Secondary Dwelling on Palmdale Rd approximately one kilometre from the site.

The land use in the locality is rural residential with some small-scale rural activities and hobby farming and small scale stocking levels including horse agistment.

### **The Proposed Development**

The proposal is for the erection of a single storey detached secondary dwelling with an attached garage which is separated from the existing principal dwelling on the allotment by approximately 210.0 metres. The proposed secondary dwelling is to be accessed from the existing secondary site vehicular access point and is to be provided with hardstand driveway access to the proposed attached garage (Figure 3).

The secondary dwelling will be a single storey contemporary design, consistent with the design of other dwellings in proximity to the site. The building is considered reasonably articulated and is visually contrasted via the use of a variety of textures and colours in terms of its external finishes. (Figures 4 and 5)

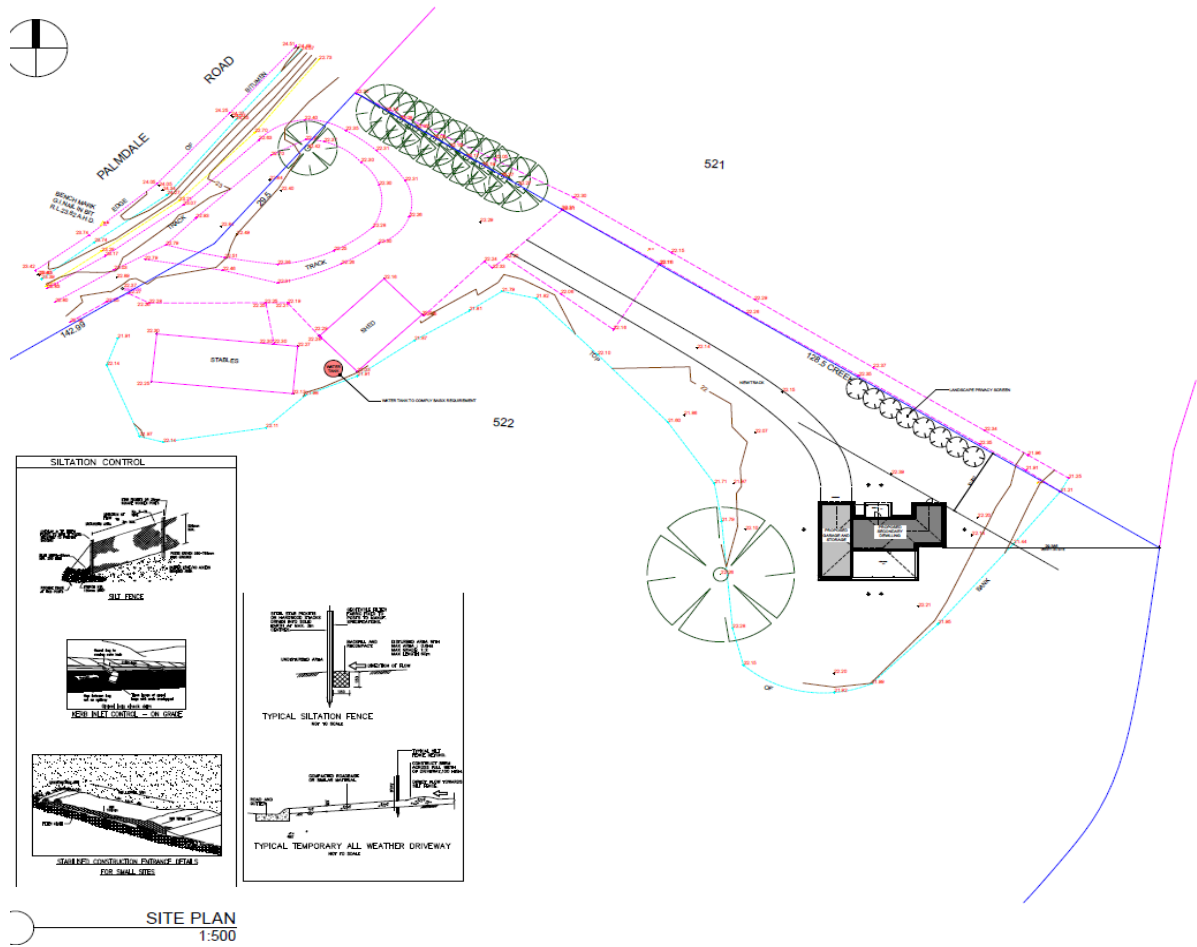
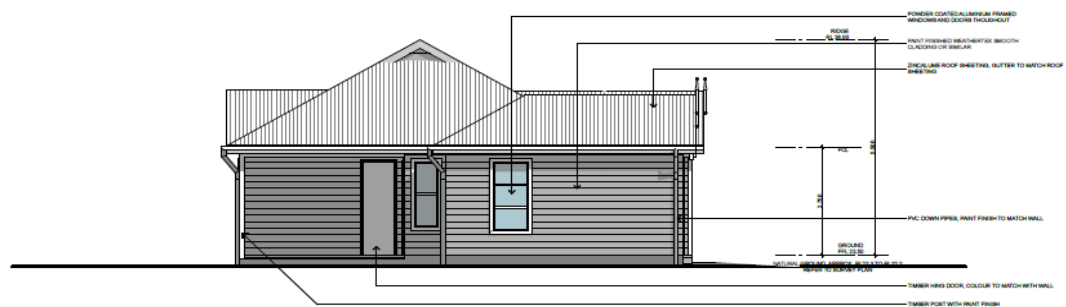


Figure 3 – Partial site plan indicating the location of the proposed secondary dwelling in relation to the eastern property boundary and existing stable and shed outbuildings.



A North Elevation  
1:100

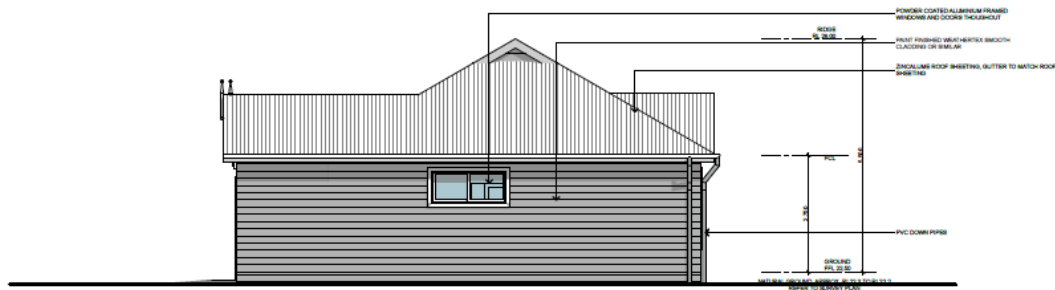


B East Elevation  
1:100

Figure 4 – Detailing the north and east elevations of the proposed secondary dwelling



South Elevation  
1:100



D West Elevation  
1:100

**Figure 5 – Detailing the south and west elevations of the proposed secondary dwelling**

## History

A review of records indicates the prior approval of the existing dwelling, swimming pool and dwelling additions on the site, occurred in the 1980's.

PL/124/2018 – Potential Dual Occupancy development – 19 June 2018

In June 2018, the property owner applied for a pre-lodgment meeting with planning and development engineering staff to discuss the potential for a dual occupancy development on the allotment. Pre-lodgment meeting minutes issued by planning staff with respect to the proposal included the following commentary:

- *The proposal does not address Council's planning requirements for detached dual occupancy development within a rural zone.*

*Significant concerns exist regarding the suitability of the site for the proposed development. The site is identified as flood and bushfire prone land and contains an endangered ecological community and a watercourse. The location and design of the proposed additional dwelling does not comply with Council's planning control for a detached dual occupancy development.*

- *Any detached dual occupancy proposal would need to be revised to satisfactorily demonstrate that the new dwelling (forming part of the dual occupancy), could be located within 50.0 metres of the principle dwelling, whilst also addressing existing site constraints and potential impacts.*
- *The meeting also discussed the option of the erection of a secondary dwelling on the site as opposed to a dual occupancy. It was advised that a secondary dwelling is permissible in the zone. A secondary dwelling would need however, to comply with WLEP 2013 Clause 5.4(9) and WDCP Chapter 2.1 Section 8, in addition to the listed site constraints.*
- *Any development application for a dual occupancy or a secondary dwelling would require the submission of a bushfire assessment report and a flooding assessment report.*

## **Consultation**

### Public Consultation

The development was notified between 27 February 2019 and 13 March 2019 in accordance with Chapter 1.2 Notification of Development proposals of WDCP 2013. At the request of an objector, the notification period was extended for an additional period to 22 March 2019.

A total of ninety-nine (99) public submissions from individual members of the public and one (1) submission from a community interest group were received in relation to the application.

One (1) submission from a near neighbour was received in support of the proposal after the conclusion of the notification period.

In reviewing these submissions, the following information is considered relevant for information purposes.

- A Planning Consultant was engaged to lodge a submission;
- The majority of submissions (approximately 75%) were submitted from the adjoining landowners email address on behalf of other members of the public;
- Seven of the ninety nine submissions received, originated from residents residing in Palmdale. Only one immediate landowner having a common boundary with the allotment, lodged an objection to the proposal;

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- Multiple submissions received, originated from one residential address, with some submissions being provided by objectors with listed addresses which include Hong Kong, Townsville and other areas located outside of the Central Coast Local Government Area.

In reviewing the submissions, the key issues raised are detailed below:

1. *Concerns regarding the size of the proposed secondary dwelling and it not being compliant with floor area restrictions,*

#### Comment

The internal floor area of the proposed secondary dwelling is approximately 56.0 square metres which is less than the maximum 60.0 square metres permitted by WLEP 2013 and WDCP 2013 development controls.

In calculating the permitted floor area, it is noted that the appurtenant attached garage (44.0 square metres) and external covered unenclosed deck areas (35.0 square metres), are excluded from the floor area calculation. Accordingly, the proposal is compliant with relevant maximum floor area development controls for detached secondary dwelling development.

An extract in relation to floor area calculation, from the *State Government Affordable Rental Housing State Environmental Planning Policy (SEPP) 2009*, is detailed below;

#### **MAXIMUM FLOOR AREA FOR PRINCIPAL AND SECONDARY DWELLING**

*The floor area of a secondary dwelling (excluding any ancillary development) must not be more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.*

Further,

"ancillary development" means any of the following that are associated with a secondary dwelling and that are not exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*:

- (a) an access ramp,
- (b) an awning, blind or canopy,
- (c) a balcony, deck, patio, pergola, terrace or verandah that is attached to a principal or secondary dwelling,
- (d) a carport that is attached to a principal or secondary dwelling,
- (e) a driveway, pathway or paving,
- (f) a fence or screen,
- (g) a garage that is attached to a principal or secondary dwelling,

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- (h) an outbuilding,
- (i) a rainwater tank that is attached to a principal or secondary dwelling,
- (j) a retaining wall,
- (k) a swimming pool or spa pool and child-resistant barrier.

2. *Concerns regarding positioning of the proposed secondary dwelling being distant from the existing primary dwelling on the allotment.*

Comment

Chapter 2.3 Dual Occupancy Development of WDCP 2013, details specific requirements for the positioning of detached dual occupancy development on allotments having a rural zoning. In this regard, dwellings are required to be "clustered" within 50.0 metres of the principal dwelling and farm buildings. In this case however, the development is defined as a detached secondary dwelling and is not subject to the development controls of the dual occupancy Chapter.

Further, there is no specific requirement within Council's WDCP Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development whereby, the proposed secondary dwelling is required to be sited in proximity to the existing principal dwelling on the allotment.

The issue of the separation distance between the proposed secondary dwelling and the existing principal dwelling on the allotment was a concern raised by Council's staff with the applicant.

The applicant was requested to consider relocation of the dwelling approximately 75m North. In response the applicant advised the relocation was not considered achievable for the following considerations:

- To consider repositioning of the secondary dwelling proposal would require demolition and reconstruction of an existing outbuilding elsewhere on the allotment.
- Relocation of the building would incur considerable cost to the overall proposal.
- The resultant repositioning of a new outbuilding would likely be limited due to existing site constraints and boundary setback requirements.
- Repositioning of the secondary dwelling proposal closer to Palmdale Rd, will result in an increased level of bushfire threat, thereby increasing construction costs and potentially impacting occupant safety;
- The repositioning of the secondary dwelling proposal closer to Palmdale Rd will result in building setback requirements as set by Chapter 2.1 being non-compliant (both front and side).



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Further, the proposal would still be non-compliant with the required 40.0 metre setback to the watercourse transecting the site, with the required effluent disposal area also remaining in the proposed location;

- The proposed secondary dwelling will be required to be located in close proximity to the existing stable building on the allotment. This will result in potential odour and other noise impacts to the building occupants.
- Any relocation of the proposed secondary dwelling closer to Palmdale Road will result in increased noise and privacy impacts to occupants.
- The area of the site proposed is wholly shaded during the winter months. This will therefore impact negatively on amenity for occupants and additionally, will preclude the use of a solar power system.
- The alternate location will result in the removal of existing fruit trees; and
- The alternate location will result in the need for the adjustment of the existing driveway access in order to facilitate access for a car and horse float.

The comments of the applicant are considered reasonable and therefore are accepted as justified.

3. *The development should be assessed as Integrated Development.*

#### Comment

Whilst the proposal is located within 40.0 metres of a watercourse being Canada Drop Down Creek, the development is defined as the erection of a "dwelling" and therefore does not require a controlled activity approval under the provisions of the *Water Management Act, 2000*. In addition, the development does not involve any works within the bed or to the bank of the creek line.

Accordingly, the application is not integrated development as suggested.

4. *Concerns regarding the submitted ecology and wastewater disposal reports being inadequate to permit the proper assessment of the application.*

The submitted ecology and wastewater disposal reports submitted with the application were reviewed internally by staff. As a result, additional information was sought from the applicant in relation to a number of matters including ecological impacts, the need for vegetation clearing and wastewater disposal.

The applicant provided additional information which was reviewed. The outcome was that the proposal will not require removal of any vegetation.

Issues relating to the Onsite Sewage Management System (OSSM) are further discussed below.

*5. Concerns regarding amenity impacts to the adjoining dwelling at 264 Palmdale Rd.*

A number of concerns have been raised by the adjoining landowner regarding amenity impacts. Principal concerns expressed by the adjoining landowner include:

- *Loss of privacy;*
- *Visual impact as a result of the existing outlook to the forested hillside being impacted;*
- *External finishes and windows will result in glare and reflection;*
- *Noise impacts;*
- *Potential odour impacts from wastewater (effluent) disposal system;*
- *Dust impact from use of the internal driveway access by occupants;*
- *Light spillage;*
- *Increased erosion and sediment run-off to the adjoining watercourse;*
- *Disruption of an existing wildlife corridor; and*
- *Increased bushfire risk.*

In reviewing the concerns raised by the adjoining landowner, responses to the individual points is provided below;

- The proposed secondary dwelling is to be located approximately 100.0 metres from the objectors dwelling.
- The design of the objectors dwelling, includes external deck areas located within the northern and eastern elevations of the dwelling away from the line of sight of the proposed secondary dwelling.
- The development proposal includes the provision of screen landscaping to the boundary fence line to further address any privacy concerns.
- Due to the separation between the existing and proposed dwellings, privacy impacts are expected to be minimal.
- The proposal may cause some visual impact to the existing outlook to the forested hillside that is currently enjoyed from the objectors dwelling, however, given the proposal is for a single storey construction and landscaping screening, the impact is likely to be minimal.
- Given the separation distances between the proposed secondary dwelling and the objectors dwelling, approximately 100m, the residential nature of the proposal and the proposed boundary landscaping, it is considered that the proposal will result in minimal glare or reflection impact to the objectors dwelling.

### 3.3 DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale (contd)

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- As the proposal is for the erection of a one bedroom detached secondary dwelling and an associated access driveway, additional noise impacts are unlikely to be significant.
- The proposal is residential in nature and is considered to generate minimal traffic movements and is commensurate with the use of the site a rural zoning.
- Conditions of consent to require landscaping and screening are able to reduce light spill impacts and to minimise disruption to the adjoining allotment.
- Conditions of consent are to be applied to the development in relation to the control of erosion and sediment during construction of the development.
- The proposed secondary dwelling is to be located within an existing cleared area of the allotment and the proposal does not require any vegetation removal.
- As site is, currently totally cleared, it cannot be considered a wildlife corridor.
- The proposal is not considered to increase the bushfire risk to the objectors dwelling noting that an Asset Protection Zone is to be maintained in perpetuity to the curtilage of the proposed secondary dwelling.

Given the above points, the proposal is considered acceptable.

#### 6. *Concerns regarding flooding impacts.*

As is indicated within the report, the proposed dwelling is located within an area of the allotment that is above the 1% AEP flood event. The height of the secondary dwelling is to be raised by an additional 0.3 metres in order that habitable floor levels are located at the Probable Maximum Flood level, to permit shelter in the event of a major flood event.

The design of the secondary dwelling is to incorporate structural design elements to ensure protection in the event flood inundation.

Given the above the proposal satisfies any flooding risks.

#### 7. *Concerns regarding impact upon existing equine rehabilitation business*

The adjoining landowners to east of the site have raised concerns regarding the impact of the development proposal on the equine rehabilitation business operated from their property. Principal concerns raised relate to additional noise and traffic movements generated by the proposal.

In considering this issue, it is noted that both the subject allotment and the adjoining property are relatively small in size, being 3.4 and 2.6 hectares respectively.

### **3.3 DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale (contd)**

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The proposed dwelling will be approximately 10m from the boundary and the site is currently used for horse activities. Equally, the similar current usages of the two allotments, the proposal is considered compatible and unlikely to impact on the adjoining property activities.

*8. Concerns regarding the proposed effluent disposal system and impact upon environment.*

A number of concerns have been raised in relation to the proposed effluent disposal system. The concerns include;

- The potential to contaminate the grassed paddocks of the adjoining allotment given the minimal buffer distance to the side property boundary;
- Proximity of the proposed effluent disposal beds in relation to the Canada Drop Down Creek watercourse; and
- The allotment being located within the water supply catchment and accordingly, the development has the potential to cause contamination to the water supply.

In reviewing these concerns, Council's Environmental Health Officer advises the On-Site Sewage Management (OSSM) design is compliant with all necessary guidelines, is potentially over designed and is unlikely to produce environmental risks.

The site is not located in a defined water supply catchment area as suggested.

The OSSM is further discussed below.

*9. The proposal should be considered as a dual occupancy development not as a secondary dwelling.*

As has been indicated previously within the report, the proposal is defined as a detached secondary dwelling. Accordingly, the proposal is required to be assessed under the applicable secondary dwelling provisions of WLEP 2013 and WDCP Chapter 2.1 "Dwellings, Secondary Dwellings and Ancillary Development".

Detached secondary dwellings are permitted under the provisions of the WLEP and subdivision of the property is not permitted. It is therefore not a Dual Occupancy that can be separated by subdivision from the existing property.

WDCP Chapter 2.3 "Dual Occupancy Development" requires Detached Dual Occupancy Developments within Rural and Environment Living zones, to be clustered with the principal dwelling and farm buildings, ie. within a maximum distance of 50 metres. Although the Chapter is not applicable to Secondary Dwellings, the issue has been addressed in detail in item 2 of the public consultation section of this report.

### 3.3 DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale (contd)

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In reviewing the relevant planning controls and the setback variations relating to the watercourse, the proposal generally complies with the relevant planning controls and is permitted within the RU2 Rural Landscape zone. A secondary dwelling in the area will not create a precedent for secondary dwelling development within these zones as the use is permissible and each proposal would need to be justified against WDCP 2013 "Dwelling Houses, Secondary Dwellings and Ancillary Structures" and other constraints.

*10. The proposal does not meet the objectives of the RU2 Rural Landscape.*

As has been indicated within the report above, detached secondary dwellings are permitted within the RU2 Rural Landscape zone.

The objectives of the zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for a limited range of tourist and recreational uses that are appropriate for the rural character of the land.*

The predominant use of the land in the area is a range of rural residential land activities and the site is currently being used for horse agistment. Adjoining land is also being used for this purpose.

The proposal will continue the use of the site for horse activities. Equally the secondary dwelling is a single storey rural design with a garage designed to accomodate horse vehicles.

As a result, the development is considered compatible with the objectives as it will support the continued use of the site for horse related activities and have a low impact upon the locality.

*11. The proposal does not meet the objectives for secondary dwelling construction as provided for within Chapter 2.1 "Dwellings, Secondary Dwellings and Ancillary Development".*

The proposal has been assessed against the relevant objectives of Chapter 2.1 of the WDCP and considered to be acceptable. Specific objectives of Chapter 2.1 relating to secondary dwellings are as follows;

- *To promote housing choice and affordability;*
- *To ensure that the secondary dwelling compliments the design of the main dwelling house and provides a high quality living environment for residents;*

### 3.3 DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale (contd)

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- *To ensure that the siting and design of secondary dwellings does not cause significant adverse amenity impacts on the main dwelling house or adjoining properties;*
- *To ensure that car parking does not adversely impact the dwelling house;*
- *To ensure that separate pedestrian and service access is provided to a secondary dwelling without compromising the amenity of the main dwelling house or adjoining properties;*
- *To ensure private open space is provided on site for the secondary dwelling and is useable, functional and has a high level of amenity;*

In considering these objectives, the following considerations have been relied upon in assessment of the proposed development;

- The design of the development proposal is in keeping with the design of existing rural development in proximity to the site.
- It is considered the proposal will provide a high quality living environment for occupants, whilst still maintaining the rural use of the property.
- It is acknowledged that the development proposal may produce some impacts to the adjoining dwelling to the north east of the site however, considering the separation distance to the dwelling, the orientation of open space areas and screen landscaping provision, the impacts are likely to be minimal.
- Whilst the secondary dwelling proposal will include the construction of a driveway access, it will only service a single bedroom dwelling and therefore have limited vehicle movements associated with this use.
- The provision of the secondary access will be rural residential in nature and not significantly impact the adjoining dwelling to the north east due to the distance.

In reviewing, the proposed development is considered consistent with the Objective.

#### Internal Consultation

Following completion of the external consultation, the following internal consultation was conducted.

#### **Development Engineering (Flooding)**

Council's Development Assessment Engineer has reviewed the application and provided the following comments:

### 3.3 DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale (contd)

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- The location of the proposed secondary dwelling structure is above the 1% AEP flood level being RL 20.0 metres Australian Height Datum (AHD).
- The dwelling is proposed to have a floor level of RL 22.5 metres AHD which is 2.5 metres above the 1% AEP flood level.
- In a 1% AEP flood event, road access along Palmdale Road is cut relatively quickly and the proposed dwelling provides a shelter place as the primary flood response as required by the SES Wyong Shire Flood Plan.
- In considering flood sheltering in place, consideration needs to be given to flood events greater than the 1% AEP. In this regard, the Probable Maximum Flood (PMF) is the threshold used. The PMF in the location of the proposed secondary dwelling is RL 22.8m AHD. Accordingly, the structure should be raised by an additional 0.3 metres in order to be located at PMF level.

Subject to a minor increase to the floor level of the proposed secondary dwelling habitable floor area, the development is consistent with the flooding requirements. The raising of the floor level may be addressed by a development consent condition.

#### **Environmental Health Officer (OSSM)**

Council's Environmental Officer has reviewed the proposed methods to manage effluent and the location for the Onsite Sewage Management System (OSSM).

Due to the proximity to Canada Drop Down Creek, the low permeability soils and the potential for soil dispersion, the following points have been considered:

1. It is proposed to install an Aerated Wastewater Treatment System (AWTS) which will produce effluent treated to a secondary quality.
  2. Sub-surface disposal of effluent is proposed to be installed rather than surface irrigation of effluent.
  3. The design of the system is conservative and will provide greater storage capacity than needed to protect the surrounding environment.
  4. Mitigation measures to overcome potential soil dispersiveness will include treatment of the wastewater disposal beds with gypsum that is consistent with the requirements of *AS1547-2012 On-site Domestic Wastewater Management*.
- The consultant has adopted a conservative hydraulic loading, a lower design loading rate (DLR), and a conservative water balance to provide a sustainable solution for wastewater disposal for the site.

### 3.3 DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale (contd)

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- A wastewater disposal area located 1.5m from the property boundary is satisfactorily justified in accordance with AS1547:2012 *On-site domestic wastewater management*.

Ongoing management of the OSSM system will be further regulated by conditions of the "Approval to Operate" issued under Section 68 of the *Local Government Act 1993*.

- The wastewater treatment system will be maintained on a quarterly service contract by a licensed service agent.
- The treatment system contains an alarm to advise of any system malfunction.
- The system will be subjected to Council's OSSM audit program and additional inspections to ensure compliance with the Section 68 Approval to Operate.

The design of the system is expected to provide adequate protection to surface waters and will unlikely produce any environmental risks. Accordingly, the onsite sewage management system proposed is considered satisfactory.

#### **Ecologist**

Based on the field surveys, habitat assessments and impact assessments, Council's Ecologist concluded that the proposed development is unlikely to have a significant impact on any threatened species, populations or ecological communities, or their habitats, which are listed under the *Biodiversity Conservation Act or EPBC Act*.

Given the small scale of the development and the disturbed nature of the site to be impacted, the development is suitable for approval subject to the imposition of conditions of consent.

In reviewing the development proposal, the following specific advice in relation to potential ecological impacts was also provided as a result of the assessment of the proposal against relevant legislation.

#### *Biodiversity Conservation Act (BC Act)*

The BC Act outlines the triggers for entry to the Biodiversity Offsets Scheme (BOS). The proposal does not trigger entry to the BOS or require submission of a Biodiversity Development Assessment Report (BDAR) for the following reasons:

- Vegetation along Canada Drop Down Creek on the property, is mapped on the NSW Biodiversity Values Map as outside the mapped area and does not require any clearing within the mapped area.
- As confirmed by the applicant and by site inspections, the proposal does not require any native vegetation clearing.



### 3.3 DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale (contd)

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- Asset Protection Zones are already provided by existing cleared areas, wholly within the site.
- The assessment found that the ecological impacts would be limited as the dwelling would be sited in a cleared paddock. No vegetation clearing is required to achieve required bushfire Asset Protection zones. Indirect impacts would likely be minor and can be managed via appropriate inclusive of the provision of appropriate erosion and sediment controls and implementation of the recommendations as contained within the Environmental Management Plan (EMP) required to be submitted as a condition of consent approval.
- A Test of Significance in accordance with Section 7.3 of the BC Act has also been submitted for Lowland Rainforest Endangered Ecological Community (EEC), the test indicates the proposal is not likely to have a significant impact on this EEC.
- The wastewater (effluent) disposal area has been situated as far as practicable from receiving environments, including the EEC and Canada Drop Down Creek. Ecological impacts on the riparian area are expected to be minimal.
- The wastewater disposal area has been designed so that pathogens and nutrients will not leave the land application area.
- The positioning of the land application area meets the setback requirements of *AS1547:2012 On-site Domestic Wastewater Management* and the draft Central Coast Development Control Plan 2018.

#### **Estuarine Ecologist**

Council's Estuarine Ecologist has reviewed the proposal and has concluded that there will be no disturbance to the riparian area associated with Canada Drop Down Creek and that it is unlikely that the proposed development will have adverse impacts on riparian and aquatic habitats within the creek.

The Estuarine Ecologist also advises there will be no indirect impacts on receiving waters further downstream including Ourimbah Creek and Tuggerah Lakes.

#### **Ecologically Sustainable Principles:**

As indicated, 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 collection for re-use, erosion controls and the retention of vegetation. It is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations.

The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

### **Climate Change**

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

The assessment has included consideration of such matters as:

- Potential for more intense and/or frequent extreme weather conditions including storm events
- Bushfires
- Drought
- Flood

The assessment has considered how the proposed development may cope, combat and withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change.

### **Assessment**

Having regard for the matters for consideration detailed in Section 4.15 of the EP&A Act and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. The site plan and elevations for the proposed development are provided as an attachment to this report.

### **Provisions of Relevant Instruments / Plans / Policies**

#### ***State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004***

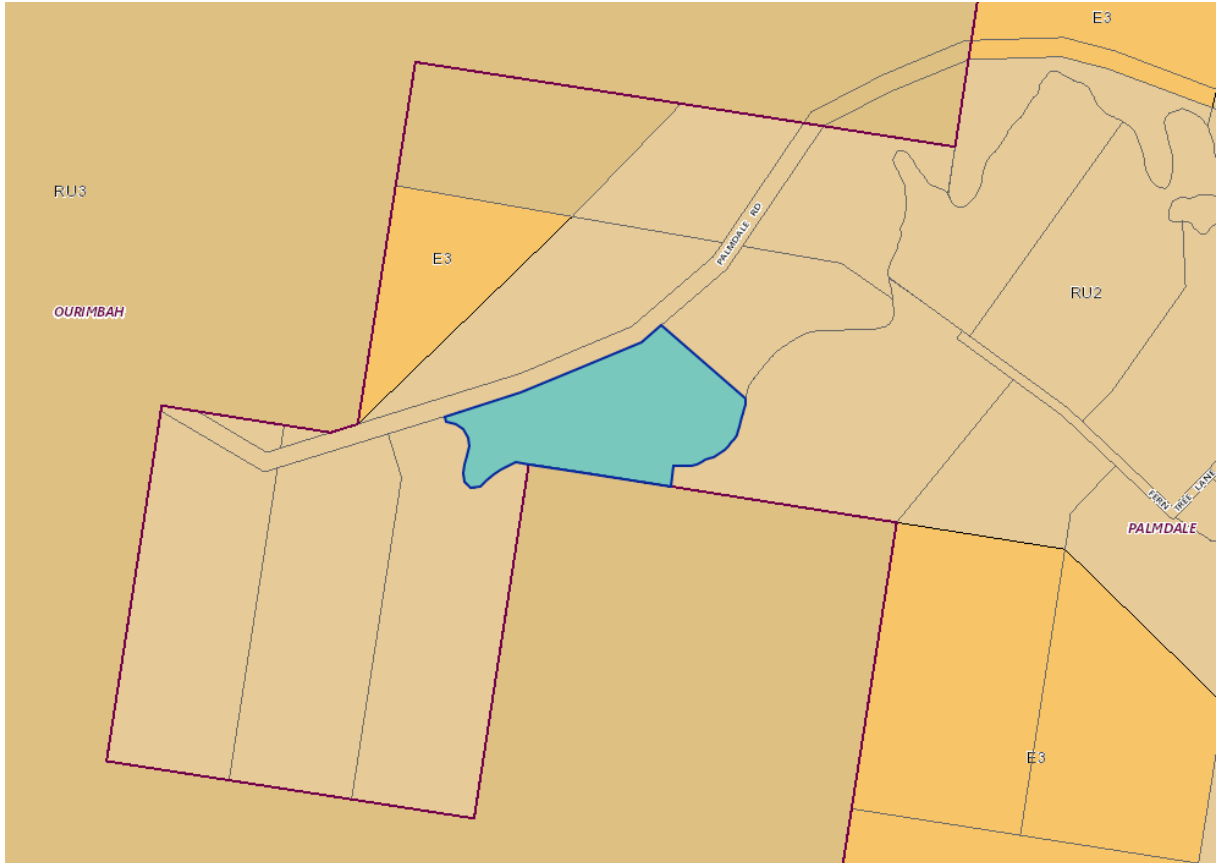
The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate.

The proposal is consistent with the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

#### ***Wyong Local Environmental Plan 2013***

Permissibility

The subject site is zoned RU2 Rural Landscape under *WLEP 2013*. The proposed development is defined as a detached secondary dwelling which is permissible in the zone with consent of Council (Figure 6).



**Figure 6 – Zoning map. Light brown shading is the RU2 zone with the subject site outlined in light blue.**

Objectives of Zone

The objectives of the RU2 Rural landscape Residential zone under *WLEP 2013* are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for a limited range of tourist and recreational uses that are appropriate for the rural character of the land.*

**3.3 DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale (contd)**

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In considering these objectives, the following considerations have been relied upon;

- The site currently has limited potential for primary industry being only 3.44 hectares in area with a significant portion of the land being flood prone and adjacent to Canada Drop Down Creek.
- The loss of agricultural land for the construction of the secondary dwelling will have no impact on the sustainability of primary production on this site.
- A detached secondary dwelling is a permissible form of development within this zone and the design is a small scale single storey development that is compatible with the rural landscape.
- A detached secondary dwelling is a permissible form of development within this zone and there are no controls to restrict the siting of a secondary dwelling in relation to the primary dwelling on the allotment.
- The proposed development is compatible land use.

The assessment outlines considered the proposal is consistent with the stated objectives of the zone and consistent with the principles of Ecologically Sustainable Development.

WLEP 2013 defines a Secondary Dwelling as follows;

*secondary dwelling means a self-contained dwelling that—*  
*(a) is established in conjunction with another dwelling (the principal dwelling), and*  
*(b) is on the same lot of land as the principal dwelling, and*  
*(c) is located within, or is attached to, or is separate from, the principal dwelling.*

The proposed development satisfies this definition.

Development Standards

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance with Controls</b>	<b>Variation %</b>	<b>Compliance with Objectives</b>
5.4 – Controls relating to miscellaneous permissible uses – secondary dwellings	Maximum floor area of 30% of the existing primary dwelling or 60.0m <sup>2</sup> whichever is the greater	56.0 square metres measured internally and excluding external deck and attached garage	Yes	Nil	Yes

**Wyong Development Control Plan 2013 (WDCP 2013)**

**Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development**

Chapter 2.1	Requirement	Proposed	Compliance
Clause 3.1 Building Height	Maximum 10.0 metres	6.1 metres	Yes
	2 storeys	Single storey	Yes
Clause 3.2(a) – Front Setback	20.0 metres	Approximately 85.0 metres	Yes
Clause 3.2(b) – Rear Setback	10.0 metres	29.385 metres minimum	Yes
Clause 3.2(c) – Side Setback	10.0 metres	10.0 metres	Yes
Clause 3.2(f) – Rivers, Creeklines, Estuary or Lake Setback	40.0 metres	Approximately 28.0 metres minimum to the top of bank of the perennial watercourse being Canada Drop Down Creek	No – see comments below

**Variation**

As indicated, the proposal seeks a variation to the required setback to the top of bank of the adjoining perennial watercourse, to permit the development.

The rear of the proposed dwelling is proposed at a setback of 29.385 metres to the rear boundary which is the centerline of the watercourse. Given the width of the creek in this locality during normal flows, the setback distance to the defined top of bank is approximately 28.0 metres. It represents a variation of approximately 12.0 metres or 30%.

In considering this setback variation, assessment of the proposed development against the relevant objectives of Chapter 2.1 is required. Objectives of Chapter 2.1 relating to setbacks are as follows:

- *To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore;*
- *To ensure the visual focus of a development is the dwelling, not the garage;*
- *To protect the views, privacy and solar access of adjacent properties;*
- *To maintain view corridors to coastal foreshores and other desirable outlooks;*

**3.3 DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale (contd)**

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- *To maintain the scenic and environmental qualities of natural waterbodies and their foreshores and respond to site attributes such as topography;*
- *To provide deep soil areas sufficient to conserve existing trees or accommodate new landscaping;*
- *To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage/s.*

In reviewing the proposal against these objectives, the following commentary is provided;

- The existing primary dwelling and other ancillary outbuildings located upon the allotment, are all located within 40.0 metres of the top of bank of the watercourse.
- There are several other dwellings and associated outbuildings located on allotments in proximity to the site having reduced setbacks of less than 40m from the water course;
- Suitable screen planting is to be provided adjoining the side allotment boundary to assist in alleviating the visual impact of the proposed development, thereby maintaining the outlook enjoyed by the adjoining dwelling.
- The development proposal does not require the removal of any vegetation and has been assessed as being satisfactory in terms of likely ecological impacts.
- Some minor site disturbance will occur during the construction of the proposed secondary dwelling however, this issue can be addressed via appropriate conditions of development approval in relation to the control of sediment run-off.
- The WDCP2013 is proposed to be updated by the Central Coast DCP2018 to include compliance with the *AS1547:2012 On-Site Sewage Wastewater Management*.

Accordingly, in the circumstance, the proposal is considered to achieve compliance with related objectives, with the proposal therefore supported in this instance.

**Chapter 3.8 On Site Effluent Disposal in Non Sewered Areas**

<b>Chapter 3.8</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Setbacks of effluent disposal system	Minimum 100.0 metres to permanent surface waters (rivers, streams lakes etc)	Approximately 40.0 metres minimum	No
	3.0 metres to allotment boundary for subsurface irrigation system	1.5 metres	No

### **3.3 DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale (contd)**

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As indicated above, the development proposal seeks a variation to WDCP2013 provisions for the positioning of the required on-site effluent disposal system and the eastern side property boundary.

The reduced setbacks for the required on-site effluent disposal system have been reviewed by Council's Environmental Health staff and found to be acceptable given the following considerations:

- The risk based distances are compliant with the buffers set out in *AS1547:2012 On-site Domestic Wastewater Management* and the Draft Central Coast Development Control Plan 2018.
- The provisions of the WDCP 2013 have been superseded by the Australian Standard with the standard providing a higher level of risk impact analysis.
- Compliance with the Australian Standard will provide greater protection for the environment than compliance with the WDCP2013.
- AS 1547 recommends best practice solutions and will provide greater environmental protection than Chapter 3.8, noting that required buffer distances as prescribed within Chapter 3.8, may be reduced where performance provisions of the standard are satisfied.
- The proposal includes the installation of an aerated wastewater treatment system (AWTS) which will provide secondary treatment of effluent and sub-surface effluent disposal via conventional beds.
- Additional mitigation measures have been included within the system design to overcome potential soil dispersiveness.
- A conservative hydraulic loading has been adopted for the system design which has, a lower design loading rate (DLR), taking a conservative water balance approach to provide a sustainable solution for wastewater disposal for the site.
- The reduced buffer distances have been satisfactorily justified.

Accordingly, in the circumstance, the proposal is considered to achieve compliance with related environmental controls with the proposed effluent disposal system having been appropriately designed to respond to site constraints.

**Section 4.15(1)(b) of the EP&A Act 1979: the likely impacts of the development**

Built Environment

Given the position of the proposed dwelling on the allotment, the existing driveway access and separation distance to the adjoining dwelling, the proposal is considered to be suitable with regard to the context and setting of the subject site. The proposed secondary dwelling is also considered to be in keeping with the character of the area in terms of its design and appearance.

A thorough assessment of the proposed development's impact on the built environment has been undertaken in terms of the WLEP 2013 and WDCP 2013 compliance. It is considered on balance, that the potential impacts are acceptable.

Natural Environment

The proposal does not require the removal of any vegetation in order to facilitate the development. The proposal has been assessed against necessary ecological and other relevant environmental controls and found to pose an acceptably low risk. Accordingly, the proposal is considered satisfactory in relation to impacts on the natural environment.

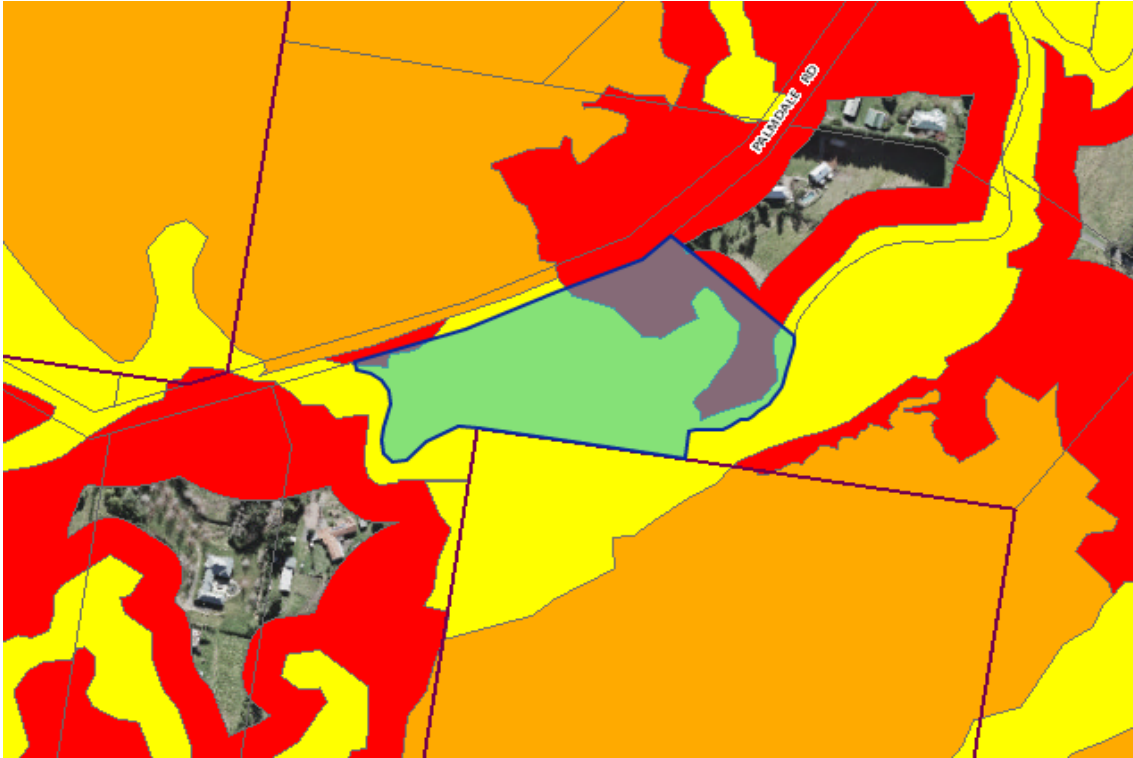
**Section 4.15(1)(c) of the EP&A Act 1979: the suitability of the site for the development**

A review of Council's records identifies the following constraints:

**Bushfire**

The subject site is mapped as being bushfire affected (Figure 7). The development proposal has been accompanied by an appropriate bushfire assessment report. The building is required to be constructed to BAL 29.0 bushfire resisting construction. Further, access to the secondary dwelling and other bushfire mitigation measures will be required to comply with the requirements of "Planning for Bushfire Protection 2006" and appropriate conditions of consent will be applied.



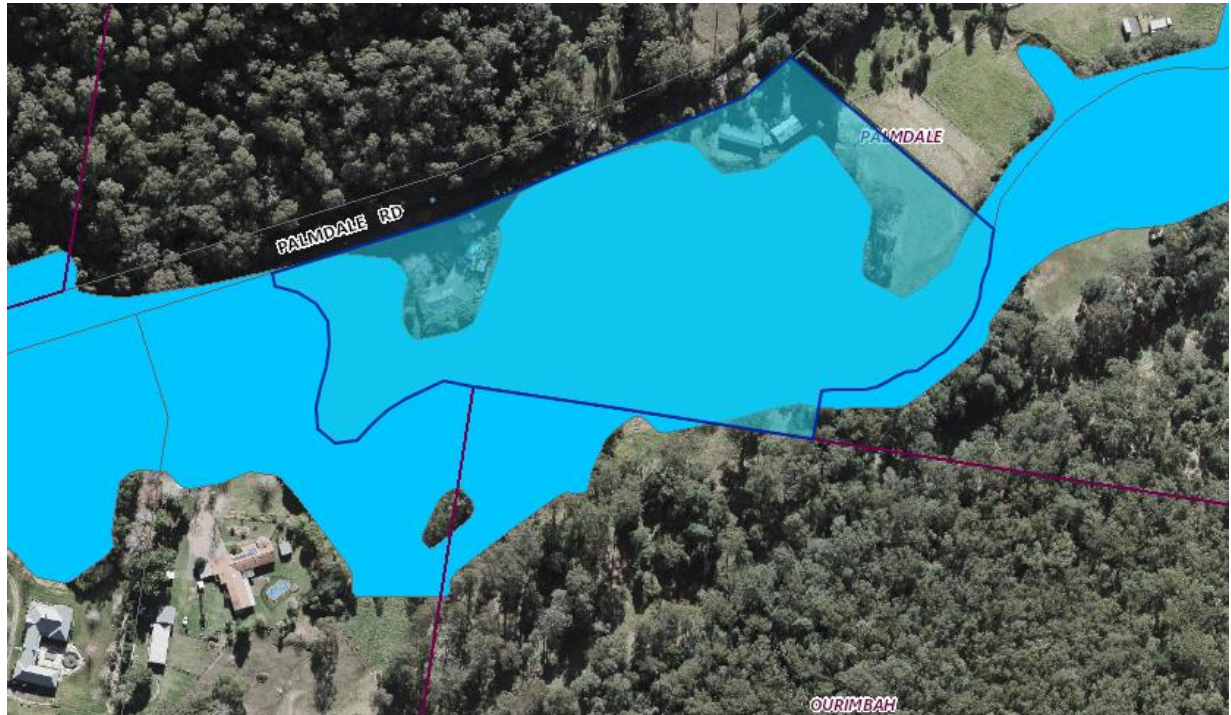


**Figure 7 - Extract from Councils bushfire mapping with the site highlighted in blue**

### **Flooding**

The site is heavily impacted by flooding (Figure 8). The proposed secondary dwelling is to be located in excess of 2.5 metres above the 1% AEP flood level applicable to the allotment being RL 20.0 metres Australian Height Datum (AHD).

Further, the habitable areas of the proposed secondary dwelling are to be located at the Probable Maximum Flood Level being R.L 22.8 metres AHD, to allow shelter in place in the event of a major flood event.



**Figure 8 - Extract from Councils flood mapping indicating the 1% AEP flood inundation with the site highlighted in blue**

### **Ecologically Endangered Community (EEC)**

Rainforest Endangered Ecological Community (Figure 9).

Assessment of the development proposal including site inspections has concluded that the proposal is not expected to impact upon the endangered ecologically endangered community.



**Figure 9 - Extract from Councils Endangered Ecological Community mapping with the site highlighted in blue**

There are no other constraints evident that would render the site unsuitable for development.

**Section 4.15(1)(d) of the EP&A Act 1979: any submission made in accordance with this Act or Regulations**

The development application received ninety nine (99) public submissions from individual landowners, one (1) submission from a community interest group and one letter of support. The submissions have been addressed in the report.

**Section 4.15(1)(e) of the EP&A Act 1979: the public interest**

The use of the site for a secondary dwelling provides an affordable housing opportunity not currently present. The owner has advised the purpose of the dwelling, a single bedroom structure, is to enable the opportunity to accommodate a family member.

Due to the size of the structure being a single bedroom design, located in an area with minimal ecological impact and without significant flooding impact, the proposed development is likely to have a low impact. The development is compliant with the provisions of the WLEP2013 and WDCP2013 other than the variations outlined in the report. The variations are within acceptable ranges or the impacts are addressed by conditions.

### **3.3 DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale (contd)**

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In relation to the variations, the onsite sewage management system setbacks as outlined in the WDCP are prescriptive requirements and the Australian Standard takes a more scientific performance base approach. The proposed system is over designed and the effluent disposal system is capable of meeting any expected loading.

The location of the secondary dwelling from the adjoining water course, is outlined in the report and considered to be satisfactory. As an example, there are at least 7 dwellings and 3 business enterprises within the 40m distance from the water course on Palmdale Road before the intersection of the Pacific Highway.

It is also in the public interest for Council to consider potential legal expenses where an appeal against a determination is lodged with the Land and Environment Court.

As a result, granting consent is considered in the public interest.

#### **Other Matters for Consideration**

##### *Development Contribution Plan*

The proposed development is a development type that is subject to Section 7.11 of the EP&A Act development contributions. Section 7.11 contributions will be applied to the development at the appropriate rate.

##### *Water and Sewer Contributions*

The proposed development is not subject to Water & Sewer Contributions.

#### **Conclusion**

The development application has been assessed in accordance with Section 4.15 of the EP&A Act, and all relevant instruments and polices. Subject to conditions, the proposed development is considered suitable for the site despite the listed variations. The proposal is therefore recommended for approval pursuant to Section 4.16 of the EP&A Act.

#### **Attachments**

- |          |                   |           |
|----------|-------------------|-----------|
| <b>1</b> | Draft Conditions  | D13720419 |
| <b>2</b> | Development Plans | D13469984 |

## 1. PARAMETERS OF THIS CONSENT

- 1.1. Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "Development Consent" unless modified by any following condition.

### Architectural Plans by: ENZHUO Architectural Design Services

Drawing	Description	Sheets	Issue	Date
853	Cover Sheet	0	-	5/12/18
853	Site Plan	1	-	5/12/18
853	Floor Plan	2	-	5/12/18
853	Elevation Plan	3	-	5/12/18
853	Elevation Plan	4	-	5/12/18
853	Section Plan	5	-	5/12/18

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with all commitments listed in the BASIX Certificate for the development as required under clause 97A of the *Environmental Planning and Assessment Regulation 2000*.

## 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
- Site investigation for the preparation of the construction, and / or
  - Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
  - Demolition.
- 2.3. Assessment of the development against the provisions of *Planning for Bush Fire Protection (2006) (NSW)* has determined a Bush Fire Attack level (BAL) of 29.

Submit to the Accredited Certifier for approval construction details showing that the development complies with this Bush Fire Attack Level (BAL) as prescribed by Australian Standard AS 3959-2009: *Construction of buildings in bush fire prone areas* and additional measures as contained within Appendix 3 of the *PBP Guidelines 2010* produced by the NSW Rural Fire Service.

- 1.4 Provide screen planting adjacent to the northern boundary of the property as generally indicated on the architectural plans. This planting is to:
- Be a minimum 20 litre container size plants
  - Be a suitable native species to effectively screen the development from the dwelling at 264 Palmdale Road, Palmdale and;
  - Be a suitable species to be located within an Asset Protection Zone.

- 1.5 Pay developer contributions to Council as calculated in the formula below:

$$\text{Developer contribution} = \$3656.70 \times \text{Current CPI} \div \text{Base CPI}$$

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 7.11 or 7.12 of the *Environmental Planning and Assessment Act 1979*.

**Note:** Any works required for the development that are also identified in the relevant Contributions Plan may be subject to a credit in accordance with that Plan. Any request for a credit for works to be carried out in accordance with the Plan must be requested and agreed to by Council via a Works-in-Kind Agreement prior to the commencement of any works.

- 1.6 Submit an application to Council under the provisions of section 68 of the *Local Government Act 1993* for an approval to install an on-site sewage management system. The section 68 application can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au).

- 1.7. Submit to the Accredited Certifier for approval a report from a suitably qualified consultant demonstrating that the development complies with the design parameters outlined in the Australian Building Codes Board (ABCB) Construction of Buildings in Flood Hazard Areas Standard 2012, Version 2012.2. The report must demonstrate how the development complies with Clause 2.3 to 2.10 of the Construction of Buildings in Flood Hazard Areas Standard or compliance with Volume Two, P2.2.2 of the Building Code of Australia as appropriate for the development. The following flooding characteristics are applicable to the development:

- PMF flood level of Reduced Level (RL) 22.8 metres Australian Height Datum (AHD)
- average flood velocity of 0.75 metres per second

- a minimum floor level of Reduced Level (RL) 22.8 metres Australian Height Datum (AHD) for all habitable rooms, as defined within the Building Code of Australia.

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal Certifier for the building work:
- a) The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
  - b) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 3.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a) The name, address and telephone number of the Principal Certifier for the work; and
  - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - c) That unauthorised entry to the work site is prohibited.
  - d) Remove the sign when the work has been completed.
- 3.4. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
  - diverting uncontaminated run-off around cleared or disturbed areas, and
  - preventing the tracking of sediment by vehicles onto roads, and
  - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- 3.5. Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
  - b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- 3.6. Engage a suitably qualified Ecologist to oversee the protection of the endangered ecological community including the placement of a temporary fence along the edge of the development area.
- 3.7. All measures and management procedures are required to be detailed in an Environmental Management Plan (EMP). The EMP is to include a Weed Management Plan that includes targets for percentage weed cover within 2 years. The EMP is to be approved by Council's Ecologist prior to commencement of works.
- 3.8. Full implementation of the mitigation measures outlined the Flora Assessment (Eco Logical Australia, letter 28 June 2019). These include the measures included in the body of the report under "Mitigation Measures" and in Appendix C. Appropriate certification on the implementation of these measures are to be provided to the Principal Certifier

#### 4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7.00am and 5.00pm Monday to Saturday
- No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.
- 4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
- a) All excavation or disturbance of the area must stop immediately in that area, and
  - b) The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.
- Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.
- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.



- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.7. Connect downpipes and the associated stormwater disposal system 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 must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 4.8. No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.9. No native vegetation clearing is permitted under this consent.
- 4.10. Maintain the temporary fence around the development site. The fence must be maintained for the duration of construction works.
- 4.11. No clearing of vegetation or storage of vehicles or machinery, waste, fill materials or unauthorised access is to occur within the fenced tree protection areas.
- 4.12. Implement the Environmental Management Plan approved under condition number 2.7 and the mitigation measures outlined within the Flora Assessment (Eco Logical Australia, 28 June 2019). These include the measures included in the body of the report under "Mitigation Measures" and in Appendix C.

## 5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. 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. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 5.3. Complete the building in accordance with the provisions of *Planning for Bush Fire Protection 2006 (NSW)* and the requirements of Australian Standard AS 3959-2009 - *Construction of Buildings in Bush Fire Prone Areas* and additional measures as contained within Appendix 3 of the *Planning for Bush Fire Protection Guidelines 2010*, for a Bush Fire Attack Level of BAL 29.

- 5.4. Install a material or device to prevent the build-up of flammable material (such as leaf matter) within the roof gutters. The material or device must have a flammability index of not greater than 5 when tested in accordance with Australian Standard AS 1530.2-1993: *Methods for fire tests on building materials, components and structures - Test for flammability of materials*.
- 5.5. Obtain a satisfactory final inspection of the on-site sewage management system from Council.
- 5.6. Water, electricity and gas are to comply with the following requirements of Section 4.1.3 of "Planning for Bush Fire Protection 2006";
- In absence of a hydrant within 70m of the rearmost elevation of the proposed dwelling, a 20,000 litre water supply shall be provided for fire fighting purposes together with a minimum 3kW (5hp) petrol or diesel powered pump and a 19mm (internal diameter) fire hose capable of reaching all parts of the building
  - A suitable connection for firefighting purposes is made available and located within the IPA and away from the structure. A 65mm Storz outlet with a Gate or Ball valve is provided.
  - Underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is supplied within 4 metres of the access hole.
  - Above ground tanks are manufactured of concrete or metal and raised tanks have their stands protected. Plastic tanks are not used.
  - An 'SWS' marker shall be obtained and positioned for ease of identification by brigade personnel and other users of the SWS. In this regard: a) Markers must be fixed in a suitable location so as to be highly visible; and b) Markers should be positioned adjacent to the most appropriate access for the static water supply.
- 5.7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
- 5.8. Property access roads shall comply with the following requirements of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006';
- A minimum carriageway width of 4 metres shall be provided;
  - A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches shall be provided; and
  - Internal roads provide a loop road around any dwelling or incorporate a turning circle with a minimum 12metre outer radius.

- 5.9. The proposed access driveway serving the proposed secondary dwelling is to follow natural ground surface levels and is to be constructed so as to not impede the flow of surface waters towards the watercourse.
- 5.10. All rainwater tanks installed to service the proposed secondary dwelling and for bushfire fighting purposes, are to be located adjoining the western elevation of the garage portion in order to be screened adequately from view from the adjoining dwelling.
- 5.11 Any service installation (electricity, telephone, gas) provided to serve the development from existing infrastructure in Palmdale Road, is to be underground.

## **6. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE**

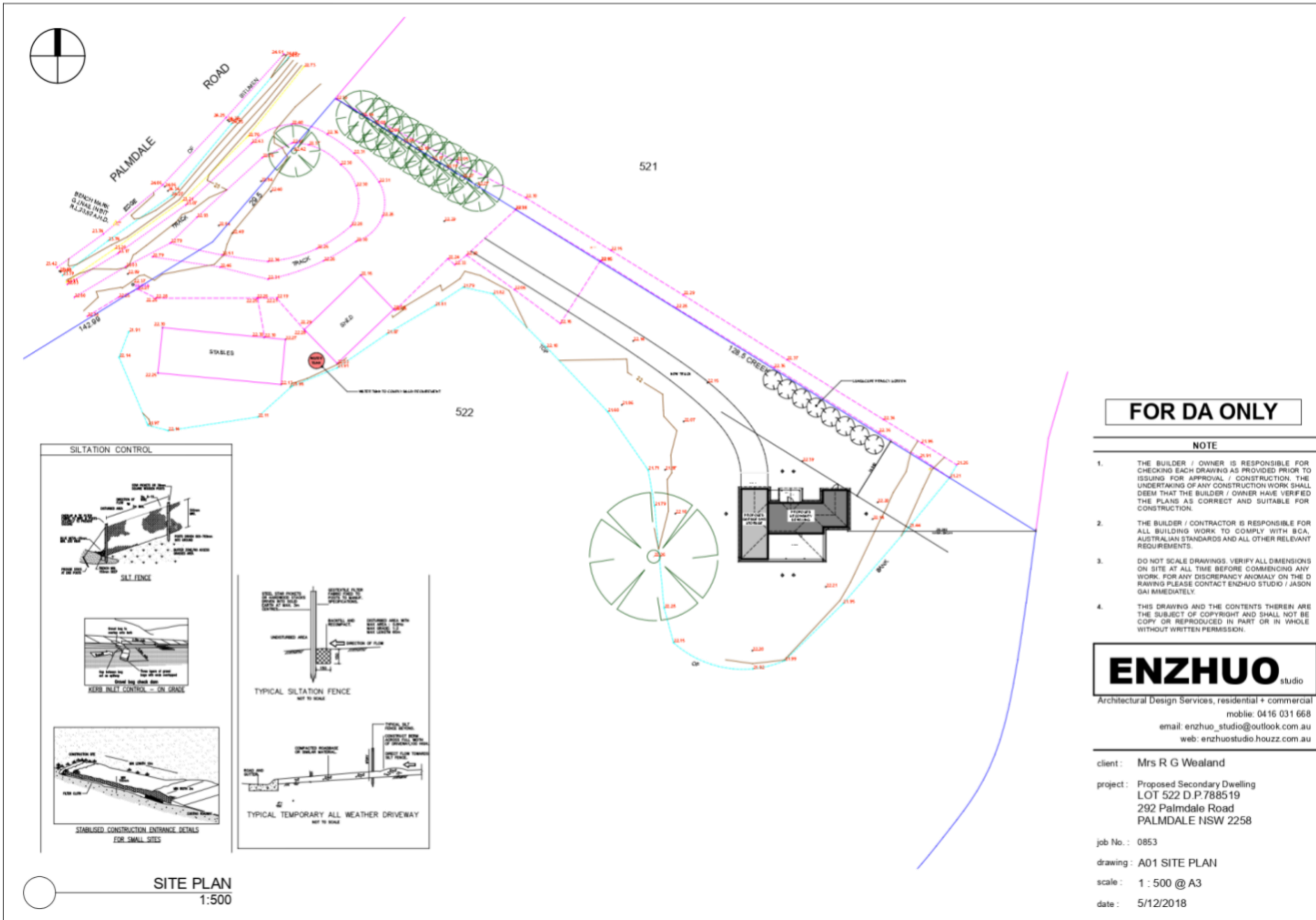
No Conditions

## **7. PRIOR TO THE OCCUPATION OF THE MANUFACTURED HOME**

No Conditions

## **8. ONGOING**

- 8.1. At the commencement of building works, and in perpetuity, the area surrounding the proposed secondary dwelling for a minimum of 10.0 metres, shall be managed as an Inner Protection Area (IPA) as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- 8.2. Use external lighting that minimise overspill into retained vegetated areas.
- 8.3. Implementation of weed control works as specified in the Environmental Management Plan approved under condition number 2.7.
- 8.4 The screen planting along the northern boundary of the property is to be maintained to maturity.





**A** North Elevation  
1:100



**B** East Elevation  
1:100

**FOR DA ONLY**

**NOTE**

1. THE BUILDER / OWNER IS RESPONSIBLE FOR CHECKING EACH DRAWING AS PROVIDED PRIOR TO ISSUING FOR APPROVAL / CONSTRUCTION. THE UNDERTAKING OF ANY CONSTRUCTION WORK SHALL DEEM THAT THE BUILDER / OWNER HAVE VERIFIED THE PLANS AS CORRECT AND SUITABLE FOR CONSTRUCTION.
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project: Proposed Secondary Dwelling  
 LOT 522 D.P.788519  
 292 Palmdale Road  
 PALMDALE NSW 2258

job No.: 0853

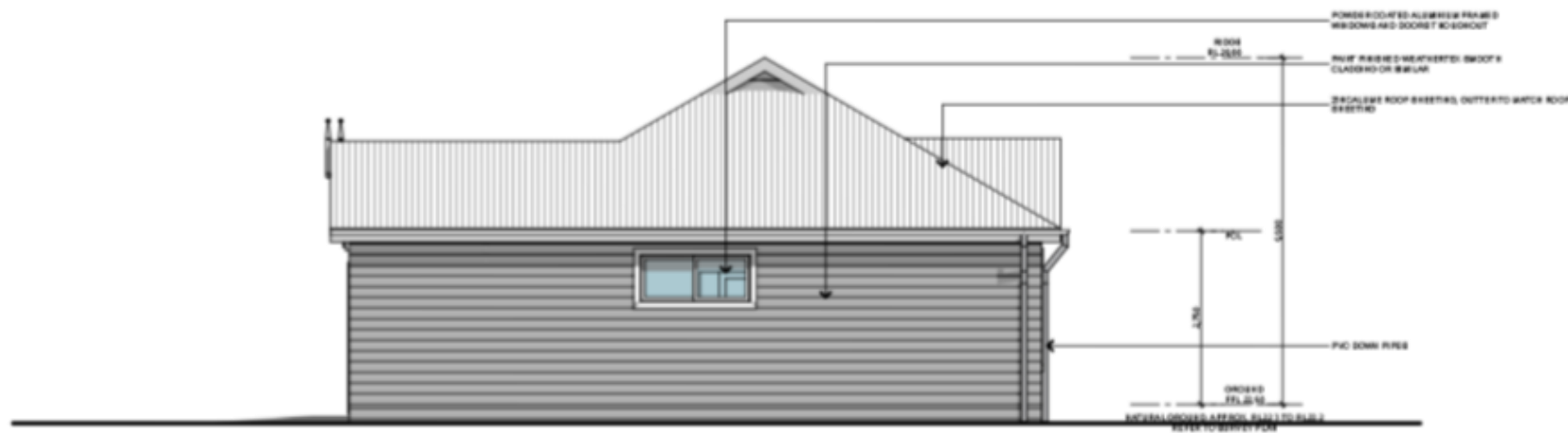
drawing: A03 ELEVATION A+B

scale: 1 : 100 @ A3

date: 5/12/2018



C South Elevation  
1:100



D West Elevation  
1:100

**FOR DA ONLY**

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project: Proposed Secondary Dwelling  
 LOT 522 D.P.788519  
 292 Palmdale Road  
 PALMDALE NSW 2258

job No.: 0853

drawing: A04 ELEVATION C+D

scale: 1 : 100 @ A3

date: 5/12/2018



**Item No:** 3.4  
**Title:** Planning Proposal No PP/90/2016 - Beaufort Road, Terrigal  
**Department:** Environment and Planning

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13670753  
Author: Michael Bowman, Strategic Planner  
Jenny Mewing, Principal Strategic Planner  
Scott Duncan, Section Manager, Land Use and Policy  
Manager: Karen Tucker, Acting Unit Manager, Strategic Planning Unit  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is for Council to consider a Planning Proposal and site specific Development Control Plan (DCP) in relation to Lot 5 DP 207799 (No 65), Lots 1022 and 1023 DP 1054632 (No 77 and No 111 respectively) Beaufort Road, Terrigal. The proposal seeks to rezone the subject land to R2 Low Density Residential with a minimum lot size of 650m<sup>2</sup>.

This report provides an overview of the outcomes of Government Agency and community consultation in respect of the Planning Proposal.

This report recommends that Council finalise the Planning Proposal and adopt a site specific Development Control Plan (DCP) relating to the subject land.

### **Recommendation**

- 1 That Council supports the Planning Proposal as exhibited to rezone Lot 5, DP 207799, Lots 1022 and Lot 1023 DP 1054632 Beaufort Road, Terrigal to R2 Low Density Residential with a minimum lot size of 650m<sup>2</sup> under Gosford Local Environmental Plan 2014 or the Central Coast Local Environmental Plan (whichever is in effect).**
- 2 That Council request the Secretary of the Department of Planning, Industry and Environment to concur that the inconsistency of the Planning Proposal with the s9.1 Ministerial Direction 4.3 Flood Prone Land be considered of minor significance for the reasons outlined in this report.**
- 3 That Council request, upon the receipt of concurrence requested by resolution 2, the Chief Executive Officer to exercise the delegation issued by the Department of Planning, Industry and Environment for Planning Proposal (PP\_2017\_CCOAS\_004\_00; PP/90/2016) to proceed with the steps for drafting and**

***making of Amendment No. 37 to Gosford Local Environmental Plan 2014 or an amendment to the Central Coast Local Environmental Plan (whichever is in effect).***

- 4** ***That Council advise all those who made a submission of the decision.***
- 5** ***That Council adopt Chapter 5.23 Beaufort Road Terrigal (Attachment 2) as:***
- a)** ***A new chapter within Gosford Development Control Plan 2013, or as new Chapter 5.55 within the Central Coast Development Control Plan (whichever is in effect), which shall come into effect upon notification of the plan.***
- b)** ***Amended as per the following items outlined in response to the exhibition period incorporating the following changes:***
- ***Addition of objectives and controls regarding flooding, water sensitive urban design, bushfire and Aboriginal heritage.***
  - ***Including additional and expanded requirements for Council to consider at the DA stage which include management/ownership arrangements of riparian vegetation, drainage channel design, servicing, access and footpath connections.***
  - ***Minor alterations to wording, terminologies and references to make the DCP clearer and to better reflect objectives.***
- 6** ***That Council publish a public notice of its decision regarding the adoption of the Development Control Plan within 28 days.***
- 7** ***That Council provide the Planning Secretary with a copy of the Development Control Plan within 28 days.***

## **Background**

At its Ordinary Meeting held on the 22 March 2017, Council resolved:

135/17 *That Council prepare a planning proposal to amend the Gosford Local Environment Plan 2014, to rezone the land listed below from 7(c2) Conservation and Scenic Protection to R2 Low Density Residential, pursuant to s.55 of the Environmental Planning and Assessment Act 1979.*

- a) Lot 5, DP 207799, No 65 Beaufort Road, Terrigal;*
- b) Lot 1022, DP 1054632, No 77 Beaufort Road, Terrigal;*
- c) Lot 1023, DP 1054632, No 111 Beaufort Road, Terrigal.*

136/17 *That Council forward the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as requesting delegation for Council to finalise and make the draft Local Environmental*



### **3.4 Planning Proposal No PP/90/2016 - Beaufort Road, Terrigal (contd)**

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- Plan, pursuant to s.56(1) of the Environmental Planning and Assessment Act 1979;*
- 137/17 *That Council undertake community and public authority consultation in accordance with the gateway determination requirements.*
- 138/17 *That Council consider a further report on the results of community and public authority consultation.*
- 139/17 *That Council authorise staff to negotiate and prepare a Voluntary Planning Agreement which establishes a monetary contribution for the provision of services, facilities and infrastructure required because of the rezoning of the land.*
- 140/17 *That Council request from the Department of Planning and Environment delegations for the Chief Executive Officer (or delegate) to finalise and make the draft Local Environment Plan.*

A Gateway Determination was issued by the then NSW Department of Planning and Environment (DP&E) on 23 June 2017. Amending Gateway determinations were issued to extend the timeframe for the completion of the Planning Proposal until 23 April 2020.

#### **The Site**

This Planning Proposal applies to Lot 5, DP 207799 (No 65), Lot 1022 and 1023 DP 1054632 (No 77 and No 111 respectively) Beaufort Road, Terrigal (see Figure 1).

The total area of the subject site is calculated at 2.77 Ha. Each of the three allotments contains one dwelling house and associated ancillary structures.

The subject site has existing access from Beaufort Road and Fairway Drive (No 77), both of which gain access directly from Willoughby Road.



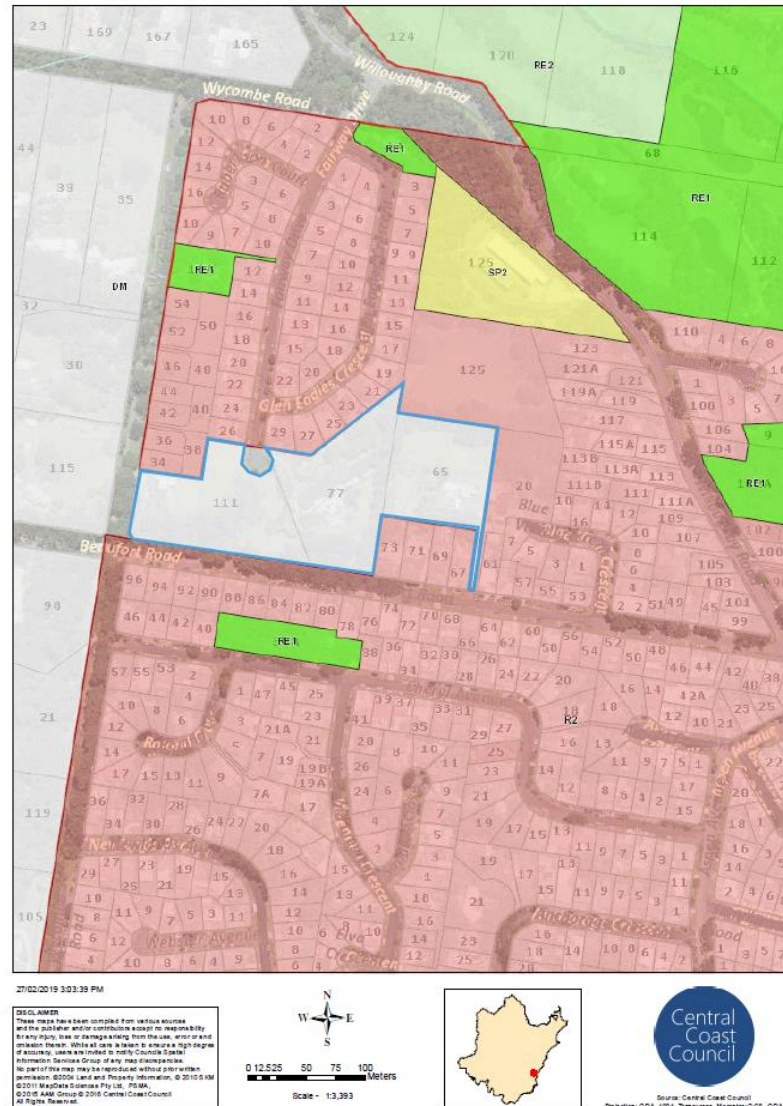
**Figure 1: Locality Aerial photograph with sites outlined in red**

The adjoining land to the north, east and south is zoned R2 Low Density Residential under *Gosford Local Environment Plan 2014* (GLEP 2014) and is mostly developed for low density residential purposes (see Figure 2).

The subject land, together with land to the west is zoned 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under *Interim Development Order No 122 - Gosford* (IDO 122).

The minimum subdivision size for land zoned 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) is 2 hectares (ha). Under the conservation incentive clause (Cl. 18 (4)(b)) of IDO 122, the minimum subdivision size may be reduced to 1ha.

The land is part of the Deferred Matters (DM) from GLEP 2014. The subject site was exhibited recently within the *draft Central Coast Local Environmental Plan* (CCLEP) as proposed to be zoned E4 Environment Living, with a 2ha minimum lot size.



**Figure 2: Locality current zoning context – site outlined in blue**

## The Proposal

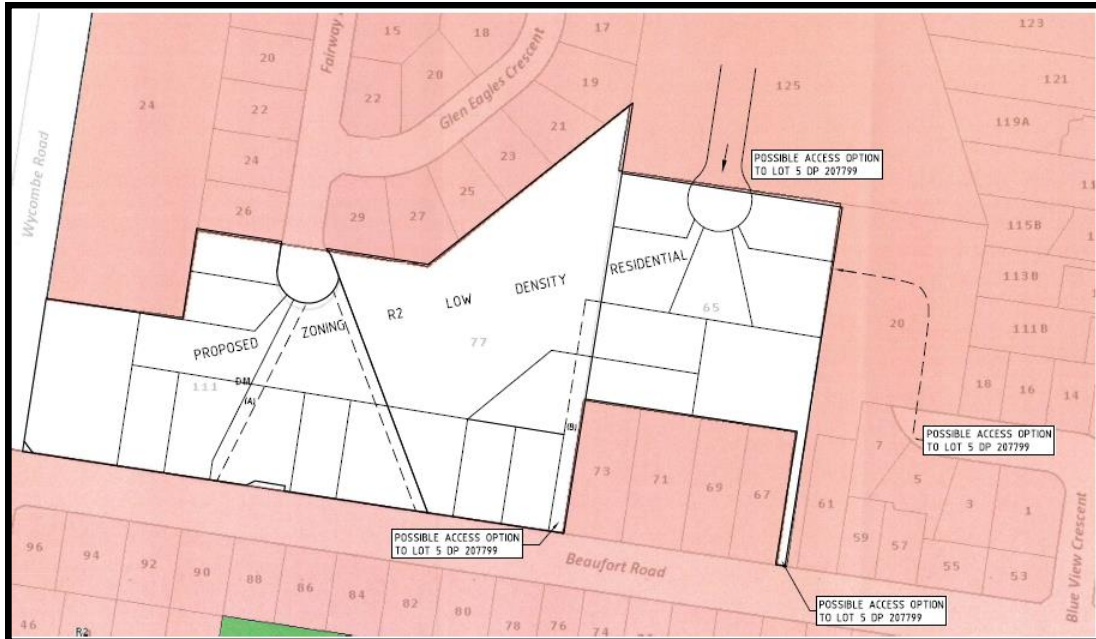
The primary objective of the Planning Proposal is to rezone the subject land from 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under IDO 122 to R2 Low Density Residential under GLEP 2014. The Planning Proposal also seeks to apply other relevant development standards to the site, including:

- a minimum lot size of 650m<sup>2</sup>,
- floor space ratio of 0.5:1,
- a building height of 8.5m, and
- include the R2 portion of the site within the Acid Sulfate Soil map as Class 5.

A preliminary subdivision concept plan has been prepared by the applicant to illustrate likely residential lot potential (see Figure 3).

### 3.4 Planning Proposal No PP/90/2016 - Beaufort Road, Terrigal (contd)

This preliminary subdivision concept plan shows potential for 23 residential lots being created, with some gaining road access via Fairway Dr and others via Beaufort Road.



**Figure 3: Applicant's preliminary subdivision concept plan**

A Planning Agreement is no longer required for application to the land as the draft LGA wide levy (developer contributions) plan (s.7.12 EP&A Act) will apply to the land to satisfy this requirement. The draft plan (if adopted) would apply a levy to future development of the site in accordance with the following table:

Type of Development	Proposed Cost of Development	Levy (%)
Development that is not subject to a section 7.11 contribution under any other contributions plan adopted by the Council under the EP&A Act, other than development that is exempt under Clause 1.5 of this Plan	Up to and including \$100,000	0%
	More than \$100,000 and up to and including \$200,000	0.5%
	More than \$200,000	1%

The Planning Proposal as exhibited was supported by site specific development controls as a new chapter to *Gosford Development Control Plan 2013* (GDGP 2013) and *Central Coast Local Development Control Plan* (CCDCP) to address environmental, amenity, drainage and traffic management.

The draft DCP Chapter:

- designates the drainage line for preservation for environmental and drainage / stormwater purposes,

### **3.4 Planning Proposal No PP/90/2016 - Beaufort Road, Terrigal (contd)**

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- requires the preservation of the riparian corridor / drainage line and enhanced with vegetation, and
- restricts through access across the land between Beaufort Road and Fairway Drive.

#### **Consultation**

The Planning Proposal, draft DCP chapter and relevant supporting information and studies were publicly exhibited for a total of 14 days between 4 and 18 October 2018.

The exhibition was undertaken in accordance with the Gateway Determination (as amended) the DP&E's *A Guide to Preparing Local Environmental Plans* and the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The exhibition material was available on Council's Your Voice Our Coast website during the above dates. Notice of the exhibition was placed in the Central Coast Express Advocate on 4 October 2018.

#### **Community Consultation**

A total of nineteen submissions were received during the exhibition period. There were two (2) submissions in support of the proposal. A total of thirteen (13) submissions objected to the proposal, and four (4) submissions raised issues for consideration (without objecting or supporting the proposal).

The matters raised in the submissions are summarised and addressed below under the categories of:

- Traffic and Transport
- Environment and Amenity
- Flooding and Drainage
- Infrastructure and Planning

#### **Traffic and Transport**

- 1 *Willoughby / Beaufort Roads' intersection is dangerous for pedestrian and has a high volume of traffic. Beaufort Road is narrow, has a blind crest, a dip, no kerb and guttering, no footpaths and poor visibility. Road system will not cope with additional traffic.*

#### Comment

Local roads and intersections, including Fairway Drive, Willoughby and Beaufort Roads (and the intersection thereof), are operating within their design capacity.

The additional traffic expected from the proposal is well within the capacity of the existing road and footpath network.

The traffic study accompanying the proposal, (prepared by BJ Bradley & Associates), estimates that existing traffic flows along Fairway Drive represent 4% of its capacity. The additional traffic generated by the proposal would increase this figure to 6.9% of the capacity of Fairway Drive.

The traffic study further advises that subdivision of the subject land would generate very low traffic volumes which will not impact on the capacity, level of service or safety of the signalised intersections of Terrigal Drive and Willoughby Road at Terrigal or Central Coast Highway and Willoughby Road at Wamberal.

This position has been supported by Council's Development Engineering section.

Willoughby Road was recently upgraded with two traffic calming devices and some kerb improvements to slow traffic speeds along the road. There is a traffic calming device and raised flat stop facility at the nearby Aspen Avenue / Willoughby Road intersection, which reduces speeds along Willoughby Road.

2 *Sight lines and topographic constraints affecting the performance of Beaufort Road*

Comment

Council's traffic engineers have recommended a possible suitable location to provide a safe ingress / egress point to the future subdivision and the draft DCP Chapter 5.23 Beaufort Road, Terrigal of GDCP 2013 designates a single access just east and opposite of No. 92 Beaufort Road which could provide one access point for approximately ten lots.

3 *Pedestrian safety & Public transport – e.g. Beaufort Road has no footpaths leading to the Central Coast Highway to access public transport. Willoughby / Beaufort Roads intersection has no drop off point for school buses.*

Comment

The network footpaths in Fairway Drive, Glen Eagles Circuit and Robertson Court provide safe level paths from the subject lands to access surrounding areas. Wycombe Road has a 45-metre-long footway from Beaufort Road connecting to a 160-metre-long footpath. These works provide improved and safer pedestrian access to Beaufort Road.

Within the Development Application (DA) process, when considering the detailed subdivision design, footpaths would be required to be provided. Access to surrounding localities for new residents will be similar to that available for current residents.

Bus route 67 is approximately 380 to 580 metres walk, which is considered to be reasonable.

***Environment and Amenity***

- 1 *The area is an approved and gazetted corridor for koalas and is part of a corridor leading to the lagoon.*

*Comment*

*State Environmental Planning Policy (SEPP) 44 – Koala Habitat Protection* applies to the Local Government Area (LGA). The SEPP aims to encourage conservation and management of natural vegetation that provide habitat for koalas. Koalas are rare on the Central Coast with no known important population occurring in the Terrigal / North Avoca area. The flora and fauna assessment prepared for the Planning Proposal determined that the likelihood of occurrence of Koala on the site was low. This view is agreed with by Council's experts.

- 2 *Trees in Beaufort Road create a leafy / rural streetscape / amenity, the site is pristine bush, full of rare & endangered species. The loss of the environment (flora, fauna and habitat) due to this development will not preserve ecological balance.*

*Comment*

Council's vegetation mapping identifies Alluvial Bluegum Paperbark Forest, Narrabeen Coastal Blackbutt Forest and Coastal Narrabeen Moist Forest. The Alluvial Blue Gum Forest occurs along moist alluvial flats and creek lines of the Narrabeen series. The vegetation within this community type is generally dominated by large Bluegums and Turpentine trees with a dense layer of *Melaleuca biconvexa*. This vegetation community is also known as River-flat Eucalypt Forest on Coastal Floodplain *Endangered Ecological Community (EEC)*.

Vegetation along the northern property boundary of No. 65 Beaufort Road is mapped as an EEC, however the site inspection confirmed the ground cover was dominated by weed species including blackberry, privet, ginger and asparagus fern and the canopy comprised Blackbutts, Pittosporum and Camphor Laurel. Overall this vegetation showed signs of historical disturbances and was generally in poor condition.

Much of the vegetation will be retained onsite in the riparian zone and will come under Council's management within a future public reserve, as part of the DA process. The draft DCP also aims to retain some vegetation in Beaufort Road within the future upgrade to accommodate the subdivision. This will assist in maintaining much of the leafy amenity of the area as it transitions to residential.

Most of the hollow-bearing trees on the site will be retained in accordance with the proposed DCP controls.

Through the Planning Proposal assessment process, the scale of the development has been revised to reduce impacts to biodiversity.

The Planning Proposal was subject to biodiversity assessment which concluded that impacts to biodiversity would be acceptable at the local scale. This view is agreed with by Council's experts.

- 3 *The residential development will deprive aquifers of rain*

Comment

Adjacent lands to the west stretching to the Narara Valley urban areas are primarily zoned environmental, scenic protection or conservation. Under the *draft Consolidation LEP* the adjacent lands will be zoned to E4 Environmental Living, hence the effect on the aquifer of this proposal is expected to be inconsequential.

The riparian area of the site is to be preserved, rather than the watercourse being piped, and as such, aquifer recharge is possible.

- 4 *Noise during construction*

Comment

This is an issue that is addressed at the DA stage and is not of a permanent nature and may be addressed through appropriate conditions of development consent.

***Flooding and Drainage***

- 1 *Concerns for storm water flows, no kerb and gutter hence overland flood flows & uncontrolled road drainage, we don't have council storm water pipes on our property ..... more hard-standing due to the building and roads increasing rainwater run-off & increasing rate of run off ..... Wycombe Road development is a catastrophe. Willoughby Road culvert will need upgrading.*

Comment

Future development of the site will need to address all stormwater and drainage issues onsite using current standards of works in accordance with *GDCP 2013* (e.g. onsite detention, rainwater tanks, road construction, etc.), hence the development should not exacerbate current conditions. Issues raised in submissions with drainage on public land need to be considered by Council under maintenance and capital budgets and are separate to this proposal. Deficits in stormwater systems on private lands are the responsibility of the land owners.

- 2 *Seek drainage line area to move from private ownership to be owned and maintained by Council.*



Comment

It is agreed that this would be a more practical outcome for future management of the drainage area. The draft DCP chapter has been amended to allow this to occur within the future development assessment process, when detailed model investigations and plans have been prepared.

- 3 *Seek deletion of DCP requirements for onsite flooding and stormwater flows arising from development.*

Comment

This is not supported. All drainage / stormwater generated by the development should be catered for and treated onsite so there will be no additional effect on surrounding areas post development to satisfy Section 9.1 Ministerial Direction 4.3 Flood Prone Land.

**Infrastructure and Planning**

- 1 *Overdevelopment of too many houses with a lack of infrastructure is not good progress, e.g. local schools will not cope.*

Comment

It has been substantiated through the Planning Proposal supporting reports and internal review that the road network, water, sewer and drainage systems have adequate capacity to cater for augmentation of the increased low-density residential development expected to result from this rezoning. It is expected that services such as community, recreation, hospitals and schools have capacity to cater for the expected modest future population resulting from about twenty-three (23) lots in this proposal.

**Government Agency Consultation**

*NSW Rural Fire Service (now Department of Family and Community and Justice)*

The NSW Rural Fire Service (RFS) raised no objection to the Planning Proposal subject to a requirement that future subdivision of the land complies with *Planning for Bush Fire Protection*, which includes provision of Asset Protection Zones (APZ), access and servicing requirements. RFS raised one query about the applicant's submitted bushfire assessment regarding the categorisation of some vegetation as remnant rainforest.

Relevant amendments have been made to the draft DCP chapter to reflect the submission from the RFS and satisfy Section 9.1 Ministerial Direction 4.4 *Planning for Bushfire Protection*. These amendments include the requirement for APZs to be located on land outside of the Riparian Vegetation Area.

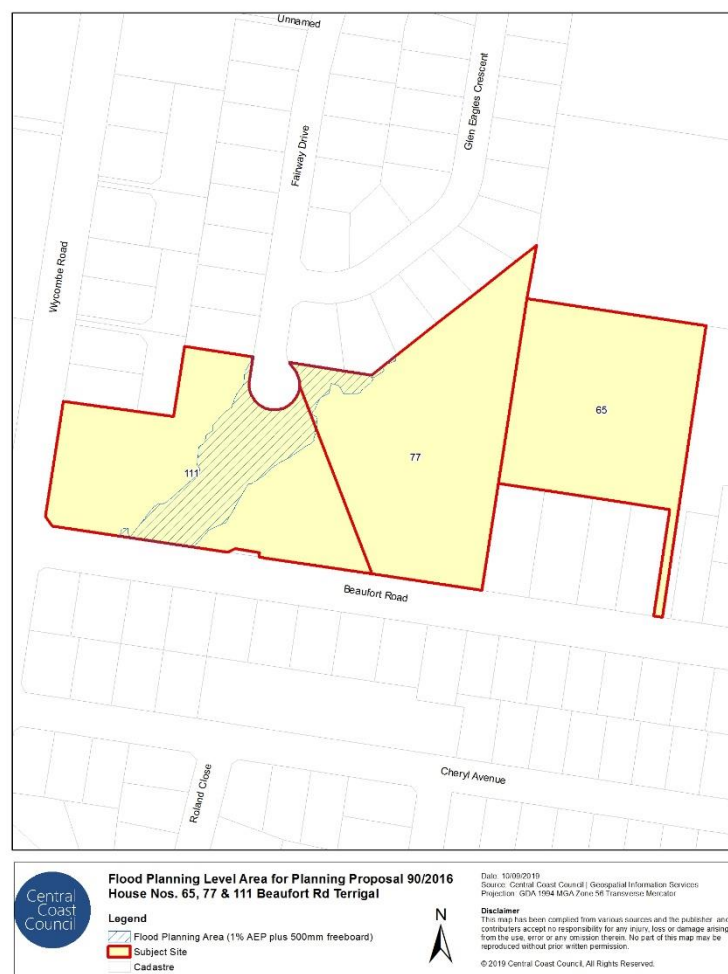
### 3.4 Planning Proposal No PP/90/2016 - Beaufort Road, Terrigal (contd)

Office of Environment and Heritage/ National Parks and Wildlife Service (now Department of Planning, Industry and Environment)

The Office of Environment and Heritage (OEH) provided comments prior to and during the exhibition of the Planning Proposal on matters relating to hollow bearing trees, biodiversity, environmental protection, bushfire protection, coastal planning and Aboriginal heritage.

Additional investigations were undertaken by the applicant to address and resolve those matters listed above. Further requirements have also been included within the draft DCP chapter.

The OEH had also sought further confirmation of the Planning Proposal's consistency with s.9.1 Ministerial Direction 4.3 Flood Prone Land, particularly in relation to the proposed zoning of the riparian / drainage corridor.



**Figure 4: Subject Site Flooding Planning Area (1% AEP Event + 500mm Freeboard)**

Whilst the proposal seeks to zone this area to R2 Low Density Residential, Council considers that the inconsistency of the proposal with s.9.1 Ministerial Direction 4.3 Flood Prone Land is of minor significance because of the following:

### 3.4 Planning Proposal No PP/90/2016 - Beaufort Road, Terrigal (contd)

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- An option to zone the riparian / drainage corridor area to E2 Environmental Conservation (and disable all other development via Additional Permitted Uses within the LEP) was considered. This is a cumbersome planning mechanism which would result in a small area of isolated E2 zoned land, which is not supported.
- It is Council's normal practice not to base LEP zoning boundaries within urban areas on the location of flood lines. Flood lines do vary over time. The Flood Planning Level (FPL) is the 1% AEP (flood line) plus a 500 mm freeboard. No development should occur in the FPL area in accordance with the NSW Government's *Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005*.
- The FPL area identified on the site is to be incorporated into a drainage reserve to come into public ownership through the DA process via the DCP controls and application legislation, so that no development will occur here, and the drainage works will be managed. This is a better planning mechanism and reflects normal Council practice.
- A number of minor amendments have been undertaken to the exhibited DCP which include:
  - Addition of objectives and controls regarding flooding, water sensitive urban design, bushfire and Aboriginal heritage.
  - Including additional and expanded requirements for Council to consider at the DA stage which include management/ownership arrangements of riparian vegetation, drainage channel design, servicing, access and footpath connections.
  - Minor alterations to wording, terminologies and references to make the DCP clearer and to better reflect objectives.

Council will request the Secretary of the Department of Planning, Industry and Environment to concur with Council's opinion that any inconsistency of the planning proposal with the s.9.1 Ministerial Direction 4.3 Flood Prone Land is of minor significance, for the reasons outlined above.

#### *Department of Industry – Lands & Water*

The Department reviewed the existing watercourse which runs from Beaufort Road to Fairway Drive and determined that under the Water Management Act 2000 this is not a river / watercourse. The Natural Resources Access Regulator (NRAR) has no comments regarding riparian corridor protection and management of this unclassified watercourse.

#### *Comment*

Noted.

#### **Internal Consultation**

The Planning Proposal, draft DCP chapter and supporting documentation has been reviewed by relevant internal units within Council including:

- Development Engineering
- Environmental Health
- Environmental Strategies
- Flooding and Drainage Engineering

Each unit has advised that the Planning Proposal and draft DCP Chapter, as outlined in this report are supported.

#### **Outcomes of Consultation**

Having regard for the public and state government submissions, the proposal as recommended, together with the recommended amended draft DCP Chapter, have satisfied relevant statutory requirements relating to agency and community consultation.

#### **Assessment**

The assessment of the Planning Proposal has identified that the rezoning has strategic merit for the following reasons:

- The Planning Proposal is consistent with the Central Coast Regional Plan 2036 (CCRP) as it:
  - Creates housing opportunities which complement residentially zoned and developed lands located adjacent to the north, east and south
  - Does not encroach on sensitive land uses
  - Will protect areas of environmental value and scenic amenity
  - Addresses drainage issues and bushfire planning requirements onsite
  - Maximises the use of existing infrastructure, and
  - Provides a diversity of lot size / housing choice in the residential area
- The Planning Proposal makes efficient use of existing urban infrastructure, which has capacity for the modest population anticipated, particularly in consideration of the R2 zoned land to the north, east and south.
- The Planning Proposal makes efficient use of the existing road network. The site specific DCP Chapter requires two accesses leading to Willoughby Road, one via Fairway Drive and the other via Beaufort Road. The additional traffic is within the capacity of the existing road and footpath network.

### **Statutory Compliance and Strategic Justification**

The Planning Proposal has been assessed having regard for relevant SEPPs, Ministerial Section 9.1 Directions and relevant guidelines set out within the regional and local plans, including the CCRP.

In the instance of the inconsistency of the Planning Proposal with Ministerial Section 9.1 Direction 4.3 Flood Prone Land, the inconsistency is of minor significance for the reasons outlined in this report.

The Planning Proposal is consistent with the remaining relevant statutory and strategic planning considerations is suitable for finalisation.

### **Financial Impact**

The direct cost to Council is the preparation of the Planning Proposal and Council's fee has been paid for this service.

### **Social Impacts**

The finalisation and implementation of the Planning Proposal would support meeting ongoing local housing needs. All social / community services would have capacity for the small increase in population resulting from the Planning Proposal.

### **Environmental Impacts**

The Planning Proposal was subject to biodiversity assessment which concluded that impacts would be acceptable at the local scale. The draft DCP Chapter further addresses and defines detailed design of future development regarding environmental matters, ensuring that the most environmental values within the riparian area will be preserved and maintained under Council ownership. The zoning of the subject land to R2 Low Density Residential is a logical consequence of consideration of the land's attributes and the existing zoning / development of surrounding lands to the north, east and south with low density housing.

### **Link to Community Strategic Plan**

Theme 5: Liveable

#### **Goal I: Balanced and sustainable development**

R-13: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management.

**Risk Management**

The risks identified to the natural and built environment if this Planning Proposal proceeds can be managed through the application of relevant legislation, through the Development Assessment (DA) process.

**Delegation**

Council has been issued with the delegations of the Minister to make amending Local Environmental Plans (LEPs).

Council has been issued with the delegation of the Minister to make the amending LEP. Council advised then DPIE that Council's new delegate for this function is the Chief Executive Officer (CEO), Gary Murphy.

The Gateway Determination issued on 6 July 2017 (and as amended) provides the Council's CEO, the appropriate delegations under Section 3.36 of the *EP&A Act* to make this plan.

**Conclusion**

The Planning Proposal to rezone the land to R2 Low Density Residential under GLEP 2014 is considered to have strategic merit. The proposed R2 Low Density Residential zone is considered reasonable given the land's attributes and its location lying adjacent to existing R2 Low Density Residential zoned land to the north, east and south.

It is recommended that the Council support finalisation and implementation of the Planning Proposal and adopt the new DCP Chapter 5.23 Beaufort Road, Terrigal, to be incorporated into GDCP 2013 or the new CCDCP (with the amendments discussed in the report). The attachment to the report contains the new GDCP 2013 Chapter 5.23 Beaufort Road, Terrigal for adoption to come into effect upon the LEP amendment being made.

**Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Planning Proposal Summary                   | D13679419 |
| <b>2</b> | Draft DCP Chapter - Beaufort Road, Terrigal | D13679418 |

# Proposal Summary

Applicant	Beveridge Williams (formerly Trehy Ingold Neate)
Owner	G & K Brown, J & J Spittles, K. Malone
Application Number	PP 90/2016
Description of Land	<i>Property Description:</i> Nos. 65, 111 & 77 Beaufort Rd Terrigal <i>Legal Description:</i> Lot 5 DP 207799, Lot 1022 and 1023 DP 1054632 Beaufort Road, Terrigal
Site Area	2.77 Ha
Existing Use	One dwelling-house on each lot
Zoning	<i>Existing Zone:</i> 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) (Deferred Matter from Gosford LEP 2014)
Minimum Lot Size	<i>Existing:</i> 7(c2) zone – 2 Ha (1 Ha under “bonus lot” provisions)
Proposed Amendments – Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan	
Zoning	R2 Low Density Residential
Minimum Lot Size	650 m <sup>2</sup>

## Development Control Plan Chapter 5.23 Beaufort Road, Terrigal

### 5.23.1 Land to which this Chapter Applies

This plan applies to Lot 5 DP 207799 (No. 65), Lots 1022 (No. 77) and 1023 (No. 111) DP 1054632, Beaufort Road Terrigal, as shown on the Plan 1 below.



**Plan 1 - Subject land**

### 5.23.2 Aim of this Chapter

The aim of this Chapter is to provide detailed guidelines for the design of development, use of land and preservation of vegetation relating to this land, in addition to that already contained within Gosford Development Control Plan 2013 (DCP).

### 5.23.3 Objectives of this Chapter

The objectives of the Chapter are to:

- a. To ensure that development of the site occurs in a manner which is sensitive to the environmental characteristics of the site and surrounding land uses including but not limited to existing vegetation, habitat and riparian corridors.
- b. To ensure that the site is developed in an orderly and rational manner.



- c. To ensure that the development of the site is integrated into the local road network and that safe access is provided to the site from Beaufort Road having regard to existing grades and sight lines.
- d. To ensure that the land is remediated to a standard that renders it suitable for residential development and occupation.
- e. To ensure development is not adversely impacted by stormwater flows.
- f. To ensure the development caters for all flooding and stormwater flows onsite.
- g. To ensure development is designed in accordance with water sensitive urban design guidelines and with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*.
- h. To ensure development is designed in accordance with *Planning for Bush Fire Protection*.
- i. To ensure development is planned in consideration of any Aboriginal heritage sites or values.

#### **5.23.4 Specific Requirements**

##### **a. Objectives**

To ensure that the three land parcels, which are in separate ownership now, are developed in an integrated manner to provide for the orderly development of the land.

##### **b. Development Controls**

- i. The provisions of Gosford Development Control Plan 2013 apply to the land, as well as the provisions of this Chapter.
- ii. Where the provisions of this Chapter conflict with those of other provisions of Gosford Development Control Plan 2013, the provisions of this Chapter shall prevail.
- iii. Subdivision of the land is to occur in a rational and orderly manner, requiring the provision of essential infrastructure.
- iv. Any subdivision application which does not encompass all three subject lots is to be supported by an indicative plan which identifies how adjoining land zoned for residential development are proposed to be accessed, including potential lot layouts, and demonstrates that the land can be serviced.

### 5.23.5 Vegetation Management

#### a. Objective

To preserve native vegetation in and around the existing drainage line and much of the vegetation within Beaufort Road, except for vehicular access.

#### b. Development Controls

- i. A Vegetation Management Plan (VMP) is to be prepared, submitted and approved by Council.
- ii. The VMP is to apply at a minimum to those lands in and around the existing drainage line area (DLA, see clause 5.23.6 b. ii.) and much of the vegetation within Beaufort Road. The VMP at a minimum must:
  - a. identify native vegetation
  - b. identify the processes for the management, suppression and destruction of environmental weeds within the area subject to the VMP, as well as specifying the maintenance schedule.
  - b. establish a programme for the ongoing restoration and maintenance of the land and vegetation subject to the VMP.
- iii. A Landscape Plan (LP) is to be submitted and approved by Council. The LP is to:
  - a. identify all Hollow Bearing Trees (HBT) currently onsite.
  - b. identify any HBTs which will not be preserved or will be required to be removed to enable future residential development of the land.
  - c. identify locations within the existing DLA where nest boxes for artificial hollows will be erected by the proponent to compensate for all HBTs identified above as being unable to be maintained within future residential development (*Note: only four HBTs were identified within the planning proposal investigation as unlikely be able to be preserved within future residential development*).
  - d. identify where additional trees will be planted to compensate for those to be removed in the road reserve through residential development and road construction.
  - e. identify a planting programme to re-establish more native vegetation in the existing drainage line area (these may also occur within the Riparian Vegetation and Drainage Area).

### 5.23.6 Riparian Vegetation and Drainage Area (RVDA)

#### a. Objective

To create a legal framework to contain and preserve vegetation and stormwater flows onsite.

#### b. Development Controls

- i The RVDA is the *Flood Planning Level (FPL)* area defined in accordance with NSW Government's *Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005*, which will occur at the time of development assessment.
- ii Council will consider dedication of the RVDA at no cost after the subdivision works addressing the Gosford DCP 2013 and development consent have been carried out, established and maintained for a specified period of time to Council's satisfaction.
- iii Consideration should be given to the provision of a footpath within the RVDA.
- iv Within the RVDA a drainage line area (DLA) must be provided with a minimum width of 8 metres and it will be located between Beaufort Road and Fairway Drive

1. The purpose of the 'drainage line area' is "*the area is to be maintained for the conveyance of surface waters and no native trees are to be removed and environmental weeds must be continually suppressed and destroyed*" in accordance with the provisions of the Vegetation Management Plan.

2. The DLA is to have no building works, roads or driveways undertaken or constructed on the land in order to preserve the vegetation and contain drainage / stormwater.

### 5.23.7 Land Contamination

#### a. Objective

To ensure the land is not contaminated from past uses, and if it is contaminated to ensure the land is remediated to allow residential uses to occur.

#### b. Development Controls

- i In accordance with the recommendations of the *Report Stage 1 Contamination Assessment by Network Geotechnics dated 9/8/18* (i.e. the Report) submitted to Council, the following is required to be addressed with any Development Application for the land for Areas identified in Section 7.0 of the Report:
  - a A detailed investigation of the proposed development site must be prepared by a suitably qualified environmental consultant. Such investigation must be undertaken in accordance with *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (1998)* and NSW Environment

Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites and Contaminated Sites – Sampling Design Guidelines (2011). A detailed investigation will be required where the extent of contamination is significant in accordance with the NSW Environment Protection Authority's Contaminated Sites – Guidelines on Significant Risk of Harm from Contaminated Land and the Duty to Report or Council considers such investigation is warranted after consideration of the preliminary report.

- b. A Remedial Action Plan (RAP) must be prepared by a suitably qualified environmental consultant and submitted to Council should the preliminary/detailed investigation reveal contamination exceeding criteria prescribed by the NSW Environment Protection Authority's Contaminated Sites – Guidelines for the NSW Site Auditor Scheme (2011).

### 5.23.8 Traffic Access to Beaufort Road and vegetation

#### a. Objective

To provide safe access in future residential development for vehicles entering and leaving the site in consideration of the grades of both Beaufort Road and the adjoining private land in order to provide safe sight lines and to minimise tree removal and through-traffic.

#### b. Development Controls

- i Only one access road onto Beaufort Road, lying approximately just east of Number 92 Beaufort Road, be provided from the future residential intensification of the site.
  - a. Additional access points onto Beaufort Road may be considered at development application stage for future residential intensification subject to further traffic and environmental assessment.
  - b. Plans are to be lodged with the development application for future residential intensification of the site outlining how a reduced half road construction design for Beaufort Road could preserve a maximum of mature trees whilst providing suitable and safe access onto Beaufort Road.
  - c. No vehicular access is to be permitted from the site onto Beaufort Road except to provide the access road (or roads if justified at the development application stage and agreed to by Council) onto Beaufort Road.
  - d. There will be no through-road between Beaufort Road and Fairway Drive.

### 5.23.9 Flooding and Drainage

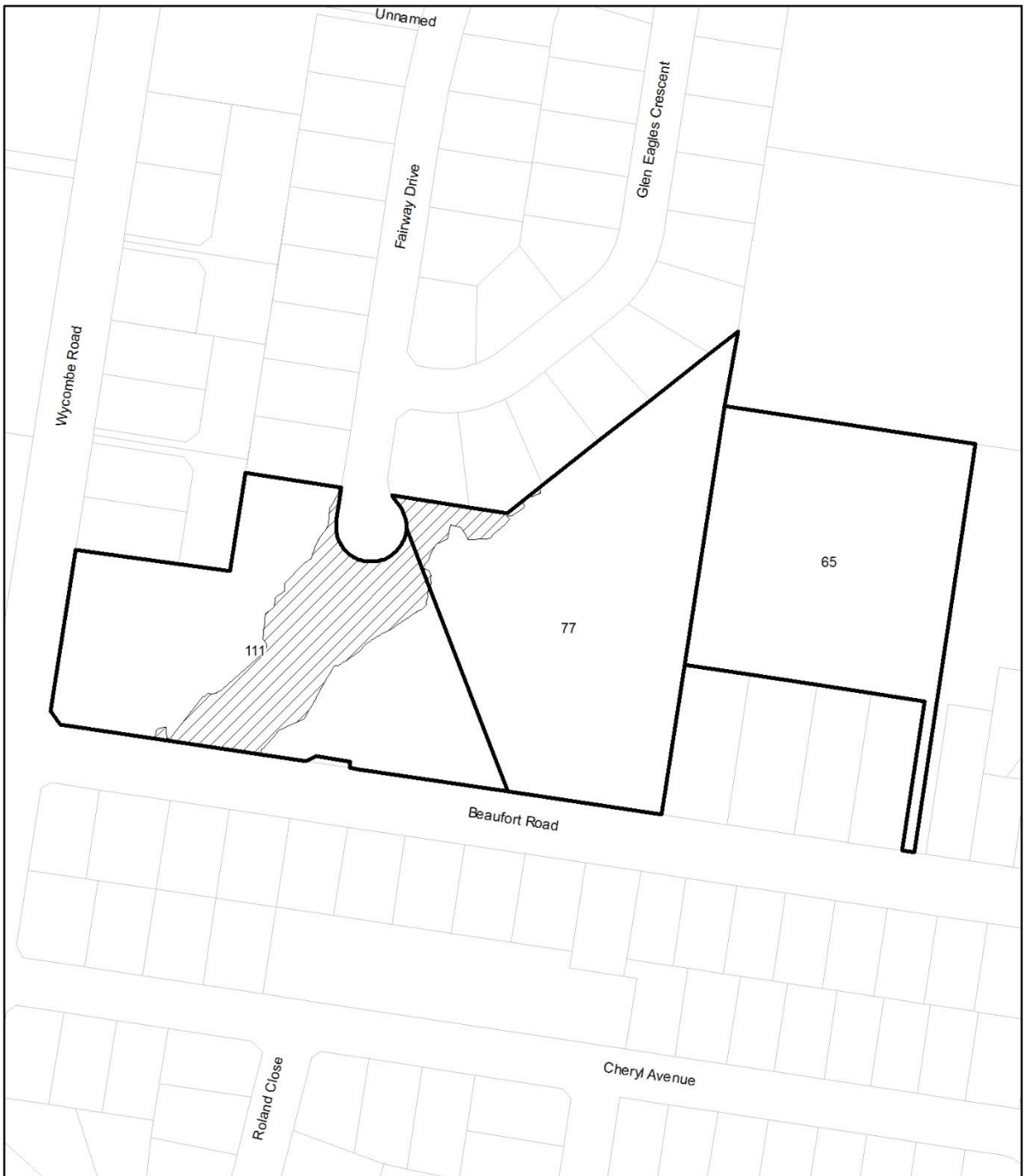
#### a. Objectives

To ensure existing and future development is not adversely impacted by flooding and stormwater flows and to cater for flooding and stormwater flows.

To ensure development is designed in accordance with water sensitive urban design guidelines and NSW Government's *Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005*.

#### b. Development Control

- i All development is to be designed using the principles outlined in the DCP Chapter relating to Water Cycle Management including flooding and drainage requirements.
- ii All new development is not to adversely impact adjoining properties or impede defined overland flow paths.
- iii All flooding and stormwater flows are to be catered for onsite with due consideration given to the proposed implementation of the VMP & LP required by this DCP as part of the development.
- iv The diagram below outlines the current Flood Planning Level (FPL) area and no development other than stormwater mitigation is to occur in this area.





**Flood Planning Level Area for Planning Proposal 90/2016  
House Nos. 65, 77 & 111 Beaufort Rd Terrigal**

**Legend**

- Flood Planning Area (1% AEP plus 500mm freeboard)
- Subject Site
- Cadastre



Date: 10/09/2019  
 Source: Central Coast Council | Geospatial Information Services  
 Projection: GDA 1994 MGA Zone 56 Transverse Mercator

**Disclaimer**  
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- v Flood modelling required to support future development proposals shall:
  - a. consider 1987 Rainfall intensities and impact of adopting the 2019 IFDs
  - b. plot Hazard as H1- H6
  - c. provide a plot of the values of  $V \times D$  (Momentum)
  - d. identify the assumed capacity of the existing drainage system capacity and justify conclusions
  - e. consider ameliorating the continuing risk during storm events
  - f. model the likelihood and impact for system blockage
  - g. discuss TUFLOW modelling
  - h. justify the capacity of the system as modelled
  - i. provide details of the OSD performance showing flows into and out of the OSD and the peak volume for each event modelled
  - j. identify the potential vegetative loss and the impact on the hydrologic response of the catchment
  - k. identify the parameters used in the model
  - l. identify and describe inlet capacities
  - m. detail overland flood modelling including ground slope, water surface slope, flow regime and identify the Froude Number

### 5.23.10 Bushfire Planning

#### a. Objective

To ensure development is designed in accordance with *Planning for Bush Fire Protection*.

#### b. Development Controls

All bushfire *Asset Protection Zones* are to be located outside of the *Riparian Vegetation and Drainage Area (RVDA)*.

**5.23.11 Aboriginal heritage**

**a. Objective**

To ensure development is planned in consideration of any Aboriginal heritage sites or values.

**b. Development Controls**

An Aboriginal cultural heritage assessment is to be carried to ascertain whether any Aboriginal heritage values or sites are located on the site.





**Item No:** 3.5  
**Title:** Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation

**Department:** Environment and Planning

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2017/01578 - D13705203

Author: Rebecca Cardy, Heritage Officer  
Scott Duncan, Section Manager, Land Use and Policy

Manager: Karen Tucker, Acting Unit Manager, Strategic Planning Unit

Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is for Council to consider submissions received during the public exhibition period for the Gosford Central Business District Heritage Interpretation Strategy (Gosford CBD Heritage Interpretation Strategy). It also recommends that Council consider the implementation actions of the Strategy for inclusion in Council's ongoing works program and when applying for external grants.

The report recommends that the Council adopt the Gosford CBD Heritage Interpretation Strategy.

### **Recommendation**

- 1 That Council adopt the amended draft Gosford Central Business District Heritage Interpretation Strategy (Attachment 1) including the following amendments in response to the Public Exhibition as follows:**
  - **More detailed information on the role of the Strategy and its implementation.**
  - **The inclusion of additional interpretation projects such as the Aboriginal Astronomy Light Installation.**
  - **Corrections to errors identified in the histories and stories.**
  - **Inclusion of additional information on local Aboriginal culture and traditions.**
  - **Increased interpretation within the south Mann Street area of Gosford.**
  - **Updated recognition of additional consultation and engagement.**
- 2 That Council request the Chief Executive Officer to incorporate the projects identified in the Implementation Phases and Costings section of the Strategy into future Delivery Programs and Operational Plans.**
- 3 That Council request the Chief Executive Officer to explore additional external funding sources such as community and State Agency grants.**

### 3.5 Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation (contd)

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**4 That Council encourage and assist local businesses and community groups to seek funding to implement some of the identified interpretation projects.**

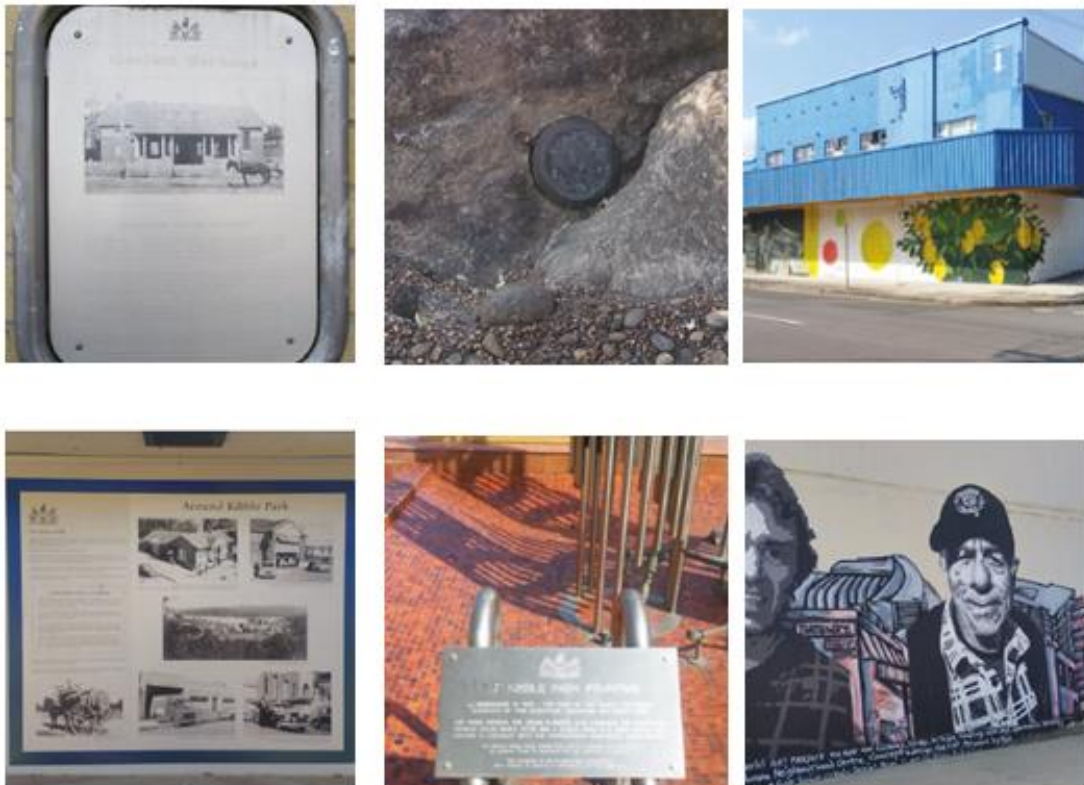
**5 That Council advise all those that made a submission of Council's decision.**

#### Context

The current status of heritage interpretation in the Gosford Central Business District (Gosford CBD) is generally in poor condition, is difficult to read, and no longer engages the community. Individual examples of interpretation and public art may be effective to varying degrees, however there is no strategic approach that is suitable for a regional centre undergoing revitalization.

The need to replace the heritage signage in the centre of Gosford has been a major reason for initiating the Strategy. Examples of existing heritage interpretation include:

- Heritage plaques
- Embedded sculptures i.e. Kibble Park
- Large scale murals
- Kibble Park information Kiosk
- Fountains



**Figure 1: Examples of Existing Heritage Interpretation**

### **3.5 Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation (contd)**

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The model and framework used in the Strategy have been developed by Sue Hodges, Managing Director of SHP, and are based on recent developments in the heritage field, where interpretation has been used to drive economic change in local, regional and urban communities, to create jobs, and to create a sense of place and belonging. This is because heritage interpretation communicates the values of sites, not only their built fabric, but also the attachment of local residents to their home.

The Strategy outcomes reflect the desire of the community to reposition the Gosford CBD as a destination attraction in line with other tourism and planning recommendations, including the Central Coast Destination Plan, the Central Coast Regional Plan and the Community Strategy Plan.

A copy of the amended Strategy is located at Attachment.

#### **Overview of Strategy**

The intention of the Strategy is to use heritage interpretation to change the perception of the Gosford CBD for residents and visitors. To do this, the Strategy positions Gosford at the forefront of innovative, creative and contemporary heritage interpretation and uses this to drive tourism, capacity building, and place-based planning initiatives. It also puts forward a series of innovative, inclusive and interactive ways of engaging Gosford residents with the city's past. This involves environmental graphics and multisensory interpretative media in the urban and public realms, with formats including "pop-ups", digital media, tactile installations and heritage inspired public art.

Place-based heritage interpretation is used to connect people more closely to their homes and to improve their health and wellbeing. The strategy uses the significance of heritage sites, Aboriginal, natural and historic, the tangible and intangible, to build attachment to place, to assist in social cohesion and to provide a point of difference for tourism businesses and opportunities.

Qualities of successful place-based interpretation include:

- Economic opportunities and meaningful activities for residents
- Improvements in public health
- Good connections to services and transport
- Improved social interactions and cohesion.
- Meaningful activities
- Equity and inclusion
- Improvements in safety, comfort and design
- Enhanced safety and security

#### **Interpretation Themes**

A theme provides the overarching framework for the main message being conveyed including stories, quotes and images. Each form of interpretation may cover a specific story, place or person.

### **3.5 Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation (contd)**

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However, falling under the umbrella of a theme ensures that a broader understanding and sense of place begins to be developed for both visitors and the community. The three themes identified include:

#### 1. Aboriginal Lifeways

This theme explores the rich traditions and culture of local Aboriginal people and communities. It includes stories of the Gosford region, from the Dreamtime, to first contact and to the present day. Whilst some stories have been identified in the Strategy, these are presented as examples only. Each individual project will be researched in more detail and will involve targeted consultation to further refine the project outcomes, experiences and stories.

Stories to be shared, if appropriate, will be determined by the local Aboriginal community, including what stories are shared and what form the interpretation would take. Darkinjung Local Aboriginal Land Council and Guringai Tribal Link were contacted as part of the targeted stakeholder consultation and the public exhibition period.

#### 2. The Industrial Spirit

This theme celebrates Gosford's historic industries and their vital role in the city's development and expansion. This includes activities such as timber getting, shipbuilding, fruit growing, sandstone quarrying etc.

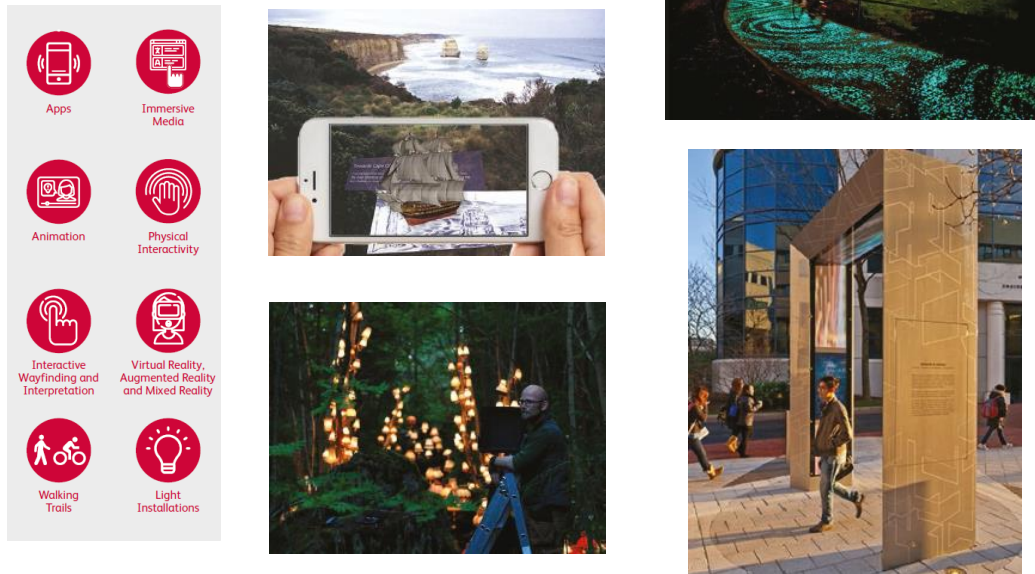
#### 3. Nature's Playground

This theme explores the many natural environments in and around Gosford and the people that have enjoyed them and celebrated them. For example, these lands include COSS lands and the Brisbane Water National Park.

### **Best Practice for Gosford**

Best Practice analysis aligns the heritage interpretation proposed for Gosford with historic content and mixed media. Powerful stories and experiences are essential to attract, entertain and seed future and repeat visitation. Media explored and proposed for Gosford include:

- Apps
- Immersive Media
- Animation
- Physical Interactivity
- Interactive Wayfinding and Interpretation
- Virtual Reality, Augmented Reality, and Mixed reality
- Walking Trails
- Light Installations



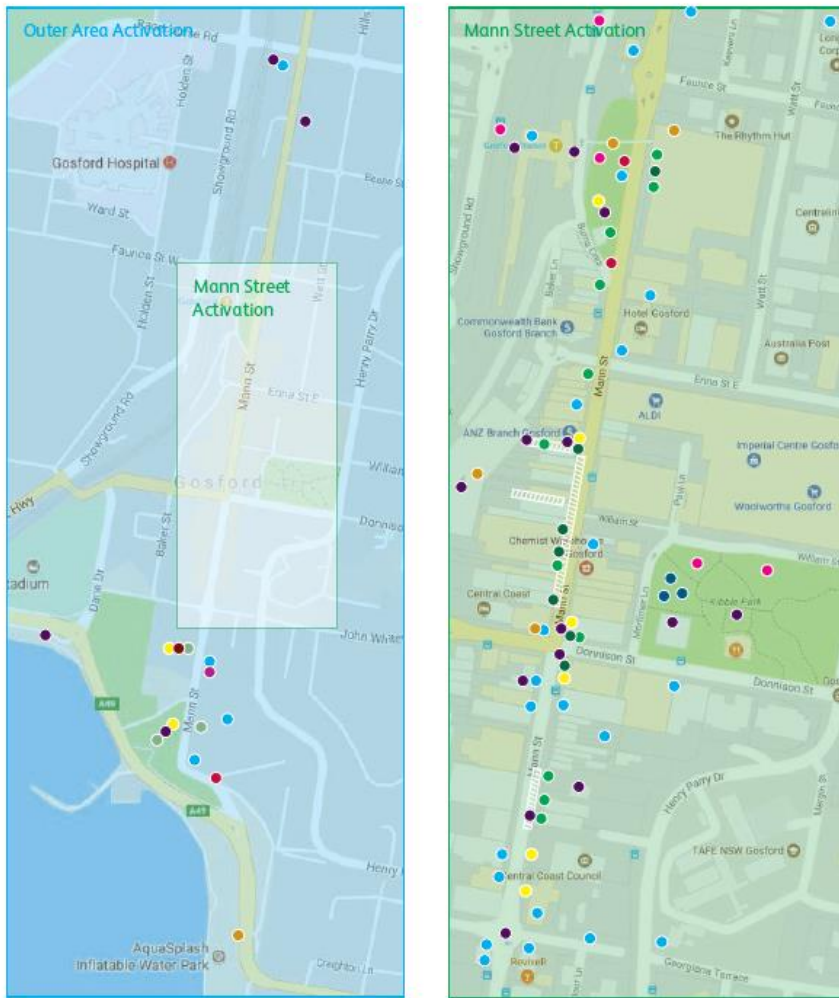
**Figure 2: Examples of Interpretation types**

### Proposed Key Built Activations

Gosford's existing series of heritage signs and interpretative features shows that the city has many significant heritage sites. Interactive interpretation via a range of theoretical and playful media will actively engage residents and tourists in the "living history" of the city.

The Strategy suggests introducing built form, such as signs, pavement installations and heritage themed artworks, along the footpaths and in access points between Mann Street and its central side streets. This will create a continuous visitor experience through the city.

A total of 92 potential activation locations throughout the Gosford CBD have been identified in the Strategy (see Figure 3).



Key

**BUILT ACTIVATIONS**

<span style="color: blue;">●</span> B1 - Interpretive sign - Heritage building	27
<span style="color: darkblue;">●</span> B2 - Interpretive sign - Interactive	3
<span style="color: magenta;">●</span> B3 - Interpretive sign - Bespoke	5
<span style="color: yellow;">●</span> B4 - Interpretive sign on existing furniture	8
<span style="color: orange;">●</span> B5 - Interpretive mural	5
<span style="color: green;">●</span> B6 - Interpretive shopfront displays (animatronic and static displays)	11
<span style="color: darkgreen;">●</span> B7 - Painted shop awning	7
<span style="color: red;">●</span> B8 - "Viewing portal" sign post	3
<span style="color: grey;">●</span> B9 - Interpretive sign - Traditional	3
<span style="color: brown;">●</span> B10 - Interpretive embedded (sandblasted into ground surface)	1
<span style="color: purple;">●</span> B11 - Interpretive sign - customised	1

**NON-BUILT ACTIVATIONS**

<span style="color: purple;">●</span> A1 Lighting installation (video or static)	18
<b>TOTAL 92</b>	

Figure 3: Proposed Built Activation Points

### 3.5 Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation (contd)

The strategy recommends a series of interpretation projects. These are concepts and ideas that need to be further developed, including community consultation and workshoping.



Figure 4: Some of the Proposed Activations and Interpretations

#### Major Projects

There are many projects and recommendations in the Strategy aimed at activating the Gosford CBD. The first challenge however is to capture the community’s imagination and interest so that they will want to participate and initiate future projects. To kick start the Strategy a total of ten major projects have been identified with an estimated total value of approximately \$817,000. These initial major projects will create inspiring, relevant and dynamic interpretation that gives residents and visitors specific stories about Gosford, while still outlining the broader context of the city’s history.

Funding for individual projects will be allocated through future Council capital works budgets and potential State and Federal grant funding. Projects will be staged and are not intended to be implemented concurrently. The cost estimates below are indicative only and may change as the projects are refined and a more detailed scope of work defined.

The ten major projects include:

#### 1. Interpretative signage on heritage buildings

These interpretative signs will be installed onto the facades of selected historic buildings and will replace the existing heritage signage throughout the city. This signage is designed to encourage physical interaction.

### **3.5 Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation (contd)**

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They will comprise an immobile rear element and a swinging front panel. The front panel will have an engaging statement or question on it to encourage users to swing it the side to reveal the answer inside. Each sign will be visible yet unobtrusive so to not detract from the building's aesthetics and historic values.

Estimated cost: \$120,000

#### **2. Interpretative signs – Interactive**

These signs are designed to be installed as a small cluster in Kibble Park. They are interactive panels with the front element having an engaging statement or question that invites users to physically pull it to reveal the information inside. These panels, which are interchangeable, will provide information about interesting and important people associated with Gosford, past and present.

Estimated Cost: \$25,000

#### **3. Interpretative Murals**

Much of the vertical space within central Gosford – building awnings and parapets, disused shopfronts and empty walls – is in a noticeable and distracting state of disrepair.

A mural is any piece of artwork painted or applied directly to a wall, ceiling or any permanent surface. Murals can feature in numerous locations throughout Gosford to add colour and character to either specific or community places. Each mural can be customised, in both themes and design to suit a specific place.

Estimated cost: \$52,500

#### **4. Interpretative shopfront displays**

This interpretation is designed to activate the spaces occupied by shopfronts throughout Mann Street. The proposal is for artists and designers work with retail traders and owners to create a series of shopfront window vignette installations, each with a unique theatrical function. The vignettes will employ a range of media, including animatronics and puppetry, lighting effects and set design.

Estimated cost: \$231,000

#### **5. Painted Shop Awnings**

Many of the shop awnings along Gosford's Mann Street are untidy, ugly and in a state of disrepair.

The proposal is that artists and designers can work with retailers, building owners and Council to create a series of painted murals on large expanses of shop awnings in key pedestrian zones. These murals will express Gosford's unique commercial and social identity in an eye-catching and colourful way.



### **3.5 Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation (contd)**

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Estimated cost: \$73,500

#### **6. Viewing Portal sign posts**

This form of interpretation consists of a viewing portal embedded in a post or similar structure. Viewers are enticed to look through the portal to a specific area of Gosford. Each portal will have a transparent surface with an outline or silhouette of what this place would have looked like in the past. The intent is to evoke the history and heritage of Gosford through a contrast between past and present.

Estimated cost: \$30,000

#### **7. Heritage Mobile Website**

A responsive mobile website to be used on traditional desktops, laptops, tablets smart phones etc. The website will include the Storytelling Toolkit, interviews and oral histories, walking tours, local histories, public art etc.

Estimated cost: \$85,000

#### **8. Bespoke Interpretation eg. For fountains and listening posts**

There are two forms of bespoke interpretation in the Strategy. The first is a reinterpretation of the fountains with the city. For example, the Rotary War Memorial Fountain in Burns Park and the Kibble Park Fountain (creek). These dry water features will be significantly enhanced, and become tourist attractions, if they were integrated with public art and told stories about water, the environment, the Traditional Owners, and natural water sources in the area.

Estimated cost: \$200,000

#### **9. Lighting Installations**

A series of light shows that will highlight the beauty of the Gosford CBD and encourage overnight stays. These can be used to not only highlight architectural features, such as parapets, but also to project interpretative stories onto large building facades. Theatrical sound and light shows will also be an effective way of making Gosford a destination attraction.

One of the main light installations proposed is focus on the stories of Aboriginal astronomy and the "Emu in the Sky". There is a link between rock art features and astronomical symbols that appear in the night sky such as stars, the nebulae, clouds and constellations. These stories can be further explored and represented in a light art installation.

Estimated cost: Will vary depending on location and complexity

#### **10. Festivals and Events**

Community celebrations in the form of festivals and events serve to provide a sense of community, shared experience and group cohesiveness.

### **3.5 Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation (contd)**

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No cost estimate because the potential scale and type of event requires further consultation and development to be able to make initial estimates.

#### **Consultation**

The outcomes of the strategy followed extensive consultation with the community, internal Council stakeholders, and specific service providers and businesses with the Central Business District. The outcomes reflect practical needs such as job creation, the engagement of disenfranchised and marginalised residents, as well as a renewed sense of place and identity.

Targeted consultation was conducted as part of the project:

#### **Internal Stakeholders**

- Manager Strategic Planning
- Council Urban Planning Section
- Heritage officer
- Local History librarian
- Section Manager Parks and Reserves
- Team Leader Parks Maintenance
- Asset and Project Coordinator
- Manager Community Partnerships
- Section Manager Events
- Section Manager Community Planning and Services
- Team Leader Community and Cultural Programs
- Team Leader Events
- Team Leader Youth Services
- Team Leader Senior Centres
- Team Leader Enterprise and Activation
- Team Leader Community Planning and Funding
- Cultural Development Officer
- Cultural Planner
- Place Making Officer
- Manager Community Engagement
- Section Manager Marketing and Tourism
- Team Leader Engagement
- Manager Roads Business Development and Technical Services
- Manager Open Space Projects and Planning
- Program Coordinator Open Space Projects and Planning
- Transport Engineer

There was extensive consultation with the Community Partnerships Unit of Council as they are potentially the most affected by the proposed outcomes and projects in the Strategy.

### **3.5 Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation (contd)**

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The Manager of Community Partnerships provided final sign off on the Strategy and the recommendations in this Council report.

#### **External Stakeholders**

- Central Coast Council Gosford CBD and Waterfront Committee
- Central Coast Council Heritage Advisory Committee
- Gosford Business Improvement District (GBID)
- Headspace, Gosford
- Manager Imperial Centre, Gosford
- FIXX Events
- Regional Youth Support Service (RYSS)
- NSW Transport
- NSW Department of Planning, Industry and Environment
- Gosford RSL
- Gosford Regional Community Services
- Gosford City Rotary
- Darkinjung Local Aboriginal Land Council
- Guringai Aboriginal Tribal Link
- Coast Shelter
- CBD Law
- Central Coast Mariners
- Local Historians

#### **Public Exhibition**

The Strategy was placed on public exhibition following approval from Council. The exhibition period was for a 28 day period between 2 and 30 May 2019. The exhibition included:

- Dedicated Your Voice Our Coast page with concept design displayed
- Submission form
- Two pop up drop in sessions in the Gosford CBD. These were held in the Imperial Shopping Centre and in Kibble Park
- Consultation with Central Coast Council Heritage Advisory Committee

Council asked participants to place dots on visual displays designed to gather feedback. Information was also provided on identified heritage items, storytelling in Gosford, and artistic impressions of potential interpretation projects.

Over the course of the exhibition period over 120 people participated face to face in the drop-in sessions, 214 dots were placed on the visual idea's boards, and 38 online submissions were received.

### 3.5

## Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation (contd)

Theme	Occurrence
Streetscape improvements	11
Support for Colour Scheme and major interpretation projects	11
General Support for the Strategy	7
More murals in the public domain	7
Public Art – encourage art in the public realms	5
Encourage the use of Historic images and signage throughout the public domain	5
Continue to identify, and protect heritage buildings within the City	5
Encourage the sharing of stories	5
Increase tourism	5
Footpaths, Traffic and Parking issues	5
More interpretation in South Mann Street and the Waterfront	5
Encourage more youth involvement in the city	4
Encourage the use of technology in heritage interpretation	3
Reuse and repair of Water fountains	3
Make signage interactive	3
Desire to see more life in the CBD	3
Concern over the construction of high rise buildings in the CBD	2
Supporting heritage trail	2
Training for heritage programs and storytelling ambassadors	2
More on memorial, memorial park and contributions to military service	2
Encourage stories about the agriculture in the area	1
Loss of former Gosford City Council Logo	1
The need for a performing arts centre	1
No stakeholder engagement prior to strategy – is the strategy needed	1
Protecting heritage with Floor Space scheme	1
Importance of accuracy in history	1

Note: These numbers do not represent the number of individual submissions, as many of the submissions included a range of different themes.

The full summary of submissions and Council’s response to these submissions, is provided as Attachment 2 to this report. The most common themes raised by submissions and comments received during the drop-in sessions are also discussed below:

#### *Issue 1 – Streetscape improvements*

**Comment:** Streetscape improvements are included in the strategy in the form of public art, signage and interpretative street furniture. The intention of the Strategy is to engage business owners, tourists and the community in a more active street life and appreciation for the city street. Over time this will support and encourage other improvements, including for private owners of buildings and business within the city centre.

### 3.5 Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation (contd)

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#### *Issue 2 – Support for Colour Scheme and major interpretation projects*

**Comment:** Overall there was generally support for the major projects and colour scheme proposed within the strategy. These will be refined as individual projects are further detailed and costed.

#### *Issue 3 – General Support for the Strategy*

**Comment:** The overwhelming response was support for the strategy, the revitalisation of the Gosford CBD, and for more heritage interpretation, tourism initiatives and public art.

#### *Issue 4 – More murals in the public domain*

**Comment:** Many of the vertical spaces in central Gosford - building awnings and parapets, disused shopfronts and empty walls- are in a state of disrepair. The Strategy proposes five locations throughout the CBD that could feature murals. Each mural is to be customised, in both theme and design, to suit a specific space and story. The overall result will be a revitalised visual interpretation of the Gosford CBD streetscape and its history.

#### *Issue 5 – Public Art – encourage art in the public realm*

**Comment:** The strategy proposes a lot of public art within the public realm. This is in the form of (but not limited to) murals, light displays, theatre, awning art, shop front displays.

#### *Issue 6 – Encourage the use of Historic images and signage throughout the public domain*

**Comment:** The Strategy compliments the use of public art with a mixture of interpretative signage and display of historic photos, maps and images to convey the history and heritage of Gosford. This approach includes some traditional forms of heritage interpretation such as signage with more contemporary and emotive installations such as art works, oral history, light displays and storytelling.

#### *Issue 7 – Continue to identify and protect heritage buildings within the City*

**Comment:** The retention and protection of our local heritage remains the most important heritage action. Heritage interpretation relies on identifying and conserving our existing heritage assets, and this is a major contributor to understanding our history and development. The role of heritage interpretation is to enhance this significance and result in more understanding and appreciation of our heritage for a broader community sector

#### *Issue 8 – Encourage the sharing of stories*

**Comment:** Story telling is at the centre of place-based interpretation. Storytelling helps improve the community's connection to place as well as provides the basis for authentic cultural tourism projects. Story telling is incorporated into most aspects of the interpretation strategy including guided tours, apps and websites, films, light installations and especially Aboriginal Cultural heritage stories.

### 3.5 Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation (contd)

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#### *Issue 9 – Increase Tourism*

**Comment:** The Strategy proposes that interpretation will assist in making the Gosford CBD a destination attraction. Creating a new set of interpretative products, experiences and programs will also give Gosford a unique identity. Sample experiences include the painted awnings, large-scale public art, shopfront activation and community driven heritage programs will refresh and revitalise the town.

#### *Issue 10 – Footpaths, Traffic and Parking issues*

**Comment:** Some of the responses were concerned with the accessibility of the city including access to footpaths and parking. These are important to the function and liveability of the city but the issues are outside the scope of the Strategy.

#### *Issue 11 – More interpretation in South Mann Street and the Waterfront*

**Comment:** Originally the scope of the Strategy was focussed on the City Core in the vicinity of Mann Street and the Railway Station.

Following the consultation, the area addressed was extended to include more of south Mann Street such as Memorial and Poppy Parks, the Wharf Site, the Old Post Office and the Anglican Church. This is a very significant part of the history of the development of Gosford and provides a valued contribution to the Strategy.

#### **Amendments in Response to Submissions**

Some amendments have been made to the Strategy in response to the public exhibition and the submissions received. The amendments that have been made to the Strategy include:

- More detailed information on the role of the Strategy and its implementation.
- The inclusion of some suggested additional interpretation projects as appropriate.
- Corrections to any errors identified in the histories and stories.
- Extensive additions to the sections on the local Aboriginal culture and traditions. This is in response to the collaboration with Aboriginal groups.
- More interpretation within the south Mann Street area of Gosford.
- Inclusion of a Heritage Interpretation orientation point within the Central Business District.

#### **Financial Impact**

The Strategy has been funded by a \$100,000 *Heritage Near Me* grant from NSW Premier and Cabinet (Heritage). These funds have been expended on consultant and consultation fees.

Funding for identified projects will be sourced from internal Operational funding as appropriate and potential future State and Federal grants over a ten-year period.

### **3.5 Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation (contd)**

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A total of ten projects have been identified to initiate the Strategy with an estimated total value of \$817,000.

#### **Link to Community Strategic Plan**

Theme 1: Belonging

#### **Goal A: Our community spirit is our strength**

B-A1: Work within our communities to connect people, build capacity and create local solutions and initiatives.

#### **Goal B: Creativity connection and local identity**

B-B1: Support reconciliation through the celebration of Aboriginal and Torres Strait Islander cultures.

Theme 2: Smart

#### **Goal C: A growing and competitive region**

S-C2: Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for business, local residents, visitors and tourists.

Theme 3: Green

#### **Goal F: Cherished and protected natural beauty**

G-F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.

Theme 4: Responsible

#### **Goal I: Balanced and sustainable development**

R-I1: Preserve local character and protect our heritage and rural areas including concentration of development along transport corridors and around town centres and east of the M1.

Theme 5: Liveable

#### **Goal L: Healthy lifestyle for a growing community**

L-L1: Promote healthy living and ensure sport, leisure, recreation and aquatic facilities and open spaces are well maintained and activated.

### **Environmental Considerations**

The Strategy will not result in any environmental impacts. In addition, each project will be reviewed as part of its development and design to ensure no adverse environmental impacts.

### **Risk Management**

The implementation of the Interpretation Strategy will consider and mitigate any corporate risks through ensuring:

- Appropriate consultation is undertaken with relevant public authorities and major stakeholders.
- Ongoing community consultation.
- All legislative procedures followed.

### **Critical Dates or Timeframes**

Following adoption of the Interpretation Strategy, implementation will occur over a 10-year timeframe.

### **Conclusion**

That Council receive and note the outcomes of the public exhibition and adopt draft Gosford Central Business District Heritage Interpretation Strategy (Attachment 1- Enclosure).

### **Attachments**

<b>1</b>	Central Coast Council Gosford CBD Heritage Interpretation Strategy	Provided Under Separate Cover	D13705963
<b>2</b>	Public Exhibition Submissions Summary Table		D13704734



**Attachment 2**

**Public Exhibition Submissions Summary Table**

Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
Mangrove Mountain	NSW	2250	Support	<p>Include Aboriginal history</p> <p>More initiatives for job creation</p>	<p>Consultation with the Aboriginal community has been a focal point of the Strategy development and in particular the projects contained within it. This also includes the section on the Aboriginal history of the Gosford area. The strategy identifies Aboriginal History and stories as one of the three main themes of the interpretation.</p>
Erina	NSW	2250	Support	<p>About time we woke Gosford up. Bringing people together. And not just Gosford but for all the outlining suburbs.</p>	Noted
Wyoming	NSW	2250	Support	<p>Adaptive reuse of kibble water fountain. Eg. clean up. Garden beds.</p> <p>Art on the street incorporating local art works.</p> <p>Mural at railway station to compliment wall of faces. Burns park near Lewers Fountain</p>	Noted
Gosford	NSW	2250	Support	<p>I support the strategy. Specially if it encourages youth involvement. I like interactive signage and the storytelling. Heritage list places that need protection.</p>	<p>Noted. The strategy does not include the processes of identifying and heritage listing of potential places. This is a separate project that is currently in process for the Comprehensive Local Environmental Plan.</p>
Saratoga	NSW	2250	Support	<p>A shame Gosford City Council logo was removed. A young local girl won a competition for her entry to become the logo.</p> <p>Re Davistown: the old 'Wedding Tree' no longer has it's sign and brides would be married there.</p> <p>Re Veteran Hall: no longer has a street sign of that name. Was in honour, I believe, of</p>	<p>This information does not directly relate to the Interpretation Strategy but has been noted for either potential heritage listing or for interpretation outside of the Gosford CBD</p>

**Attachment 2**

**Public Exhibition Submissions Summary Table**

Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
				WW1 returned servicemen. Thank you	
Bateau Bay	NSW	2261	Support	<p>Need for Local people to be involved in the picture story is important. Would be great to have some story or picture included from the lighthouse. Kulnura for example had the greatest % of volunteer enlistment of WW1 and many from this area.</p> <p>Also like Wyong some imagery of the place you walk, what it was like 100 years ago.</p> <p>Also like the Erina Fair eatery example of time somehow incorporate visually...</p> <p>Walking statues from the past... walking along pathways with is but frozen in time... The area famous in some respect for farming, oranges. I went to one city in Turkey that was famous for same so they incorporated orange trees into the street scape... it harvested for the needy, homeless. Fabulous idea...</p> <p>Electronically reference points at locations to refer to further information... historical imagery incorporated creatively into sculpture, park furnishings, seating; bins...</p>	<p>The Strategy has incorporated projects that do have youth involvement in mind such as the public art projects, film making or some of the digital content for interpretation.</p> <p>The interpretation strategy includes different media for including images of the past whether it be in artwork, signage or in digital form such as for the walk and app.</p> <p>The use of citrus trees within the streetscapes requires more investigation from an urban design and maintenance perspective.</p>
Springfield	NSW	2250	Support	<p>Spend some money on Gosford waterfront to make people want to stop and not drive on</p>	<p>The main focus of the strategy was on the Central Business District however several projects where identified on the waterfront to align with the heritage items in this area. These projects include lighting installations, murals and viewing portals.</p>
Macmasters Beach	NSW	2251	Support	<p>Remake the native plants and insect's booklet that Gosford council made about 6 years ago, also used in schools and by parents</p>	<p>Noted</p>

**Attachment 2**

**Public Exhibition Submissions Summary Table**

Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
Narara	NSW	2250	Support	Don't like the high rise, need to bring people back here. Don't like people hanging out in the park with drugs, lower the rates. Impacts of high rise on the roads and rail, parking. More trees and like the idea street amenity and bringing life back to the street. Keep heritage buildings and protect.	Noted
Gosford	NSW	2250	Support	I support the strategy. Heritage is disappearing so quickly and should be retained before it disappears under ugly buildings.	Noted
Gosford	NSW	2250	Support	I support the strategy	Noted
Gosford	NSW	2250	Support	I support the strategy to the point where something needs to be done and if you don't try something how do you know?	Noted
Niagara Park	NSW	2250	Support	I support the strategy. When people come to visit they'll see the history as well as the new things.	Noted
East Gosford	NSW	2250	Support	There should be a Strategy. The CBD should have a village look and a performing arts centre for excellence.	Noted
Tuggerawong	NSW	2259	Support	I think the heritage of Gosford is important and believe a visual promotion of the story is to be commended. I think any way we can also tie technology into this should also be promoted, especially in engaging youth. This is vital to the life of any heritage project and its future (which needs to be considered as much as the initial implementation). May as a practical suggestion have QR codes or GPS activations for further information at certain locations.	Noted
Gosford	NSW	2250	Support	Look at Newcastle as a case study. We like the shop fronts, awnings, posters and mural.	Noted

**Attachment 2**

**Public Exhibition Submissions Summary Table**

Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
Ourimbah	NSW	2258	Support	More recognition to Gosford train station - Art Deco them a positive On the right track Like interactive signage	Noted
Wyoming	NSW	2250	Support	Fountain in kibble park reused	Noted
Wyoming	NSW	2250	Object	No stakeholder engagement before strategy. No one asked if existing stakeholders wanted strategy or for council to concentrate on more important issues	There was targeted stakeholder consultation as part of the initial draft of the strategy. This engaged with a wide section of community groups, service providers and businesses. More community engagement would be part of project development. The revitalisation of the Gosford CBD is Objective C3 of the Community Strategic Plan and as such as been identified as important to the community.
Gosford	NSW	2250	Support	Having only moved here about 18 months ago I was surprised at how much Gosford had deteriorated. I would like to see more 'life' in the area. I struggle to find out what is happening- for instance the vegan fair in the park - I stumbled across it by accident going to the library. The suburb is hugely expanding with all the new blocks of units being built but the shopping in Gosford is terrible - 1 supermarket and no butcher! The area needs to be made attractive to businesses. This will also assist with employment. Though the Council itself could address this issue by recognising experience is just as good as a degree when advertising jobs themselves! Not just making the area look more attractive but also things like footpaths - there are many areas where there are no paved footpaths and some areas where the	Noted

**Attachment 2**

**Public Exhibition Submissions Summary Table**

Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
				is no area to walk other than the road. Transport to the art gallery is non-existent- if you have any sort of disability, injury or just age you can't get there without a car!	
Ettalong	NSW	2257	Support	I love the idea of the interpretive shop and the murals As a business owner (I own property in Burns Crescent) passionate about arts and bringing Gosford to a be contemporary city that pays tribute to its past while looking forwards its future and making Gosford shine and achieve the potential	Noted
Niagara Park	NSW	2250	Support	I think it would be valuable to investigate the City of Sydney approach to protecting heritage with the heritage floor space scheme.  Allowing owners of heritage buildings to sell the allowable floor space that could be developed onsite (above) to developers to use on other CBD lots (as a bonus) and using the funds to preserve & maintain the heritage item would be a win for all.  It would also be valuable to extend the life of existing studies so they are not being review every 5 years. A very costly process across the board, not just in the heritage space.	This incentive idea is not directly relevant to the interpretation strategy. It is however recorded as a consideration for the Heritage Strategy and Action Plan.
Wamberal	NSW	2260	Support	There are some good ideas to promote engagement with heritage in Gosford. With regard to the stories, I cannot stress enough the importance of ensuring accuracy in content. In the Strategy report there are numerous typographical errors, wildly incorrect dates and many factual errors. Also, there are more than enough solid,	The history section of the strategy has been prepared by qualified Historians based on the available information. Appropriate Council staff have been consulted on the history and their comments incorporated into the text. Some of the stories in the strategy come from conflicting histories such as those

Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
				<p>factual and interesting "real" Gosford stories without appropriating stories that belong to Woy Woy (Spike Milligan) and other areas. Any inaccuracy, or "phoniness" will perpetuate falsehoods and devalue the true heritage of Gosford. I have never heard of James Webb's supposed boast about shooting an aborigine. It may have happened, but great care should be taken to verify all information used in these projects. Gather information from primary and reliable sources (Elkin was not one of these) but projects cannot rely on supposition and here say.</p>	<p>around James Webb and his relationship with the local Aboriginal community. In these cases the strategy states both versions of the historical record without judgement or value. The strategy aims to be inclusive of all communities. In this way the strategy looks at the written historical record but also is inclusive of other sources such as oral histories where appropriate.</p> <p>It is difficult to contain a history of a place within the CBD boundary, especially when this relates to a regional capital. However the Spike Milligan Stories have been removed as a response to this submission.</p> <p>All histories and stories may/will change as more people become involved and more stories are collated. For this reason the individual projects will be detailed and more finely outlined as part of their implementation, in consultation with the community.</p>
Somersby	NSW	2250	Support	<p>As owners of the heritage listed property at 2 Yrk St Point Frederick, we would like to consider options for inclusion in the heritage trail in some way. Netaville is in a central location to the main corridor between Gosford waterfront to East Gosford where many pedestrians walk. Many original aspects have remained in the home as in enamel stove, ceramic doorware and restored ornate ceilings and cornice. Portraits and information of the Coulter family from 1870s are readily available and a connection with many grave sites at the</p>	Noted

**Attachment 2**

**Public Exhibition Submissions Summary Table**

Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
				historic Point Frederick cemetery. We also have much of the original furniture from the house in storage as it is currently rented to a tenant. We believe this property could be a significant, positive addition in the heritage trail for Gosford. We hope to have further discussions about how Netaville could be included to become a respected piece of local heritage.	
Niagra Park	NSW	2250	Support	I support interpretive shop front and awning displays, as well as getting school children interested in heritage.	Noted
Wamberal	NSW	2260	Support	Cleaning up the town, the old building are disgusting. Shop fronts are good Interpretation signs on heritage buildings	Noted
Kariong	NSW	2250	Support	Cafes and restaurants opened afternoons, evenings and weekends Playgrounds with play equipment You should have forum or a meeting with community members to brainstorm	More detailed community engagement will be done as part of the implementation of the strategy, especially with regard to individual projects. There is always scope to incorporate more projects into the strategy over time if appropriate.
Terrigal	NSW	2260	Support	Like the painted awnings the playing cards do different suburbs for the cards	Noted
East Gosford	NSW	2250	Support	Fix up the streets in east Gosford, Lushington Street in particular. Want a sidewalk. Bad vision for residents reversing out of driveways.	Noted
East Gosford	NSW	2250	Support	I like murals, shop fronts, painted awnings, training for heritage programs for seniors and NDIS and storytelling ambassadors	Noted
Wyoming	NSW	2250	Support	I concerned about parking and safety in Gosford and around the train station.	Noted

**Attachment 2**

**Public Exhibition Submissions Summary Table**

Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
				I support shop front displays, more lighting and once a year big festival (like Tamworth).	
Gosford	NSW	2250	Support	I strongly support interpretive playing cards! I support all the concepts presented. If you do it, I'll be surprised. I like the colour scheme.	Noted
Kariong	NSW	2250	Support	Mount Penang Boys Home, I'd like to see more information there. I'd like to see more on Gosford website. I'm more interested in collecting contemporary stories, for the sample the development of Kariong. To create an accessible database for residents. Darkinjung, I want to know what heritage aspects of their land in Kariong.	Noted
West Gosford	NSW	2250	Support	Bush telegraph works - I'll tell more people about the strategy today!	Noted
The Entrance	NSW		Support	I am very supportive of the strategy.	Noted
Woy Woy	NSW	2256	Support	I strongly support the strategy - I think it's needed. The Council needs to bring heritage to the people - tourists and local residents. Murals are good.	Noted
Gosford			Support	Dear Sir or Madam, I would advise to follow the model of SYDNEY LIVING MUSEUMS in injecting history and heritage into the twenty-first century, which, could be easily adapted to our historic region. Please note: ANY Heritage signage should look similar to establish a connectivity to history and heritage. The following ideas are some suggestions to help with heritage interpretation/s:	The strategy incorporates best practice heritage interpretation specific to the Gosford area. It is based on a model that has been formulated from on the ground experience as well academic research. It is a method that has been proven to work in other area of Australia as well as internationally. The strategy has been prepared to ensure that all heritage interpretation works together as a suite of signage or public art. This is one of the main



Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
				<p>PUBLIC INTERACTION IDEAS</p> <p>A) REINSTATE/ACKNOWLEDGE INDIGENOUS NAMES : It would be very appropriate to determine the Indigenous suburbs and name them (signage).</p> <p>B) Do you know your STREET NAME? Make this a public community engagement event. i.e – Faunce Street = Alured Taker FAUNCE Georgiana Terrace = Member of Hely family (Georgeanna Lindsay wife of Frederick Augustus Hely)                      Frederick Augustus Hely – Principal Superintendent of Convict in New South Wales [So much more has to be emphasised about Hely considering his colonial role in NSW]                      Eliza Street = Member of the Hely family                      Gertrude Place = member of the Hely family                      Baker Street = Robert Baker – newspaper proprietor and former Mayor of Erina Shire</p> <p>C) The BROADWATER                      See letter attached I write to CEP Paul Anderson in 2013 regarding The BROADWATER and Alfred Higgs Place.</p> <p>D) OLD COURT HOUSE / OLD SCHOOL on the HILL – SIGNAGE - Policing in the Brisbane Water event                      / Colonial Schooling, etc. NOTE: The RE-POINTING of THE former COURT HOUSE and old POLICE STATION is long overdue. I personally requested this to be attended to 15 years ago. To eliminate further destruction to building and footings the tree</p>	<p>objectives of the strategy. Whilst the maintenance of the buildings is a heritage matter they are not part of this particular strategy</p> <p>The indigenous place name project has been included in the strategy and initial project investigations are being explored.</p> <p>The people of Gosford and their stories are an integral part of the strategy and many of the projects within the Strategy focus on them. The projects are not just about street names, but also about places, Aboriginal community members, local women etc. Public art and signage projects in the Strategy focus on these stories.</p> <p>Inclusion for signage of the former Court House and School are included in the strategy.</p>

Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
				<p>behind the old fencing needs to be removed asap.</p>	
Gosford				<p>E) SOUTH GOSFORD PRECINCT                      Vaughan Avenue – Gwen Dundon (Historian) in respect of the original naming of WHARF ROAD (becoming Vaughan Avenue) would like the naming returned to Wharf Road. THE WHARF area needs to be historically prominent area, given it was the heartbeat of the BRISBANE WATER DISTRICT.</p> <p>GOSFORD MEMORIAL PARK</p> <p>1. Rotary Fountain – Re-conceptualise this obsolete and unfunctional fountain to be symbolic tribute to local Service personnel – [i.e PLEASE VIEW - Writ in Water - <a href="http://www.architecturetoday.co.uk/writ-in-water/">http://www.architecturetoday.co.uk/writ-in-water/</a> ]</p> <p>The verse on the Rotary Fountain if made like ‘Writ in Water’ pool could be connected to a LOCAL verse or letter from World War 1, etc. While most likely not appropriate for the updated pool/fountain... Poppy Project: Never Forgetting the Sacrifices was created because of a Mother and the Poem she had written upon the death of her son after the First World War.</p> <p>He is buried away in France, And his grave we may never see; Will some kind friend in that distant land plant a flower on his grave for me We still seem to see his smiling face, Through a mist of anxious tears; But a</p>	<p>South Mann Street and the Wharf area is looked at as part of the strategy. The ideas for the fountain project are noted.</p>

Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
				<p>mother's part is a broken heart, And a burden of weary years'. Some significant verse from the First World War may be deemed a fitting choice in making this reflection pool. Engage the community and especially the ROTARY CLUBS involved in its creation - by asking their suggestions [this is how HOLLGATE was named in the 1920's], NOTE; The Rotary plaque and the TIME CAPSULE would have to be returned with the pool (refer image in original document in ECM)</p>	
Gosford				<p>2. ROTARY STEPS – need immediate attention.(refer image in original document in ECM)</p> <p>White writing on steps acknowledges soldiers known to have a connection with the Gosford, Wyong and Erina Shire Districts during the First World War.</p> <p>3. WAR MEMORIAL PARK – have plenty of ideas for the park – will need to talk with me personally. Include: the Rotary steps and cenotaph featuring a LIGHT INSTALLATION (mini vivid) or appropriate art installation connected to service personnel.</p> <p>4. TREES: In Memorial Park need attention as they are impacting the memorials within the park and hampering the public access. The below is one of the postings from the facebook page POPPY PROJECT: Never Forgetting the Sacrifices commenting about</p>	<p>Ideas for Rotary Steps are noted. Light installation are part of the interpretation strategy and the ideas for Memorial Park are noted. Management of trees in the park is not an issue covered in the Interpretation Strategy but will need to be reviewed as part of the management of the reserve. Images, photographs, sketches and paintings are a great way to provide interest to heritage interpretation.</p>

Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
				<p>the trees in Gosford Memorial Park – the roots are now dangerous to the public gathering for ANZAC SERVICES.                      Danny Long I know it's not the done thing these days but it looks so much better with the trees cleared                      and the views. A silent sentinel on the hill seen for miles. Probably all the way to Woy Woy.</p> <p>F) EARLY AUSTRALIAN PAINTINGS &amp; PHOTOGRAPHIC IMAGES- Early photographs and early paintings depicting the Brisbane Water District could be loaned from repositories for a historic exhibition – Conrad Marten                      I have viewed a very early painting with Aboriginal seated in the landscape by Conrad Marten (painted from what became known as PRESIDENT’S HILL). Note: I have been unable to locate this image for this submission.</p>	
				<p>G) OUR LOOKOUTS across the Central COAST ( like President’s Hill) require much needed attention to attract TOURISM.</p> <p>H) PRESIDENT’S HILL – Nobody is cognizant of the naming of President’s Hill – SIGNAGE PLEASE</p> <p>I) BROADWATER – In 2013 (see attachment - Letter to Council) I had previously requested Council to erect carefully crafted sandstone seating; – which, was not the massive</p>	<p>The maintenance and management of look outs is not within the scope of the Strategy.                      President's Hill naming would be reviewed as part of a naming project.                      Sandstone seating request noted.                      The Historic Cemeteries project is noted.                      Information on the Brisbane Water Case 1837-8. is noted.</p>

Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
				<p>sandstone chunks that at a later date eventuated along Masons Parade, Point Frederick and Terrigal Haven.</p> <p>J) HISTORIC CEMETERIES – Pioneer Park [Long Nose Point Cemetery] and BRADY'S GULLY CEMETERY – I have longed for a SCULPTURES by the GRAVEYARDS event – Similar to HIDDEN at Rookwood Cemetery. Other ideas for these historic graveyards include Mini VIVID, Symphony/Quartet/Orchestra event. Cemetery Tours – of which I am happy to be engaged in creating.</p> <p>K) The history of BRISBANE WATER CASE 1837-8 which drew international attention needs historical acknowledgement.</p>	
Kincumber	NSW	2251	Support	<p>Original comments by children are handwritten on a copy of the Strategy. The comments are summarised as follows:</p> <p>Our City Our Voices</p> <ol style="list-style-type: none"> <li>1. Gosford Business Improvement District Offices, 200 Mann St - Need early explorers, fairy lights in trees next to building, colour on art, inviting music to encourage people to come over to shop front and lots of colour, big interactive sign on yellow pole.</li> <li>2. Mann St pedestrian overpass to Gateway - we would like more Aboriginal history</li> <li>3. Gateway Centre, Mann St - Ideas for mural: I like to watch to dragons at the stadium with family and friends. I love going fishing in Brisbane Waters, pewzer is the best? If you have festivals, gateway will be</li> </ol>	Ideas have been noted and included in the additional ideas table in the Strategy.

Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
				<p>very popular, circus shows would be nice, animal shows, to see on the side of the hallway people showing land and sea creatures?</p> <p>5. Railway Station - Showgrounds Road entry - Songs, Gon Gon Gon, This is Me, I'm Only Human, Christina Perre, Ideas for live musicians.</p> <p>6. Burns Park - Make furniture comfortable, rainbow lights in the park.</p> <p>7. Vacant shopfront, 198 Burns Cres - We would like to see the weapons and prisons Mann designed in the shop front as well as sketches of Maori chiefs.</p> <p>8. Former Regal Theatre - Show pictures of people at theatre in the olden days, The movies are very old, black and white, old fashion stuff coming back, lights flashing blue, red, green, yellow, pink, music in the background.</p> <p>9. Mosaic Laneway - A big TV in front of Gosford for entertainment.</p> <p>12. Council building forecourt &amp; seating - Paint the building purple, blue, make a tree house for kids to play in, farm animals</p> <p>13. Carbow Arcade -white awning</p> <p>17. Kibble Park - you can feed the horses, picnic blankets to look up at the stars, coffee shop, massage people</p> <p>14. Baker St carpark - children love the ceiling mural, telescope to see real str as well.</p> <p>19. Former Brisbane Water City Council Building - do a special train trip for people ding a tour of old Gosford and the sandstone.</p>	

**Attachment 2****Public Exhibition Submissions Summary Table**

Postal Suburb	State	Postcode	Object/support	Comments (summary)	Response
				<p>20. Former Central Coast Hotel, 108 Mann St - Ideas for the mural:</p> <p>22. Former Orion Cafe, 98 Man St - Cafe with everything, milkshakes, the children would love to see an old fashioned 'Orion', pop up food stalls with homage to its most popular dishes</p> <p>23. Shopfront, 110 Mann St - Make Gosford a logo on the internet and at the front of shop</p> <p>24. Commercial shopfront, 178 Mann St - We can invite the mayor of Gosford, animal shows, we can put Mariners payers.</p> <p>27. Bus Interchange - Singing show, tricks show</p>	



**Item No:** 3.6  
**Title:** Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan  
**Department:** Environment and Planning

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2016/02118-004 - D13711205

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### **Report Purpose**

The purpose of this report is to consider the outcomes of the public exhibition of the draft Central Coast Local Environmental Plan (CCLEP) and draft Central Coast Development Control Plan (CCDCP).

The report provides an overview of the outcomes of Government Agency and community consultation.

This report recommends that the draft CCLEP and CCDCP be adopted subject to the amendments outlined in this report.

### **Recommendation**

- 1 That Council adopt the draft Central Coast Local Environment (CCLEP) and Central Coast Development Control Plan (CCDCP) as amended in response to issues raised during the public exhibition in line with the changes as follows:***

#### ***CCLEP Mapping Amendments:***

- Land zoned under the Interim Development Order No. 122 (IDO 122) which is outside of the current COSS will maintain its current land use zoning provisions and be removed from CCLEP mapping.***
- Height of Building Map currently applying to the R2 Low Density Residential zone under Gosford Local Environmental Plan (GLEP 2014) will be retained and included in the CCLEP Height of Building Map.***
- Lot 1 DP 394499 be zoned R1 General Residential.***
- Lot 27 DP 264579 be zoned E2 Environmental Conservation.***



### 3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)

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- **Rezone Lot 1 DP 363605 and Lot 299 DP755234 to SP1 Special Activities Sanitary Depot.**
- **Rezone GPSO portion of Lot 8 DP 802107 from 2(a) Residential to R2 Low Density Residential and 5E Arterial Road to E2 Environmental Management.**

#### **CCLEP Instrument Amendments:**

- **Residential flat buildings, multi dwelling housing and serviced apartments be prohibited in the B6 Enterprise Corridor zone and Serviced apartments be prohibited in the B7 Business Park zone.**
- **Clause 7.14 be amended to ensure that the total gross floor area able to be used for shop top housing remains at 50% of the total gross floor area of that part of the building used only for shop top housing and ground floor business or retail premises.**
- **Clause 7.22 be amended to apply only to land currently zoned E2 Environmental Conservation under the GLEP 2014.**
- **CCLEP Schedule 5 Item Number 173 'Kendalls Glen Memorial' be retitled "Kendalls Glen" reserve, rock and memorial and applied to Lot 1 DP 716236 and road reserve.**
- **Include as an item of state heritage significance 'Calga Aboriginal Cultural Landscape' situated on Lot 1 DP 1006218; Part Lot 40 DP 1087374; Part Lot 45 DP 1197008; Part Lot 108 DP 755221; Lot 1 DP 805358; Part Lot 2 DP 805358; Part Lot 235 DP 822125 as per the recent listing on the State Heritage Register.**
- **Additional Permitted Use to be included in Schedule 1 of CCLEP and shown on the Additional Permitted Use Map Layer to permit the following land uses on Lot 204 DP 747845; Lot 205 DP 747845; Lot 20 DP 859538; and Lot 21 DP 859538: Camping grounds; Caravan parks; Pubs; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Tourist and visitor accommodation; and Veterinary hospitals.**
- **Clause 4.2A (3)(e) to be amended to include provision for minor realignment of boundaries as per WLEP 2013.**
- **Clause 4.2A and 7.22 – insert the word 'house' has been unintentionally omitted when referring to a 'dwelling house' .**
- **Clause 4.3A and 4.4A – amend the title to remove the words 'in certain Local Centres and Enterprise Zones'**
- **CCLEP – Minor typographical and clarification statements**

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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**CCDCP Amendments:**

- **Chapter 3.1 Floodplain Management and Water Cycle Management – Adoption of existing controls as per Council Resolution 112/19 of 11 February 2019.**
  - **Chapter 3.8 Acid Sulfate Soils – not to be adopted.**
  - **Chapter 3.9: Erosion and Sediment Control – not to be adopted.**
  - **CCDCP – Minor typographical and clarification statements.**
- 2 That Council request The Department of Planning, Industry & Environment, under Section 3.36 of the Environmental Planning and Assessment Act 1979, to defer the inclusion of lands zoned under Interim Development Order 122 (IDO 122), exclusive of Council owned land identified as Coastal Open Space System (COSS), from the draft CCLEP.**
  - 3 That Wyong Local Environmental Plan 2013 (WLEP 2013), Gosford Local Environmental Plan 2014 (GLEP 2014), Gosford Planning Scheme Ordinance and Interim Development Order No. 146 (IDO 146) be repealed when CCLEP comes into effect.**
  - 4 That Council forward a copy of the Planning Proposal and relevant supporting information to the Department of Planning, Industry and Environment requesting that the CCLEP is prepared.**
  - 5 That Council give appropriate public notice within 28 days that the draft CCDCP will come into effect on the date the draft CCLEP comes into effect.**
  - 6 That Wyong DCP 2013 and Gosford DCP 2013 be repealed upon the commencement of Central Coast Local Environmental Plan.**
  - 7 That Council forward a copy of the final CCDCP to the Planning Secretary of the NSW Department of Planning, Industry & Environment.**
  - 8 That Council note Section 10.7 Certificates as to the adoption of CCLEP and CCDCP when made.**
  - 9 That Council resolve that the CEO may make other minor alterations to the planning proposal, draft CCLEP and draft CCDCP as deemed necessary.**
  - 10 That Council advise all those that made a submission of the decision.**

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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#### **Summary**

The report recommends that Council endorse the *Central Coast Local Environmental Plan* (CCLEP) and *Central Coast Development Control Plan* (CCDCP) subject to the amendments which have been made following community consultation.

One of the key amendments includes the deferral of lands outside of the Coastal Open Space Scheme (COSS) and under *Interim Development Order No. 122* (IDO 122). The deferral of these lands is in response to issues raised during the community consultation process.

Deferral of these lands will allow for further refinement of the criteria being applied to the zoning of these lands to develop zoning outcomes which better match the physical and ecological characteristics of the land. It will also ensure greater consistency in the application of environmental zones across the Local Government Area (LGA).

As Council has not been delegated authority to make this LEP, endorsement of the proposal will require a submission to be provided to the Department of Planning, Industry and Environment (DPIE) requesting that the draft CCLEP be made.

The making of the CCLEP will ensure that the current *Wyang Local Environmental Plan 2013* (WLEP 2013), *Gosford Local Environmental Plan 2014* (GLEP 2014), *Gosford Planning Scheme Ordinance* (GPSO) and *Interim Development Order 146* (IDO 146) will be replaced by a consolidated planning instrument that is consistent with the *Standard Instrument - Principal Local Environmental Plan* (SILEP).

The draft CCLEP and CCDCP were publicly exhibited for a period of 56 days between 6 December 2018 to 28 February 2019. All submissions received have been considered and the findings of the public exhibition and recommended amendments to the draft CCLEP and CCDCP are outlined in the report.

#### **Background**

On 12 May 2016, a proclamation to merge the former Gosford City and Wyong Shire Councils and form the Central Coast Council was announced by the Department of Premier and Cabinet. At the same time, the NSW State Government issued *Guidance for Merged Councils on Planning Functions*. These guidelines recommended Council analyse the differences in the current planning controls, including existing and deemed Environmental Planning Instruments (EPs) and Development Control Plans (DCPs).

The creation of the CCLEP and CCDCP will be achieved via a two-step Comprehensive LEP and DCP review process. The first stage is to create a Consolidated LEP and DCP for the Central Coast. This will consolidate, simplify and align where possible the controls within the WLEP 2013, GLEP 2014, IDO 122, IDO 146 and the GPSO into a single environmental planning instrument (EPI). A Consolidated DCP will also bring together the controls of the *Wyang Development Control Plan 2013* (WDCP 2013) and *Gosford Development Control Plan 2013* (GDCP, 2013). Through this process

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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the number of environmental planning instruments applying to the region will be reduced making planning on the Central Coast more efficient, more consistent and simpler for the community and Council. The second stage in the process is to complete a package of strategy alignment work which will be implemented in a series of phased LEP/DCP amendments for the Comprehensive LEP and DCP Project. This will further harmonise the planning controls taking into consideration Local Government Area (LGA) wide studies and investigations as well as matters raised outside the consolidation process.

The process also facilitates the conversion of five Council owned COSS lots that are currently subject to site specific IDO 146 to the E2 Environmental Conservation standard instrument zone

On 23 November 2016 Council resolved to prepare a Planning Proposal to consolidate the provisions of the WLEP 2013, GLEP 2014, IDO 122 and the GPSO which operates across the Central Coast Local Government Area (LGA). Council also resolved to prepare a consolidated Development Control Plan (DCP) to complement the CCLEP.

Council prepared and lodged a Planning Proposal with the former Department of Planning and Environment (DPE) (now Department of Planning, Industry and Environment (DPIE)) on 31 March 2017. The Planning proposal sought to provide a single Environmental Planning Instrument (EPI) that is consistent with the SILEP and that provides local environmental planning provisions for land in the Central Coast LGA. An amended Planning Proposal was lodged with DPE in August 2017 providing additional information and addressing issues raised by DPE (now DPIE). The Planning Proposal was assessed and supported by the DPIE to proceed with conditions and a Gateway Determination was issued on 26 October 2017.

In response to conditions of the Gateway Determination, further investigation was undertaken, and the Planning Proposal was updated and draft CCLEP was prepared. A draft CCDCP was also prepared to support the CCLEP and in accordance with Council's resolution of the 23 November 2016. The draft CCDCP consolidates and aligns the controls within the WDCP 2013 and GDCP 2013 and aims to provide a single set of controls across the Central Coast for different land uses, such as, housing, industrial development and environmental controls for tree and vegetation management. Site specific development controls have not been reviewed in this consolidation process.

Community and public authority consultation have been undertaken in accordance with the Gateway Determination for the draft CCLEP and the CCDCP were exhibited concurrently. The outcomes of this consultation and proposed amendments following community consultation are outlined in this report.

Following the submission of the CCLEP to DPIE for finalisation further amendments may be made by the Minister or as a result of final legal drafting by Parliamentary Counsel. Council will be consulted regarding any such changes.

#### **Proposal**

The proposal is a Central Coast Local Environmental Plan LEP which consolidates the provisions of the WLEP 2013, GLEP 2014, part of IDO 122 the GSPO and IDO 146 to be consistent with the

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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*Standard Instrument (Local Environmental Plans) Order 2006*. A Consolidated DCP will also bring together existing controls from WDCP 2013 and GDCP 2013.

This will simplify planning processes with a single set of appropriate development controls for the Central Coast, by significantly reducing the number of planning documents and addresses legislative requirements to review Council's LEPs (every 5 yrs. under Environmental Planning and Assessment Act 1979).and addresses legislative requirements to review Council's LEPs (every 5 yrs. under *Environmental Planning and Assessment Act 1979*).

The consolidation of these plans will provide for a significant increase in organisational efficiencies most significantly by allowing for the full integration of Council's Development Assessment Unit.

The Central Coast LEP is a Digital Environmental Planning Instrument Pilot Project being run by DPIE in conjunction with Council is a catalyst project for the rest of NSW moving to digital mapping.

#### **Consultation**

Extensive consultation was undertaken regarding the preparation of the draft CCLEP and CCDCP in accordance with the Community and Engagement Strategy developed for the project. Consultation was undertaken with agencies, stakeholders, the community, staff and Councillors and included radio and print advertising, social media updates, online web page, mail-outs, phone calls, briefings, workshops and information sessions.

Under section 3.35 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) Council may vary its proposals as a consequence of its consideration of any submission or report during community consultation or for any other reason. Following further consultation with Government agencies and the community, a number of post exhibition changes are recommended to be made to the CCLEP and CCDCP which are outlined in this report and its attachments. These revisions will be incorporated in the final proposal before it is forwarded to the Minister.

#### **Agency Consultation**

In accordance with the Gateway Determination and as outlined in the Planning Proposal consultation was undertaken with State and Commonwealth public authorities. Formal agency consultation commenced in December 2017 and comments were received throughout 2018 and 2019. Individual meetings were held with agencies as well as an agency workshop on 30 January 2018.

The following agencies were consulted:

- Commonwealth Department of Environment (now known as Department of Environment and Energy)
- Civil Aviation Safety Authority (CASA)
- Darkinjung Local Aboriginal Land Council (DLALC)

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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- Department of Industry (Crown Lands) (now known as Department of Planning Industry and Environment, Housing and Property, Lands)
- Department of Industry (Water) (Now part of Department of Planning Industry and Environment, Water)
- Department of Planning, Industry and Environment (DPIE)
- Department of Primary Industries (Agriculture) (now part of Department of Planning Industry and Environment, Regions, Industry and Resources, Primary Industries (Agriculture))
- Department of Primary Industries (Fisheries) (now part of Department of Planning Industry and Environment, Regions, Industry and Resources, Primary Industries (Fisheries))
- Forestry Corporation of NSW (now part of Department of Planning Industry and Environment, Regions, Industry and Resources, Primary Industries (Forestry))
- Guringai Tribal Link Aboriginal Land Council (now Wannangini Pty Ltd)
- Local Land Services
- National Parks and Wildlife Services (now part of Department of Planning Industry and Environment, Environment, Energy & Science, National Parks and Wildlife Services)
- Office of Environment & Heritage (OEH) (now part of Department of Planning Industry and Environment, Environment, Energy & Science, Office of Environment & Heritage)
- Office of Environment & Heritage (OEH – Heritage Branch) (now part of Department of Planning Industry and Environment, Environment, Energy & Science, Office of Environment & Heritage)
- NSW Resources and Geosciences (now part of Department of Planning Industry and Environment, Regions, Industry and Resources, Resources and Geoscience)
- Transport for NSW Roads and Maritime Services
- NSW Rural Fire Service
- Subsidence Advisory NSW
- Transport for NSW

A detailed assessment of the issues raised by agencies is attached (Attachment 1) to this report. As a result, the following key amendments to the draft CCLEP and CCDCP were made:

- Update to the objectives of the W1 Natural Waterways zone to reference “sustainable” aquaculture.
- Amendment to the Land Zone and Lot Size Maps to reflect National Parks and Wildlife Services estate boundaries.
- Amendment to the Land Reservation Acquisition (LRA) Map to remove Lot 12 DP 1174174, which has been acquired since GLEP 2014.
- Listing of the Calga Aboriginal Cultural Landscape in Schedule 5 of the CCLEP.
- Mapping errors identified by Forestry Corporation rectified.
- Floodplain Management Chapter 3.1 of the draft CCDCP to be deferred and include current controls from existing WDCP 2013 and GDCP 2013 in the CCDCP.

A number of issues were identified by Government agencies for consideration in the next stage of the Central Coast Comprehensive LEP/DCP project. These matters will be addressed through ongoing work as part of the Comprehensive LEP/DCP project which will inform the scoping of studies such as the Environmental Lands Review, Housing Strategy and Employment Lands Strategy.

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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#### **Public Exhibition & Community Engagement**

The Planning Proposal, draft CCLEP, draft CCDCP and supporting documentation were publicly exhibited for a period of 56 days between 6 December 2018 to 28 February 2019. Late submissions were accepted through March 2019 and Council has had regard for late submissions received.

During the exhibition period the following community engagement sessions were held:

- Four evening community information sessions were held at Wyong and Erina.
- Six day-time community pop-up sessions were held across the Central Coast.
- An industry briefing session was held.

In addition: -

- 3,370 letters were sent directly to impacted property owners (Deferred Matters).
- Media releases providing an overview of the proposal and exhibition initiatives.
- Advertising and stories in local newspapers throughout the exhibition period – including Express Advocate, Rural Grapevine, Wyong Chronicle, Peninsula News, Coast Community News.
- Advertising on local radio throughout the exhibition period.
- Dedicated Customer Service Screens and I-pads for the public within civic centres.
- A dedicated exhibition webpage providing access to all documentation relating to the draft CCLEP and CCDCP and link to additional webpage for the Environmental and Urban Edge Zone Review.
- Fact Sheets, FAQs and Summary Sheets were available online and in Councils Civic centre and libraries.
- Digital mapping was available through Councils webpage and supported by DPIE.
- Staff were available to discuss the proposal via phone, e-mail and in person during the exhibition period.

The information sessions were attended by approximately 350 people, more than 19,700 social media users were reached, and there were 3,440 visits to the Your Voice Our Coast page for the project during the exhibition period which has since been accessed by over 19,000 viewers. Council was briefed on this project and its progress 27 November 2017, 24 September 2018 and workshops held 3 September 2019 and 5 September 2019.

#### **Outcomes of Public Exhibition**

Council received 756 written submissions from the public in response to the exhibition of the draft CCLEP and draft CCDCP.

### 3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)

The following section outlines the key issues raised in submissions and the main themes are summarised in Table 1. An assessment of all submissions was undertaken, and an overview is attached (Attachment 2) to the report.

Theme	Occurrence
GLEP 2014 - Deferred Matters (IDO No.122 and GPSO)	156
Draft DCP Issues	123
Draft LEP Issues	195
Rezoning of Land at 301 and 317 Avoca Dr, Avoca for Recreation Purposes	334
Issues falling outside of the LEP and DCP Consolidation Process	92

*Table 1 – Summary of responses received during exhibition*

Note: These numbers do not represent the number of individual submissions, as many of the submissions included a range of themes

#### 1. Deferred Matters

A significant number of submissions (156) relate to the rezoning of land currently deferred from GLEP 2014. The main issues raised in these submissions are discussed below:

a. **Dispute proposed zone, request alternate zone or reinstatement of split zone.**

This predominantly relates to land that is:

- i. currently split-zoned and proposed to be zoned to a single standard instrument zone; or
- ii. currently zoned 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) and proposed to be zoned E2 Environmental Conservation or zoned; or
- iii. currently zoned 7(a) Conservation and proposed to be zoned E4 Environmental Living.

There was also a number of submissions seeking that all 7(a) Conservation land be zoned to E2 Environmental Conservation.

Investigation and ground truthing of these submissions has revealed that the removal of split zones, over smoothing of zone boundary lines during the mapping process and significant differences in the framework and criteria applied under the Environmental and Urban Edge Zone Review (EUEZR), in comparison to the WLEP 2013 and GLEP 2014, has resulted in some instances where the proposed zoning outcome may not be suitable in a number of instances. In response to these submissions it is recommended that these criteria be refined, and the criteria being applied to the zoning of Deferred Matters lands currently subject to IDO 122 be reviewed. The refinement of this criteria needs to be considered in the broader context and has the potential for an amendment to zoning which should be considered beyond the scope of the EUEZR.

It is Councils intention to commence work immediately on an Environmental Lands Review project for the full Central Coast LGA as it is clear that although the overarching EPs, GLEP



### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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2014 and WLEP 2013 were developed utilising the *SILEP* template, the environmental zones and development standards have not been applied in the same manner, nor with the same intent.

As the EUEZR was undertaken utilising the existing GLEP 2014 Environmental Zones, application of these zones will result in continued inconsistencies across the Central Coast. It would therefore be beneficial to defer the rezoning of the Deferred Matters lands and consider the matter as part of the Environmental Lands Review which is proposed to commence prior to the finalisation of the CCLEP.

The Environmental Lands Review is proposed to be undertaken in a phased approach with a Planning Proposal to rezone deferred matters a priority to be dealt with in the first phase. This will also negate the need to undertake multiple rezoning's in a short period of time, where the current proposed zone may differ to the outcome of the Environmental Lands Review.

Support for the rezoning of Coastal Open Space System (COSS) lands to E2 Environmental Conservation was evident at community consultation sessions and in submissions received. As such all Deferred Matters Land which is identified as Council owned COSS will be rezoned as exhibited to E2 Environmental Conservation to ensure a greater level of protection is provided to these lands with high environmental and scenic value.

It should be noted that proposed COSS differs to current COSS land, as much of the proposed COSS lands are under private ownership and have been identified as being desirable for future voluntary acquisition in full or in part for inclusion in the COSS. The rezoning of land identified as proposed COSS and zoned under IDO 122 will be further considered under the Environmental Land Review in addition to the review of the COSS Strategy and implementation of the draft Biodiversity Strategy which will investigate the potential expansion of the COSS.

It is noted that there were seven parcels of land that were deferred from the GLEP 2014 that are zoned under the GPSO and are not identified as current COSS (these parcels are outlined in Table 2).

The retention of the GPSO instrument for these parcels of land is not considered necessary and rezoning of these lands can be undertaken which will enable the GPSO to be repealed on the making of the CCLEP. This will reduce the number of planning instruments applying to land within the Central Coast LGA from five to two.

Therefore, land zoned under the IDO 122 that is outside of the current COSS will maintain its current land use zoning provisions, while all land identified as COSS or zoned under the GPSO will be rezoned to a Standard Instrument zone under the CCLEP. Landowners of parcels deferred from the CCLEP will be further consulted through the Environmental Lands Review project prior to any land use zoning change being made to their land.

## 3.6

**Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

<b>Address</b>	<b>Parcel</b>	<b>Current Zone</b>	<b>Comment</b>	<b>Proposed Zone</b>
15 Riatta ST, ERINA	LOT: 25 DP: 260097	6(A) Open Space Recreation GPSO	This parcel provides access to COSS land and adjoins R2 Low Density Residential zoned land. The parcel is not identified as COSS and should be zoned to an equivalent open space zone.	RE1 as exhibited
165 Koolang RD, GREEN POINT	LOT: 1 DP: 363605	5(A) Special Use – Sanitary Depot GPSO	Parcel is part of the closed Green Point tip site which was deferred from GLEP 2014 for further consideration of future use. The site is not identified as COSS and contains a small amount of EEC and is potentially contaminated due to previous use as a tip. The proposed use of the site is still being investigated and a separate planning proposal could be prepared once appropriate studies and investigations are completed. While an E3 zone was proposed under the EUEZR this zone is not considered appropriate as dwelling houses are permissible and further land contamination reports would need to be considered for this use. While the sanitary depot is not the desired future use of the site, it is recommended as an interim approach to zone the land to an equivalent Standard Instrument special use zone.	SP1 Special Activities – Sanitary Depot
150 Koolang RD, GREEN POINT	LOT: 299 DP: 755234	5(A) SPECIAL USE Sanitary Depot - GPSO	Parcel is part of the closed Green Point tip site which was deferred from GLEP 2014 for further consideration of future use. The site is not identified as COSS and contains a small amount of EEC and is potentially contaminated due to previous use as a tip. The proposed use of the site is still being investigated and a separate planning proposal could be prepared once appropriate studies and investigations are completed. While an E3 zone	SP1 Special Activities – Sanitary Depot

## 3.6

**Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

Address	Parcel	Current Zone	Comment	Proposed Zone
			was proposed under the EUEZR this zone is not considered appropriate as dwelling houses are permissible and further land contamination reports would need to be considered for this use. While the sanitary depot is not the desired future use of the site, it is recommended as an interim approach to zone the land to an equivalent Standard Instrument special use zone.	
106 Alan ST, NIAGARA PARK	LOT: 251 DP: 876909	2(A) Residential GPSO / 7(a) Conservation IDO 122	Small portion along the western boundary zoned 2a Residential (GPSO) with the remainder of the Lot 7a (IDO 122). The 7a will remain as it is deferred and under IDO 122. The 2a zoned portion will be zoned E3 Environmental Management.	E3 as exhibited/ 7a
Hawkesbury RIV, PATONGA	LOT: 7036 DP:1124383	6(A) OPEN SPACE RECREATION GPSO	Partial COSS - surrounding land also 6a and COSS and will be zoned E2. Should be zoned E2 as contains COSS and consistent with adjacent land.	E2 as exhibited
337 The Scenic RD, MACMASTERS BEACH	LOT: 31 DP: 1155869	7(a) conservation / Unzoned GPSO	Small section of unzoned GPSO land along road frontage. 7(a) will remain unzoned land to be zoned E3 Environmental Management.	7(a)/E3 as exhibited
Central Coast HY, KARIONG	LOT: 8 DP: 802107	2(A) Residential GPSO/ 5(E) Arterial Road GPSO / Zone 5 Special Use IDO122	Crown land. Defer IDO 122 land and retain 5 Special Use zone for that portion, rezone 2a to equivalent Standard Instrument R2 zone and 5e to E2 consistent with adjoining land	R2/E2/5 Special Use

Table 2. Land zoned under GPSO that is not identified as COSS

**b. Bonus Lot Provision**

Submissions requested that the bonus lot provision under IDO 122, that permits existing 7(c2) zoned lots to potentially be subdivided to a lot size of 1 Ha, be retained and similar provision be included in the CCLEP or requested a smaller minimum lot size than the proposed 2Ha for the E4 Environmental Zone under the CCLEP.

There are no provisions under the draft CCLEP that permit subdivision of land below the 2Ha minimum lot size in the E4 Environmental Living zone. This provision cannot be incorporated

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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in a Standard Instrument LEP and further consideration of a mechanism to fund the acquisition and maintenance of conservation lands will be considered in later stages of the Comprehensive LEP process and in conjunction with Council's draft Biodiversity Strategy.

As the provisions of IDO 122 will still be in place at the start of 2020, existing landowners that have lodged submissions indicating they would like to investigate additional subdivision potential will still have some time to pursue the existing provisions.

**c. Deferred Matters – Seeking a non-environmental zone i.e. Residential or Business**

Submissions that have requested the consideration of a non-environmental zones such as residential or business fall outside the scope of this project and would require the submission of a separate Planning Proposal supported by justification of its strategic merit and appropriate studies relating to the land identified.

**d. Deferred Matter – Seeking an Additional Permitted Use or alternate zone for land use purposes**

Submissions were lodged seeking that land uses currently permitted under the IDO 122 be retained for their site or an alternate zone be allocated to allow for a particular land use to be permitted. In a number of submissions this related to land uses such as places of public worship or seniors living in the E4 Environmental Living Zone.

As noted above in response to public submissions and consultation with Council a decision has been made to further refine the criteria being applied to the zoning of Deferred Matters lands currently subject to IDO 122. At this stage land within these areas and outside of the current COSS, will maintain their current land use zoning provisions. As such the land uses currently permitted within these zones will remain unchanged. Landowners will be further consulted prior to any land use zoning change being made to their land. These submissions and land uses will be further considered in the Environmental Lands Review.

**e. 20 James Norton Road, Bensville**

One submission objected to the proposed E2 Environmental Conservation zone and nine submissions supported the proposed zone for 20 James Norton Road Bensville.

Those supporting the zone considered the land to be of high conservation value containing remnant rainforest and links for wildlife through to Cockrone lagoon and Bouddi National Park as well as concern over recent clearing of the land.

At this stage, as this land is deferred from the GLEP 2014 and outside the current COSS, the site will maintain its current land use zoning under the IDO 122 (7(a)/7(c2)). This land will be further considered under the Environmental Land Review and rezoned to an appropriate Standard Instrument zone through this process.

**f. Support E3 Environmental Management zone for 30 Blythe Street Killcare**

Six submissions supported the proposed E3 Environmental Management zoning of 30 Blythe street Killcare or thought there may be justification for an E2 Environmental Conservation

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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zone due to the environmental value of the land.

At this stage as part of this parcel is deferred from the GLEP 2014 and outside the current COSS that part will maintain its current land use zoning of 7(a) Conservation and provisions under the IDO 122. This land will be further considered under the Environmental Land Review.

#### **LEP related Submissions**

196 submissions were lodged relating to LEP matters, exclusive of Deferred Matter issues.

#### **2. Rezoning of Land at 301 and 317 Avoca Dr, Avoca for Recreation Purposes**

A total of 334 submissions were received in relation to the rezoning of land for recreation purposes at 301 and 317 Avoca Drive, Avoca. 328 of these submissions supported active recreation on this land predominantly in the form of football fields for the Avoca Football Club. Four of these submissions objected to the suggested Recreation zone, and two suggested alternate passive recreation or environmental uses.

The land at 301 Avoca Drive is privately owned and is approximately 4.5 hectares which is too small for the development of a viable sporting precinct. Council's flood mapping indicates that approximately 90% of the land parcel is flood affected. The filling of land required for the development of a sporting facility in this location would affect the movement of flood water within the Avoca Lagoon catchment.

The property also supports an Endangered Ecological Community (EEC) and threatened species *Melaleuca biconvexa*.

The development of a sporting facility on that land parcel would require clearing of ecologically sensitive vegetation which may not only be inappropriate but prove to be cost prohibitive due to offsetting requirements under the *Biodiversity Conservation Act 2016*. As such, the development of sporting facilities on highly constrained land is unlikely to be supported. Whilst a sporting facility may be inappropriate, alternative passive recreation that is sympathetic to the sensitive environmental nature of the site may have potential.

The adjoining Council owned land at 317 Avoca Drive is part of the COSS. This COSS network consists of over 70 natural reserves which are set aside for plants and animals, nature-based recreation and to preserve the bushland character of the Central Coast. COSS acquisition funds does not include the provision of active recreation reserves (sports fields). This land supports two EEC's listed under the *Biodiversity Conservation Act, 2016*. Additionally, development of COSS land for purposes that are inconsistent with its objectives is not supported by Central Coast Council.

### **3. Height of Buildings in R2 Low Density Residential Zone**

A number of submissions raised concerns over the removal of the 8.5m mapped maximum building height in the R2 Low Density Residential zoned land in the former Gosford LGA. The draft CCLEP proposed to remove this control from the southern parts of the Central Coast as this restriction has been problematic for development on sloping sites and when higher freeboard requirements are required due to flooding. Removal of the mapped height would help to reduce the need for variations to development standards and allow for consideration under the controls of the DCP. This would also result in a consistent approach across the R2 Low Density Residential zone.

Issues raised in these submissions are valid and consideration of the appropriate maximum building height for residential development can be considered further as part of Council's Housing Strategy, which has recently commenced. As such it is recommended that the height of building map currently applying to the R2 Low Density Residential zone under GLEP 2014 be retained. This will be supported by DCP controls that limit the overall height of dwelling houses in the R2 Low Density Residential zone to generally two storeys across the Central Coast.

### **4. Minimum Lot size in the R2 Low Density Residential Zone**

Submissions were received, both for and against, the reduction in minimum lot size from 550m<sup>2</sup> to 450m<sup>2</sup> in the R2 Low Density Residential zone. Objectors raised concerns in relation to the impact on character, vegetation removal and environmental impact and infrastructure requirements.

A strategic assessment of the impact of the consolidation of minimum lot size in the R2 Low Density Residential zone has been undertaken. This assessment has identified that the reduction in minimum lot size from 550m<sup>2</sup> to 450m<sup>2</sup> will create a theoretical potential of 1,147 parcels of land to be created with the former Gosford City Council. The majority of this potential will not be realised due to existing dwelling placement and limitations imposed by existing DCP controls that increase lot size requirements based on site slope. Any proposal would need to be consistent with the relevant LEP, DCP controls and other requirements of the EP&A Act 1979. The larger lot size of 1,850m<sup>2</sup> applying to constrained R2 Low Density Residential lands will remain unchanged. The draft CCLEP does not change site specific controls and retains the character statements of the former Gosford LGA as a consideration.

The assessment also demonstrated that the additional lots generated by adoption of this standard are unlikely to have a negative impact on the capacity of existing infrastructure. In addition, the potential for additional lots will assist in meeting the growth targets of the *Central Coast Regional Plan 2036*.

It is recommended that the 450m<sup>2</sup> minimum lot size be retained.

### **5. Dual Occupancy in the R2 Low Density Residential Zone**

Submissions were lodged both in support and objecting to the introduction of dual occupancies in the former Gosford LGA R2 Low Density Residential Zone. Concerns included loss of

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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vegetation, reduction in lot size, and private open space with most objections relating to specific coastal areas such as Copacabana and MacMasters Beach.

Dual occupancy development is considered consistent with the objectives of the zone and an appropriate land use. Secondary dwellings are currently permissible under State Government Policy in the R2 Low Density Residential zone.

The introduction of dual occupancy provides an alternative housing choice in the former Gosford LGA and supports population growth, affordable housing and the ability to age in place. This form of development is generally of higher quality than secondary dwellings with controls applying under both the LEP and DCP including requirements for parking, stormwater, and mandatory landscaping. Notably DCP requirements relating to site slope and lot size will limit the impact on coastal communities.

To ensure that lot sizes and densities are appropriate and compatible with the local context a minimum lot size for dual occupancy development has been included in the CCLEP. The 550m<sup>2</sup> minimum lot size threshold is also considered appropriate for attached dual occupancy as currently specified in the GLEP 2014 and WDCP 2013. A minimum lot size of 700 m<sup>2</sup> has proven to be appropriate for detached dual occupancy as currently applicable under the WDCP 2013. A review of 40 other surrounding and similar LGA's was undertaken with 35 of the 40 permitting dual occupancy in the R2 zone.

It is recommended that dual occupancies be permitted in the R2 Low Density Residential Zone.

#### **6. Change to Dual Occupancy Minimum Lot Size**

Submissions were received relating to the reduction in the minimum lot size for detached dual occupancy in the former Gosford LGA from 800m<sup>2</sup> to 700m<sup>2</sup>.

The change in minimum lot size for dual occupancies needs to be considered with the provisions of the draft CCDCP which requires a minimum lot size of 800m<sup>2</sup> for battle axe allotments and parent lots to be significantly larger on sloping or steep sites.

#### **7. Subdivision of Dual Occupancy**

Submissions were received relating to the subdivision of existing approved dual occupancies and seeking the amendment of Clause 4.1D of draft CCLEP to permit this subdivision under separate application.

Amendment No. 28 to WLEP 2013 proposes to amend Clause 4.1B (draft CCLEP Cl 4.1D) to permit the subdivision of an existing lawfully erected dual occupancy in the R1 General Residential and R2 Low Density Residential zones. This amendment responds to this issue and is certain and imminent. This amendment should be included in the final CCLEP.

#### **8. Small Lot Housing in R2 Low Density Residential Zone**

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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Submissions were received relating to small lot housing, which is currently permissible in the WLEP 2013 in the R2 Low Density Residential zone, seeking the provisions be retained and applied across the LGA.

The R2 Low Density Residential zones of the Central Coast are generally a conversion of the previous 2(a) Low Density Residential zone mapped areas which are commonly located further away from centres where residents have an expectation of a certain level of amenity which may be impacted by development of a higher density. As such the introduction of small lot housing is not considered appropriate across all R2 Low Density Residential zoned land on the Central Coast nor appropriate to be continued in the former Wyong LGA.

The R1 General Residential zone is better suited to this form of development due to its location and proximity to essential services and public transport. Provisions for variations to minimum lot size are proposed to be retained in the CCLEP for land within the R1 General Residential zone, as the former Gosford LGA will retain a minimum lot size of 550m<sup>2</sup> in this zone.

In developing strategic documents to permit the development of greenfield areas, Council does not require the inclusion of small lot subdivision on R2 Low Density Residential zoned land in order to meet its dwelling yield targets.

The draft Affordable Housing Strategy includes recommendations that will be further considered as part of the development of Council's Comprehensive LEP which will include giving consideration to whether small lot development in residential areas is appropriate to address housing affordability issues.

## **9. Request for Review of Zoning/LEP Controls under current WLEP 2013 or GLEP 2014**

92 submissions were received requesting amendments that fall outside the consolidation process. This included requests for alternate standard instrument zones where the zone is already established as a standard instrument zone under WLEP 2013 or GLEP 2014. There were also a number of requests for amendments to be made to other controls such as increasing existing floor space ratios, maximum height of buildings or minimum lot size and removal of lot amalgamation provisions.

The process currently being undertaken by Council is an LEP and DCP consolidation process and is the first stage of the Comprehensive LEP/DCP review of Council's planning controls. The consolidation process is not the appropriate means by which existing Standard Instrument land use zonings and controls established under WLEP 2013 and GLEP 2014 are to be reviewed and significantly amended. Any such consideration would require the submission of a separate Planning Proposal supported by appropriate studies relating to the land identified. In addition, Council is undertaking LGA wide studies as part of the next stage of the Comprehensive LEP/DCP Review. These studies, such as the Housing strategy, Centres Review, Retail Strategy and Employment Lands Study will consider relevant issues raised in submissions.



## **10. Residential Uses and Serviced Apartments in B6 Enterprise Corridor and B7 zone**

A number of submissions were received that raised concern or opposed the inclusion of residential flat buildings, multi dwelling housing and serviced apartments within the B6 Business Enterprise and B7 Business Park zones. Some concerns which were raised include conflicts with the objectives of the zone and development not being limited by Height and FSR controls, the likely impact on other permissible employment uses in the zone which can impact on valuable employment lands and the potential decline in the business character and an increase in residential character of these areas.

Multi dwelling housing, Serviced apartments and Residential flat Buildings are not an appropriate land use in the B6 Enterprise Corridor and B7 Business Park zones. These land uses detract from and conflict with the zone objectives and are an under-utilisation of land potential.

These zones generally have low amenity for residential housing and are surrounded by industrial uses with potential for land contamination and conflict issues.

The objectives of both the B6 Enterprise Corridor and B7 Business Park zones under the draft CCLEP include provision for limited residential accommodation where it is part of a mixed-use development.

A review of the take up of residential housing forms within the B6 Enterprise Corridor Zone in the former Gosford and Wyong LGA's since the commencement of the respective LEPs in 2013 and 2014 has shown approvals granted for one residential flat building in Gosford and one serviced apartment in North Wyong. A recent court approval has been granted for serviced apartments as part of a larger development in the B7 Business Park zone in Tuggerah. No Construction Certificate for any approval has been lodged or issued since the granting of development consent.

The B6 Enterprise Corridor zones in each former LGA are located in areas of differing character and have been applied differently. Land zoned for B7 Business Park only occurs in the formerly in Wyong LGA. Height and Floor Space Ratio is not currently mapped in all B6 Enterprise Corridor and B7 Business Park zoned land to assist in limiting the scale of development for serviced apartments and residential accommodation. This is of concern where stand-alone residential development and serviced apartments are permitted as there is potential for these forms of development to dominate employment/business developments and detract from the nature of the B6 Enterprise Corridor and B7 Business Park zones.

The removal of these land uses from the B6 zone would also be consistent with the Actions of the draft Tuggerah to Wyong Economic Corridor Strategy which considers residential development incompatible with the current and intended future uses of the B6 Enterprise Corridor zoned land in North Wyong. It also notes that this type of development risks creating reverse amenity impacts on existing businesses and poses the risk of increasing land values in the area, where reasonable land values and rents have been key to the precinct's growth and success.

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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It is recommended that residential flat buildings, multi dwelling housing and serviced apartments be prohibited in the B6 Enterprise Corridor zone and Serviced apartments be prohibited in the B7 Business Park zone and that land uses be further considered during the next stage of the Comprehensive LEP.

#### **11. Clause 7.14 Shop top housing in certain business zones**

The shop top housing clause under WLEP 2013 was amended to clarify the intent of the clause which was to limit shop top housing to only 50% of the total gross floor area of both the shop top housing and ground floor retail or business premises. This clause was also not envisioned to utilise a third land use to increase the gross floor area of the building in order to achieve a greater floor area for shop top housing. Hence a change to the wording was required to clarify the intent.

While the intent of the clause is outlined in the planning proposal, the amended wording in the draft CCLEP instrument inadvertently reduced the percentage able to be achieved.

As this was not the intention, it is recommended that clause 7.14 be amended to ensure that the total gross floor area able to be used for shop top housing remains at 50% of the total gross floor area of that part of the building used only for shop top housing and ground floor business or retail premises.

#### **12. Request for E5/Public Conservation Zone**

Twelve submissions request an additional E5/public conservation zone for protection of publicly owned lands with high environmental value.

An E5, or additional public conservation zone, is not provided for under the SILEP and as such is not available for application by Council.

The E2 Environmental Conservation zone provides the highest level of environmental protection for areas with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves.

Council has developed a draft LGA wide Biodiversity Strategy which will help guide the Comprehensive LEP Review. It is proposed to rezone deferred matters COSS to E2 Environmental Conservation where dwelling houses are prohibited and development limited. The application of the E2 Environmental Conservation zone is further discussed below.

Council officers have continued to lobby the State Government on behalf of Council requesting an additional public conservation zone be included in the Standard Instrument LEP.

#### **13. Permissibility of Dwelling Houses in E2 Environmental Conservation Zone**

Submissions were lodged raising concern over the prohibition of dwelling houses and the perceived loss of dwelling entitlement in the E2 Environmental Conservation Zone.

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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The E2 zone is proposed to apply to the most environmentally valuable land and places significant restrictions on development, including the prohibition of dwelling houses, home occupations and bed and breakfast accommodation. These land uses are currently prohibited under the WLEP 2013 in the E2 Environmental Conservation zone. The prohibition of these uses would have created an inequitable outcome for landholders in the former Gosford LGA where these land uses are currently permissible in the E2 Environmental Conservation zone under the GLEP 2014. Hence it was proposed to permit these land uses through an additional local clause in Part 7 of the draft CCLEP (clause 7.22).

Under the exhibited draft CCLEP it was proposed to apply this clause to all E2 zoned land in the former Gosford LGA where a dwelling entitlement currently exists.

However, it is proposed to amend this clause following the review of submissions. The clause will now apply only to land currently zoned E2 Environmental Conservation under the GLEP 2014. This will ensure that dwelling entitlement will not be lost where it currently exists in the E2 Environmental Conservation zoned land of the former Gosford LGA. This clause will not apply to land that is currently deferred from GLEP 2014 which is identified as COSS and being rezoned to E2 Environmental Conservation through the CCLEP. All other deferred land under the IDO 122 will retain its current zone and provisions under the IDO 122 while the Environmental Lands Review is undertaken.

This clause will be reconsidered as part of that Environmental Land Review which will then inform the next stage of the Comprehensive LEP project. This will adopt a consistent methodology across the region to better align the application of the E2 Environmental Conservation zone and other environmental zones.

#### **14. Zoning of Cockrone Lagoon**

A number of submissions raised questions about the proposed zoning of Lot 379 DP 29263 - Cockrone Lagoon in MacMasters Beach to E2 Environmental Conservation.

Cockrone Lagoon differs to other coastal lagoons as it is a registered parcel of land owned by Council. The parcel is currently zoned 6(a) Open Space and Recreation under the GPSO and is a Council Reserve that was dedicated by the landowner to Council for the purpose of 'public garden and recreation space', as a condition of consent for subdivision of the land. This is covered by Council Clerk's Certificate No 1723 dated 12 November 1957 and was transferred to Council as Lot F on Real Property Application No 23581.

Cockrone Lagoon contains Council infrastructure (sewage trunk main and water main) is identified as being within the COSS, part of the lagoon is identified as a coastal wetland and the entire lagoon is within the Coastal Environmental Area under *State Environmental Planning Policy (Coastal Management) 2018*. This parcel was exhibited under the Draft CCLEP as E2 Environmental Conservation Zone.

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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Generally, Council and Crown Land Reserves are zoned RE1 Public Recreation. However, given the environmental significance and constraints of the lagoon the E2 Environmental Conservation zone is the most appropriate zone to be used for this land.

**15. Kendalls Glen Reserve and Rock – Lot 1 DP 716236**

Lot 1 DP 716236 is subject to an environmental heritage item under Schedule 8 of the GPSO. This item is identified as “Kendalls Glen” Reserve and Rock, off Pacific Highway West Gosford.

Draft CCLEP Schedule 5 Item Number 173 identifies ‘Kendalls Glen Memorial’ but does not include the reserve and rock.

This was unintentionally left out of the exhibited LEP and should be included in the final version. As the reserve and rock are intrinsically linked to the memorial it is recommended that they be included as part of Item 173 as follows:

Suburb	Item Name	Address	Property description	Significance	Item no
West Gosford	“Kendalls Glen” Reserve, Rock and Memorial	Central Coast Highway	Lot 1 DP 716236 and road reserve	Local	173

**16. Lot 1 DP 394499 - 37 Althorp St East Gosford**

A submission was lodged requesting the rezoning of Lot 1 DP 394499 No. 27 Althorp Street, East Gosford from RE1 Public Recreation to R1 General Residential. The land is privately owned and is used for residential purposes (dwelling house). The land was previously zoned 2(b) Residential under the GPSO. It appears that there was a minor misalignment between the cadastre and the zone boundary and a small slither of land along the side and rear boundary appears to have been within the 6(a) Open Space (recreation) zone. When this land was transferred into a standard instrument zone through the GLEP 2014 the land was proposed to be zoned R1 General Residential and was shown in the exhibition version of the maps as R1. It appears that an error may have occurred between exhibition and finalisation of the GLEP 2014 where the land was unintentionally changed to an RE1 Public Recreation zone on the final Land Zone Map. The site currently has a minimum lot size of 550m<sup>2</sup> and a floor space ratio of 0.7:1 mapped under the GLEP 2014 which are both consistent with the R1 General Residential zone in this area.

The Section 62 Consultation report dated 6 May 2008 and prepared for the GLEP 2014 stated:

*The R1 General Residential zone shall apply where medium density housing is proposed (such as under the Peninsula Urban Design Strategy) and to reflect existing areas of medium density zoned land. Low and medium density residential development is confined to the existing urban footprint and this will ensure that there is an efficient use of existing infrastructure and services.*

It is evident that the zoning of RE1 was an error and the R1 zone is supported by the previous GLEP 2014 Planning Proposal and exhibited Land Zone Map. As such it is recommended that Lot 1 DP 394499 be zoned R1 General Residential.

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

**17. 945 Old Pacific Hwy & 66 Myoora Rd, Somersby (Old Sydney Town/ Australian Reptile Park Sites)**

A submission has been lodged requesting all land uses currently permitted in the E4 Environmental Living zone under GLEP 2014 be permitted on land at 945 and 66 Myoora Rd Somersby as additional permitted uses. The site consists of the following parcels:

<b>Parcel Description</b>	<b>Address</b>	<b>GLEP 2014 Zone</b>
Lot 204 DP 747845	945 Old Pacific Hwy, Somersby	E4 Environmental Living
Lot 205 DP 747845	945 Old Pacific Hwy, Somersby	E4 Environmental Living
Lot 206 DP 747845	66 Myoora Rd, Somersby	E2 Environmental Conservation
Lot 20 DP 859538	66 Myoora Rd, Somersby	E4 Environmental Living
Lot 21 DP 859538	945 Old Pacific Hwy, Somersby	E4 Environmental Living

The subject site is approximately 120 Ha and is located to the north of the M1 Motorway and bounded to the west by National Park, to the east by Somersby Industrial Park and Council's Somersby Water Treatment Plant to the North.

The subject site contains the Australian Reptile Park and former Old Sydney Town Theme Park along with native vegetation, grassland, dilapidated buildings, dwelling house and dam. The land is predominantly zoned E4 Environmental Living under the GLEP 2014 apart from Lot 206 DP 747845 in the far north-west corner of the site which is zoned E2 Environmental Conservation.

Lot 206, being zoned E2 Environmental Conservation, is not subject to the same land use permissibility as the land zoned E4 Environmental Living. This parcel is proposed to be zoned E2 Environmental Conservation under the CCLEP and will not be subject to any Additional Permitted Uses.

The remaining four parcels are proposed to be zoned E4 Environmental Living under the draft CCLEP and consideration is given to the impact of removing permissible land uses from this site.

Those land uses proposed to be removed from the E4 Environmental Living zone include: Camping grounds; Caravan parks; Extensive agriculture; Pubs; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Tourist and visitor accommodation; and Veterinary hospitals.

The above land uses or equivalent, with the exclusion of extensive agriculture, were also permitted on this site prior to the GLEP 2014 under the previous IDO 122 zone of 7(c3) Conservation and Scenic Protection Scenic Protection - Tourist Accommodation). Under the IDO 122 an Additional Permitted Use also applied to the site for 'an amusement park, theme park and heritage village' which was added to the site under LEP 194 in June 1987.

The owner of the land has expressed interest in expanding existing and establishing further tourist related uses on the site and the proposed amendment to the land use permissibility will likely impact on future tourism uses. The Australian Reptile Park is under a long-term lease agreement until July 2067. The former Old Sydney Town Theme Park operated from 1975 until

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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2003 and was listed on the National Trust Register in June 2019 as a living history museum.

The prohibition of the above land uses has the potential to limit the expansion of the Australian Reptile Park, revitalisation of the Old Sydney Town Theme Park and future use of the land for tourism related uses. The inclusion of those land uses outlined above, with the exclusion of extensive agriculture, are considered to be consistent with the Central Coast Strategic Plan 2036 which promotes tourism in the region.

It is also consistent with the Community Strategic Plan and Draft Somersby to Erina Corridor Strategy which recommends that the Old Sydney Town site be investigated for future alternative uses and commits Council to *“prepare a brief and engage consultants to consider options for the future use of this site, to inform discussions with the landowner”*.

It is recommended the an Additional Permitted Use be included in Schedule 1 of the CCLEP and shown on the Additional Permitted Use Map Layer to permit the following land uses on Lot 204 DP 747845; Lot 205 DP 747845; Lot 20 DP 859538; and Lot 21 DP 859538:

Camping grounds; Caravan parks; Pubs; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Tourist and visitor accommodation; and Veterinary hospitals.

#### **18. Clause 4.2A Dwelling entitlement on land in certain rural and environment protection zones**

The exhibited version of the Clause 4.2A unintentionally excluded the former WLEP 2013 Clause 4.2B 3(e)(i) which allowed for a minor realignment of boundaries that did not create an additional lot. It is recommended that draft Clause 4.2A (3)(e) be amended as follows:

*(3) Development consent must not be granted for the erection of a dual occupancy or dwelling house on land to which this clause applies unless the land: ....*

*(e) would have been a lot referred to in paragraph (a), (b), (c) or (d) had it not been affected by:*

*(i) a minor realignment of its boundaries that did not create an additional lot*

*(ii) a subdivision which created or widened a public road or public reserve or for another public purpose*

#### **19. Density/Rezoning of Woy Woy Peninsula**

A number of submissions raised concern over the rezoning for high rise development and increased density within the Woy Woy Peninsula

The proposal does not seek to rezone Woy Woy Peninsula for high rise development. Land zones that apply within the Woy Woy Peninsula under the current GLEP 2014 will remain under the CCLEP. The Maximum height and floor space ratio currently applicable under the GLEP 2014 within the business centre and surrounding R1 General Residential zoned land is not proposed to change.

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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The introduction of dual occupancy development within the R2 Low Density Residential zone is not considered to have a major impact on density and may even have less impact than already permissible uses such as secondary dwellings, boarding houses and seniors housing.

#### **Central Coast Development Control Plan**

123 submissions were lodged relating to the draft CCDCP.

#### **20. Chapter 3.1 Floodplain Management**

At the Ordinary Meeting of 11 February 2019 Council Resolved:

*112/19 That Council note the issues raised in terms of the draft chapter 3.1 and that Council request further Community Consultation on this draft chapter when the flood plain maps are available. The existing DCP controls for flooding will continue until this time.*

In response to this Council Resolution, a DCP chapter which repeats the existing controls has been drafted for adoption. The chapter is separated into two mapped sub-sections (North and South Controls) to ensure that existing controls apply as they currently do under Gosford DCP 2013 and Wyong DCP 2013. A revised DCP Chapter with consistent flood mapping and controls is scheduled to be publicly exhibited in 2020.

#### **21. Chapter 2.12 Waterfront Structures**

The draft CCDCP proposes to consolidate maximum jetty lengths across the LGA. This extends the length of jetties in Lake Macquarie in the Central Coast Council area of the lake from 30m to 55m and would be inconsistent with controls that apply to the remainder of Lake Macquarie. This issue was discussed with Lake Macquarie Council staff and it is considered that the current 30m maximum jetty length under WDCP 2013 for the Central Coast Council area of Lake Macquarie should be maintained to ensure consistent controls apply across Lake Macquarie.

#### **22. Chapter 3.8 Acid Sulfate Soils**

Chapter 3.8 Acid Sulfate Soils is not required. It is purely a repeat of the LEP requirements. As the acid sulfate soils are mapped under the LEP the requirements of such should continue to be considered under Clause 7.1 of the CCLEP.

#### **23. Chapter 3.9 - Erosion and Sediment Control**

Chapter 3.9 Erosion and Sediment Control is not required. The requirements within Chapter 3.9 Erosion and Sediment Control are now administered through the New South Wales Government, *Soils and Construction, Managing Urban Stormwater, Volume 1 – March 2004* which is used by the industry and compliance staff to install and monitor erosion and sedimentation measures

#### **24. Other Minor Changes**

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

Several other minor changes are proposed to either amend minor typographical errors or provide additional clarification where requested and considered justified. These proposed changes are summarised in Table 3.

**Recommended Amendments – Not Raised in Submissions**

The following issues have been identified since the commencement of exhibition as a result of reviewing other submissions or as raised by staff when undertaking further review of the proposal:

**Lot 27 DP 264579 - 26A Strand Ave Narara**

Lot 27 DP 264579 is Council owned land and is currently split zoned 2(a) Residential and 6(a) Open Space under the GPSO. The draft CCLEP was exhibited with this lot proposed as R2 Low Density Residential and RE1 Public Recreation. As the site is COSS it should be zoned E2 Environmental Conservation. It is recommended that the LZN Map Layer be amended to zone Lot 27 DP 264579 to E2 Environmental Conservation.

**Minor/Typographical Errors**

The draft CCLEP instrument was exhibited with some typographical errors. As such these errors are proposed to be rectified in the final instrument. For example, in some clauses such as Clause 4.2A and 7.22 the word ‘house’ has been unintentionally omitted when referring to a ‘dwelling house’ and has the potential to change the intent of the clauses. As such this will be rectified in the instrument.

It is noted that the final instrument will be drafted by Parliamentary Counsel and may be subject to change. Council will be consulted on any such changes if required.

**Summary of Amendments**

<b>LEP Mapping Amendments</b>
<ul style="list-style-type: none"> <li>Land zoned under the IDO 122 which is outside of the current COSS will maintain its current land use zoning provisions and be removed from CCLEP mapping.</li> </ul>
<ul style="list-style-type: none"> <li>Height of building map currently applying to the R2 Low Density Residential zone under GLEP 2014 will be retained and included as a mapping layer for the CCLEP.</li> </ul>
<ul style="list-style-type: none"> <li>Lot 1 DP 394499 be zoned R1 General Residential.</li> </ul>
<ul style="list-style-type: none"> <li>Lot 27 DP 264579 to E2 Environmental Conservation.</li> </ul>
<b>LEP Instrument Amendments</b>
<ul style="list-style-type: none"> <li>Residential flat buildings, multi dwelling housing and serviced apartments be prohibited in the B6 Enterprise Corridor zone and Serviced apartments be prohibited in the B7 Business Park zone.</li> </ul>
<ul style="list-style-type: none"> <li>Clause 7.14 be amended to ensure that the total gross floor area able to be used for shop top housing remains at 50% of the total gross floor area of that part of the building used only for shop top housing and ground floor business or retail premises.</li> </ul>
<ul style="list-style-type: none"> <li>Clause 7.22 be amended to apply only to land currently zoned E2 Environmental Conservation under the GLEP 2014.</li> </ul>



### 3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)

<ul style="list-style-type: none"> <li>• CCLEP Schedule 5 Item Number 173 identifies 'Kendalls Glen Memorial' be retitled "Kendalls Glen" reserve, rock and memorial.</li> </ul>
<ul style="list-style-type: none"> <li>• Additional Permitted Use to be included in Schedule 1 of CCLEP and shown on the Additional Permitted Use Map Layer to permit the following land uses on Lot 204 DP 747845; Lot 205 DP 747845; Lot 20 DP 859538; and Lot 21 DP 859538: Camping grounds; Caravan parks; Pubs; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Tourist and visitor accommodation; and Veterinary hospitals.</li> </ul>
<ul style="list-style-type: none"> <li>• Clause 4.2A (3)(e) to be amended to include provision for minor realignment of boundaries as per WLEP 2013 2013</li> </ul>
<ul style="list-style-type: none"> <li>• Clause 4.2A and 7.22 – insert the word 'house' has been unintentionally omitted when referring to a 'dwelling house' .</li> </ul>
<ul style="list-style-type: none"> <li>• Clause 4.3A and 4.4A – amend the title to remove the words 'in certain Local Centres and Enterprise Zones' as these clauses apply to bonuses outside these areas.</li> </ul>
<ul style="list-style-type: none"> <li>• CCLEP – Minor typographical and clarification statements</li> </ul>
<p><b>DCP Amendments</b></p>
<ul style="list-style-type: none"> <li>• Chapter 3.1 – Adoption of existing controls as per Council Resolution 112/19 of 11 February 2019.</li> </ul>
<ul style="list-style-type: none"> <li>• Chapter 3.8 Acid Sulfate Soils – not to be adopted.</li> </ul>
<ul style="list-style-type: none"> <li>• Chapter 3.9: Erosion and Sediment Control – not to be adopted.</li> </ul>
<ul style="list-style-type: none"> <li>• CCDCP – Minor typographical and clarification statements.</li> </ul>

Table 3– Summary of post exhibition changes to the CCLEP and CCDCP

#### Digital Mapping

Council has partnered with DPIE on the Digital Environmental Planning Instrument Pilot Project. The draft CCLEP is the first LEP in NSW to propose and trial digital mapping (geospatial data) in place of PDF maps. This will remove the need for Council to produce numerous versions of the 800+ PDF maps required for the Draft CCLEP. This is an innovative approach to mapping of LEPs that will save Council significant time and resources and will be more intuitive and simpler to use for both staff and the community.

Positive feedback was received from the public and development industry during the exhibition. Any issues with the digital mapping platform were provided to DPIE for consideration and action. Finalisation of the CCLEP with digital mapping will require sign-off from the Minister for Planning and Public Spaces.

#### Financial Impact

The development of a consolidated CCLEP and CCDCP is a priority project to facilitate the transition from the former Councils to the merged Council.

The project has been completed in-house utilising staff resources as such there is minimal financial impact associated with the finalisation of this proposal.

### 3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)

Given the deferral of the matter relating to rezoning of IDO 122 lands that are outside the COSS, budget may be required to finalise the assessment of these lands. This is likely to be undertaken as part of the Environmental Lands Review. Funds may be required to engage suitable consultants with specialist GIS and visual assessment background skills to assist in-house resources. Budget for this component of the project has been requested through separate process.

#### Strategic Links

The CCLEP and CCDCP have been developed having regard for the *Central Coast Regional Plan 2036 (CCRP 2036)*, *One-Central Coast Community Strategic Plan 2018 -2028 (CSP)* and other Strategies of Council including but not limited to the *North Wyong Shire Structure Plan*, *Draft Somersby to Erina Corridor Strategy*, and *Draft Urban Spatial Plan*.

The CCLEP and CCDCP represents the first stage in the comprehensive review of planning controls which will ultimately result in a final Comprehensive LEP and DCP for the Central Coast. The Comprehensive LEP and DCP review process and the relationship between documents is shown in Figure 1 below.

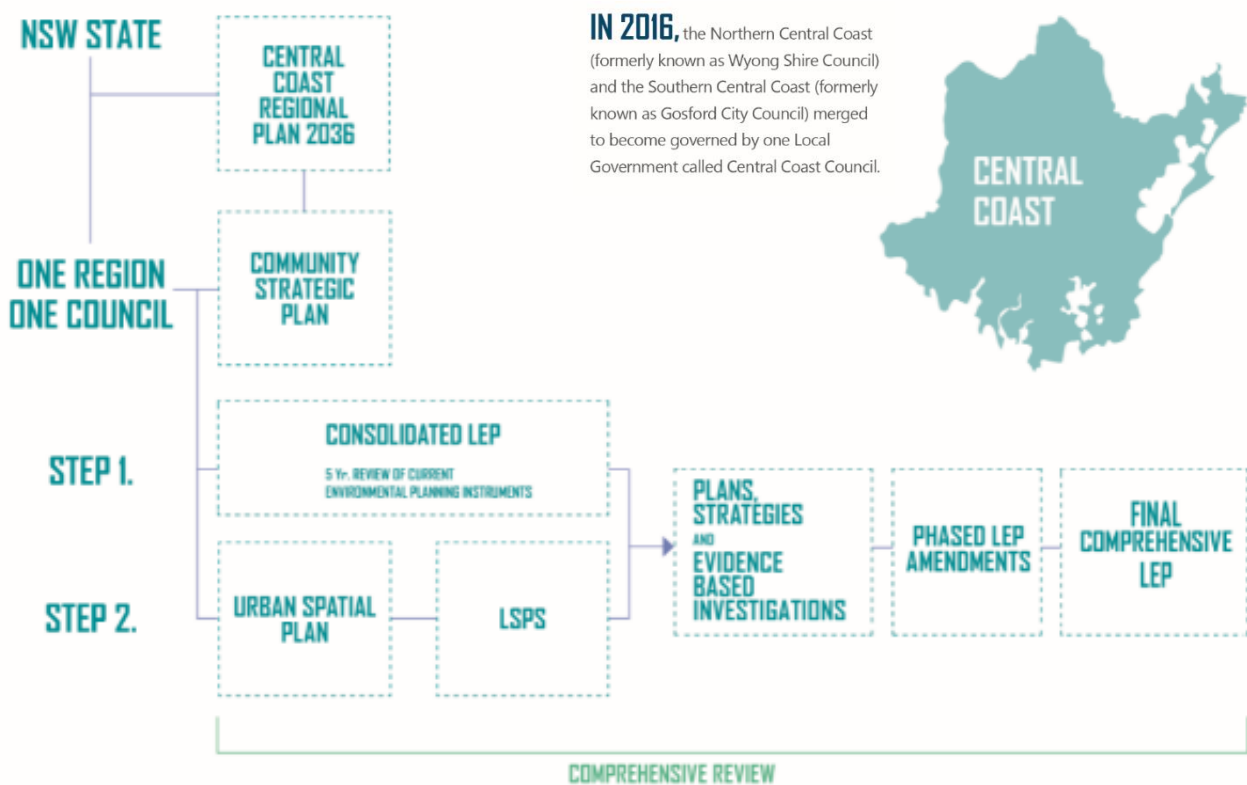


Figure 1: Project flowchart and relationships

#### Central Coast Regional Plan 2036 (CCRP)

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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An assessment of the proposal against the Goals, Directions and Actions of the CCRP has been undertaken. The assessment demonstrated that the proposal is able to assist or is consistent with the Directions of the CCRP.

Through the creation of a harmonised planning framework across the Central Coast, the proposal will provide greater certainty for new development as land use planning provisions across the region will be consistent.

The consolidation of land use planning controls will result in a broader range of land use permissibility within the majority of zones across the Central Coast. Further, the consolidation of controls will assist in meeting growth targets through the addition of appropriate land uses such as dual occupancy in low density residential areas.

#### **Link to Community Strategic Plan “One – Central Coast” (CSP)**

The CSP defines the community’s vision and roadmap for the future. The plan, prepared with extensive community input, establishes themes and focus areas which set key directions and priorities for the sustainable growth of the Central Coast. The CCLEP and CCDCP support the themes of the CSP.

Theme 2: Smart

#### **Goal C: A growing and competitive region**

S-C1: Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast.

Theme 3: Green

#### **Goal E: Environmental resources for the future**

G-F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.

Theme 4: Responsible

#### **Goal G: Good governance and great partnerships**

R-I4: Provide a range of housing options to meet the diverse and changing needs of the community and there is adequate affordable housing.

Theme 4: Responsible

#### **Goal G: Good governance and great partnerships**

R-I1: Preserve local character and protect our heritage and rural areas including concentration of development along transport corridors and around town centres and east of the M1.

### **Risk Management**

Any risk to the organisation is managed through the application of relevant legislation.

The draft CCLEP and CCDCP will assist in removing complexity in the planning process by consolidating existing instruments reducing the number of environmental planning instruments applying to the region from five to two and DCPs from two to one. This will enable staff to assess applications across the LGA reducing the impact on resourcing and simplifying the planning process for staff, Councillors and the community.

The proposed deferral of lands under IDO 122, exclusive of land identified as COSS, will reduce the risk to the organisation by allowing for further consideration and refinement of criteria in the context of the Central Coast wide Environmental Lands Review. This will reduce the likelihood of inappropriate zoning and associated provisions being applied.

### **Critical Dates or Timeframes**

The timeframe for completing the LEP is by 26 July 2020 as outlined in the revised Gateway Determination issued by the DPIE. The majority of work has been completed to finalise the CCLEP and CCDCP with the next step amending documentation in accordance with the recommendations of this report and forwarding the revised proposal to DPIE under Section 3.35(2) of the EP&A Act 1979. DPIE will then determine whether any further consultation is required.

Following completion of DPIE's review Council will forward a copy of the planning proposal and supporting information to DPIE requesting the draft LEP be prepared. The final instrument will be drafted by Parliamentary Counsel in consultation with Council and opinion issued that the plan can be made. The CCLEP and CCDCP will come into force once it is notified on the NSW Legislation Website.

### **Conclusion**

The consolidation of planning instruments is the first stage in the Central Coast Comprehensive LEP Review. It aims to consolidate and harmonise planning controls across the region and simplify the planning process.

During the preparation of the draft CCLEP and draft CCDCP a number of matters were identified that required further and more detailed consideration. Investigative studies have commenced to support and inform the next stages of the Comprehensive LEP.

This report and attachments outline the outcomes of agency consultation and public exhibition and seek Council's endorsement of the draft CCLEP and draft CCDCP as proposed to be amended in accordance with the matters raised in this report and attachments.

**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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**Attachments**

<b>1</b>	Agency Consultation Submission Summary	Provided Under Separate Cover	D13725586
<b>2</b>	Public Exhibition Submission Summary CClep CCDCP	Provided Under Separate Cover	D13730310



**Item No:** 4.1  
**Title:** Deferred Item - Fraud and Corruption Control Policy  
**Department:** Governance

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00086 - D13718617  
Author: James Taylor, Section Manager, Governance  
Manager: Shane Sullivan, Unit Manager, Governance and Business Services  
Executive: Dr Liz Develin, Director Governance

### **Report Purpose**

At its meeting held on 11 November 2019 Council resolved as follows:

*1087/19 That Council defer consideration of this item to the 25 November 2019 Ordinary Meeting to allow further minor amendments to wording within the Framework and the name of the Framework.*

This report is provided to respond to this resolution. It is noted that in order to undertake the changes it was not possible to provide the report to the meeting of 25 November 2019.

### **Recommendation**

***That Council adopt the Central Coast Council Policy for Prevention of Fraud and Corruption as set out in Attachment 1 to this report, noting that it will form part of Council's Fraud and Corruption Control Framework.***

### **Context**

At its meeting held on 11 November 2019, Council requested clarification and minor amendments within the Fraud and Corruption Control Policy (the Policy) regarding:

1. The role of the Audit Risk and Improvement Committee (ARIC);
  2. Council determining disciplinary actions against Councillors; and
  3. The name of the Fraud and Corruption Control Framework.
- 1 Role of the ARIC – The Audit, Risk and Improvement Committee Charter requires ARIC to keep under review the following aspects of the Council's operations:
- (a) compliance,
  - (b) risk management,
  - (c) fraud control,**
  - (d) financial management,
  - (e) governance,
  - (f) implementation of the strategic plan, delivery program and strategies,
  - (g) service reviews,

### 3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)

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- (h) collection of performance measurement data by the Council, and
- (i) any other matters prescribed by the regulations.

The Charter also provides that the Committee is responsible for reviewing whether management has in place a current and comprehensive risk management framework and associated procedures for effective identification and management of business and financial risks, including fraud.

The Office of Local Government is currently consulting on a new risk management and internal audit framework for local councils in NSW and this may result in changes to the Charter for ARIC. For this reason it is recommended that provisions remain that identifies ARIC is responsible for responsibilities in accordance with their Charter.

It is proposed to amend the responsibilities in response to Council feedback and to align more closely with the Audit Risk and Improvement Committee Charter:

- Keep under review Council's fraud control operations as required under the ARIC Charter;
- Reviewing whether Council has in place procedures for effective identification and management of business and financial risks, including fraud as required under the ARIC Charter;
- Other relevant responsibilities in accordance with the Audit, Risk and Improvement Committee Charter.

- 2 Council determining disciplinary actions against Councillors – the Policy currently states that one of the roles the Council is responsible for is:

*Deciding what disciplinary action is appropriate for Councillors involved in fraud and corruption in cases where it is not decided by the Director General of Local Government.*

In response to Councillor feedback, this clause has been deleted from the Policy and is shown in the attached with strikethrough. Any action taken in regarding Councillors involved in fraud or corruption would be conducted in accordance with Council's adopted Code of Conduct procedures.

It is recommended that the following clause be inserted to provide for this:

*Consideration of any final investigation report as provided under the Procedures for the Administration of the Code of Conduct.*

- 3 The name of the Fraud and Corruption Control Framework - Council has resolved that consideration be given to the title of this Framework and the supporting documents.

The NSW Audit Office Governance Lighthouse identifies that a Fraud and Corruption Control Framework is one of the 17 components that underpin the eight principles of public sector governance, being the principle of Ethics.

### **3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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The title proposed for the framework aligns to both the NSW Audit Office Governance Framework checklist and requirements, and the 2015 Audit Office Fraud Control Improvement Kit.

In addition, the Office of Local Government is currently consulting on a new risk management and internal audit framework for local councils in NSW. The discussion paper identifies that a Council should have a Fraud and Corruption Control Framework.

As such it is recommended that the framework continue to be titled to align to those guiding documents, but that the Policy be changed to the 'Policy for Prevention of Fraud and Corruption'. It is considered that this ensures Council is aligned to relevant industry requirements while the Policy itself has a more descriptive title.

#### **Current Status**

The amended policy for Prevention of Fraud and Corruption is Attachment 1 to this report.

#### **Consultation**

The development of the Fraud and Corruption Control Framework leverages sessions conducted by the Independent Commission Against Corruption with Councillors on 4 March 2019 and staff on 3 and 30 April 2019.

The draft Fraud and Corruption Control Framework was also reviewed by Council's Audit Risk and Improvement Committee prior to reporting to Council on 11 November 2019.

The Policy and Procedures have been based on the NSW Audit Office Fraud Control Improvement Kit (February 2015). No public consultation is required nor recommended.

#### **Link to Community Strategic Plan**

Theme 4: Responsible

#### **Goal G: Good governance and great partnerships**

R-G2: Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

#### **Attachments**

- 1 Fraud and Corruption Control Framework D13726222



**3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan (contd)**

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## Governance Framework

Central Coast Council


 Central  
Coast  
Council


 Fraud and Corruption Control Framework

<b>Prepared by</b>	Shane Sullivan, Unit Manager Governance and Business Services
<b>ELT Member</b>	Dr Liz Develin, Director Governance
<b>Approved by</b>	Gary Murphy, Chief Executive Officer
<b>Next Review Date</b>	30 November 2022

**History of Revisions:**

Version	Date	Reason	Council Resolution
1	November 2019	Creation of Document	

## COMMUNITY STRATEGIC PLAN

Central Coast Council (Council) has an adopted [Community Strategic Plan](#) that will shape all activities and projects over the next four years.

The Fraud Corruption Control Strategy and Action Plan aligns with the [Community Strategic Plan](#) theme of 'Responsible'.




**GOOD GOVERNANCE AND GREAT PARTNERSHIPS**

**OBJECTIVES**

- G1** Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice
- G2** Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect
- G3** Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions
- G4** Serve the community by providing great customer experience, value for money and quality services

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## A. POLICY FOR PREVENTION OF FRAUD AND CORRUPTION

Council's adopted ~~Fraud and Corruption Control Policy~~ **for prevention of Fraud and Corruption** confirms Council's commitment to the proactive and effective prevention, detection and investigation of fraud and corruption.

This Strategy and Action Plan draws together all of the governance, policy and procedural elements to be applied throughout the organisation to manage the risk of fraud and corruption within and against Council, and details the responsibilities of Councillors, senior management, all staff members and others.

### STATEMENT OF COMMITMENT

Council is committed to the implementation of the ~~Fraud and Corruption Control Policy~~ **for prevention of Fraud and Corruption** through a risk management approach to the prevention, detection and response to all forms of fraud and corrupt conduct. This incorporates the design and implementation of a range of fraud and corruption prevention, detection and response strategies, and their routine evaluation.

Council has a zero tolerance for fraud or corruption and is committed to minimising the incidence of fraud and corruption. Council will take appropriate action against Council Officers, contractors and elected members who have participated in such behaviour and those who allow it to occur.

The Chief Executive Officer has ultimate responsibility for managing fraud and corruption risks in Council.

### SCOPE

This Strategy and Action Plan applies to all Council staff members; Councillors; volunteers; Section 355 Committees; key stakeholders such as suppliers, contractors and consultants; and relevant third parties with regard to functions and operations undertaken for or on behalf of Council.

### DEFINITIONS

**Corruption** means dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity. The concept of 'corruption' within this standard can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity either directly or indirectly. (Australian Standard 2008)

**Corrupt Conduct** means:

- Conduct of a person (whether or not a public official) that adversely affects, or could affect the honest and impartial exercise of public official functions, or
- Conduct of a public official that involves the dishonest or partial exercise of any of his or her public official functions, or
- A breach of public trust, or
- The misuse of information or material acquired in the course of a public official's functions.

Corrupt conduct can also include the conduct of any person (whether or not a public official) that adversely affects or could affect the exercise of official functions and involves conduct such as bribery, blackmail, fraud, forgery and various other crimes.

For conduct to be corrupt it must be covered by one of the conditions above and also any one of the following:

- A criminal offence, or
- A disciplinary offence, or
- Reasonable grounds for dismissal or dispensing or terminating the services of a public official.

**Fraud** means a deliberate and premeditated turn of events which involves the use of deception to gain advantage from a position of trust and authority. The type of events include: acts of omission, theft, the making of false statements, evasion, manipulation of information and numerous other acts of deception. (Audit Office of NSW)

**Maladministration** means conduct that involves action or inaction of a serious nature that is contrary to law; or unreasonable, unjust, oppressive, improperly discriminatory; or based wholly or partly on improper motives ([Public Interest Disclosure Act 1994](#)).

**Serious or substantial waste** means the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources.

**Public Interest Disclosures (PIDs)** fall under the [Public Interest Disclosure Act 1994](#), which prescribes how people working within the NSW public sector can make reports/complaints about corrupt conduct, serious maladministration, substantial waste of public money, and failures to comply with legislation such as the *Local Government Act* or *Government Information (Public Access) Act*, in a way that minimises risk of reprisal.

**Control (also 'internal control')** means an existing process, policy, device, practice or other action that acts to minimise negative risks or enhance positive opportunities.

**Fraud and Corruption Risk Assessment** means the application of risk management principles and techniques in the assessment of the risk of fraud and corruption within an entity.

**Council Official** means an individual who carries out public official functions of Council or acts in the capacity of a public official, For Central Coast Council this includes the Mayor, Councillors, employees, members of Council committees and delegates of Council.

## REVIEW

This document is to be reviewed every three (3) years to ensure that it remains relevant and meets legislative requirements.

## RELATED RESOURCES

### Legislation

- [Local Government Act 1993 \(NSW\)](#)
- [Local Government \(General\) Regulation 2005](#)
- [Environmental Planning and Assessment Act 1979](#)
- [Independent Commission against Corruption Act 1988 \(NSW\)](#)
- [Public Interest Disclosures Act 1994 \(NSW\)](#)
- [Crimes Act 1900 \(NSW\)](#)
- Audit Office of NSW Fraud Control Improvement Kit 2015

This Strategy and Action Plan aligns with the following 'Best Practice' guidelines:

- AS8000-2003 - Corporate Governance Standards Set, including AS 8001-2008 - Fraud and Corruption Control.
- AS/NZS ISO 31000:2009 - Risk Management.
- NSW Audit Office Fraud Control Improvement Kit (2015). Specifically the ten (10) fraud control attributes developed by the Audit Office of NSW as below and detailed at Annexure A.

### Council Documents

- [Code of Conduct](#) and associated documents
- ~~Fraud and Corruption Control Policy~~ **for prevention of Fraud and Corruption**
- Public Interest Disclosures (Internal Reporting) Policy

## RESPONSIBILITY STRUCTURE

Council has clearly defined responsibilities for implementing and monitoring actions associated with fraud and corruption control across Council and in relation to this Strategy and Action Plan. These responsibilities will be clearly communicated to Councillors, staff, management and relevant Council Committees and will be detailed in position descriptions and committee charters so that there is a common understanding of fraud and corruption control responsibilities and expectations.



## Fraud and Corruption Control Framework

### All Staff

All Council staff are responsible to:

- Prevent and mitigate fraud, corruption, maladministration and waste within their area of operation and responsibility by, at a minimum, implementing and abiding by relevant internal controls and adhering to the Policy, and this Strategy and Action Plan.
- Operate systems of internal control to prevent and detect fraud or corruption in accordance with instructions and established procedures.
- Report all instances of suspected or attempted fraudulent or corrupt conduct in accordance with Council's internal reporting procedures.
- Protect colleagues who have made reports of fraud or corruption from detrimental action. (See *Public Interest Disclosures Policy*).
- Have regard to fraud and corruption related risks when undertaking risk assessments in relation to Council's daily functions and operations, when specific projects or events are planned, or when changes to Council's systems, processes or functions occur.
- Provide co-operation and assistance to investigators or officials investigating suspected or reported fraud or corruption.
- Undertake any responsibilities allocated to them in other relevant Council policies.

### Managers

In addition to their responsibilities as Council staff members, Managers will:

- Assess the risks of fraud and corruption and the effectiveness of internal controls in place to mitigate such risks within their areas of operation and responsibility.
- Implement recommendations arising from fraud and corruption detection systems and internal audits.
- Monitor their workplaces to identify and address situations that are likely to raise ethical dilemmas or place staff in compromising situations (ie. by establishing good procedural guidance for decision-making, including the exercise of discretion).
- Be available and support staff that require guidance on ethical dilemmas.
- Foster a work environment free of harassment, discrimination, victimisation, corruption, fraud, maladministration and waste.
- Ensure that staff are aware of the principles contained in Council's [Code of Conduct](#) and the established systems and procedures for addressing ethical problems.
- Support and protect staff who report, in good faith, instances of potentially unethical, fraudulent or corrupt practices.
- Ensure that staff are treated fairly, equitably and in accordance with legislation and policy (eg. access to training and other development possibilities).
- Ensure that contractors, consultants, suppliers, and the like, engaged within their area of operation are aware of and have an understanding of Council's ~~Fraud and Corruption Control Policy~~ **for prevention of Fraud and Corruption** and Strategy and Action Plan and related Council policies and procedures and that these documents are readily available to them.

### Leadership Group (ELT and Unit Managers)

In addition to their responsibilities as Council staff members, the Leadership Group are responsible for actively fostering an ethical culture and supporting and promoting the objectives of this Strategy and Action Plan throughout the organisation by:

- Setting an example of observable adherence to Council's [Code of Conduct](#), Fraud and Corruption Control Strategy and Action Plan and related Council policies and procedures.
- Supporting and promoting ongoing identification, analysis, mitigation and review of fraud and corruption risks and internal controls.
- Setting an example of internal control adherence in relation to identified fraud and corruption risks.
- Implementing recommendations arising from fraud and corruption detection systems and internal audits.
- Supporting fraud and corruption awareness programs for Councillors and staff.
- Supporting the continued operation of Council's Audit, Risk and Improvement Committee (ARIC) in the pursuit of successful enterprise risk management.
- Fostering a work environment free of harassment, discrimination, victimisation, corruption, fraud, maladministration and waste.
- Undertaking internal reporting responsibilities in accordance with Council's *Internal Reporting (under [Public Interest Disclosures Act 1994](#)) Policy* and notify the Unit Manager Governance and Business Services of all fraud and corruption matters reported via the various channels.

### Internal Ombudsman

In addition to their responsibilities as Council staff members, Council's Internal Ombudsman is Council's nominated Disclosures Co-ordinator and is responsible for:

- Implementing Council's ~~Fraud and Corruption Control Policy~~ **for prevention of Fraud and Corruption**, and Strategy and Action Plan.
- Promoting ethical behaviour and awareness that fraud and corruption will not be tolerated.
- Providing reports to the Chief Executive Officer of suspected fraud and corrupt conduct, maladministration and serious and substantial wastage; and receive allegations of reprisal action, in accordance with *Council's Internal Reporting (under [Public Interest Disclosures Act 1994](#)) Policy*.
- Ensuring that all reports of suspected fraud or corruption, maladministration, serious and substantial wastage are referred to the ICAC as required. *Refer section 11 ICAC Act*
- Keeping the Chief Executive Officer informed in line with ICAC directions about confidentiality.
- Making decisions about reporting criminal matters to the New South Wales Police Force.
- Providing to the Chief Executive Officer summary information about investigations undertaken into suspected fraud and corruption.

## Fraud and Corruption Control Framework

- Ensuring that Council's Fraud and Corruption Control Strategy and Action Plan and related policies and procedures are adequate, and that regular reviews and checks are undertaken to detect irregularities.
- Making recommendations to the to the Chief Executive Officer regarding restitution and criminal charges in all cases of fraud and corruption.  
Making recommendations to the to the Chief Executive Officer as to what disciplinary action is appropriate for employees involved in fraud and corruption.

### Chief Executive Officer

In addition to responsibilities as a Council staff member, the Chief Executive Officer is responsible to:

- Implement Council's ~~Fraud and Corruption Control~~ Policy **for prevention of Fraud and Corruption**, and Strategy and Action Plan.
- Promote ethical behaviour and awareness that fraud and corruption will not be tolerated.
- Receive reports of suspected fraud and corrupt conduct, maladministration and serious and substantial wastage; and receive allegations of reprisal action, in accordance with *Council's Internal Reporting (under [Public Interest Disclosures Act 1994](#)) Policy*.
- Ensure that all reports of suspected fraud or corruption, maladministration, serious and substantial wastage are referred to the ICAC as required. *Refer section 11 ICAC Act*
- Keep the Council informed in line with ICAC directions about confidentiality.
- Make decisions about reporting criminal matters to the New South Wales Police Force.
- Receive summary information about investigations undertaken into suspected fraud and corruption.
- Ensure that Council's Fraud and Corruption Control Strategy and Action Plan and related policies and procedures are adequate and that regular reviews and checks are undertaken to detect irregularities. The ARIC may assist in this process.
- Make decisions regarding restitution and criminal charges in all cases of fraud and corruption.
- Decide what disciplinary action is appropriate for employees involved in fraud and corruption.

### Council

The Council is responsible for:

- Implementing and promoting Council's overall approach to fraud and corruption control (**including the adoption of a Policy for prevention of Fraud and Corruption**)
- Assessing and dealing with issues related to fraud and corruption control as the need arises.
- **Consideration of any final investigation report as provided under the Procedures for the Administration of the Code of Conduct.**
- ~~Deciding what disciplinary action is appropriate for Councillors involved in fraud and corruption in cases where it is not decided by the Director General of Local Government.~~

## Fraud and Corruption Control Framework

### Governance and Business Services Unit

In addition to their responsibilities as Council staff members, Council's Governance and Business Services Unit is responsible for:

- Developing, implementing and reviewing fraud and corruption related Council policies, procedures and training proposals, including this Strategy and Action Plan.
- Maintaining a register of all reported actual or suspected fraudulent or corrupt activities and investigations and periodically reporting the register to Council's Audit, Risk and Improvement Committee.
- Liaising with internal and external investigators.
- Ensuring a high quality of fraud and corruption investigation procedures and reports.
- Undertaking internal reporting responsibilities in accordance with Council's *Internal Reporting* (under [Public Interest Disclosures Act 1994](#)) Policy.

### Audit, Risk and Improvement Committee (ARIC)

ARIC is responsible for:

- ~~Overseeing Council's fraud and corruption control program;~~
- ~~Approving reviews of the Fraud and Corruption Control Strategy and Action Plan;~~
- ~~Reviewing and approving Council's enterprise-wide Fraud and Corruption Risk Assessment;~~
- ~~Recommending Fraud and Corruption Control Health Checks and Improvement Workshops at least once every two years; and~~
- **Keeping under review Council's fraud control operations as required under the ARIC Charter;**
- **Reviewing whether Council has in place procedures for effective identification and management of business and financial risks, including fraud as required under the ARIC Charter**
- Other relevant responsibilities in accordance with the Audit Committee Charter.

### Internal Auditor

Council recognises that internal audit is an effective part of the overall control environment. Whilst undertaking audits within Council the Internal Auditor is responsible for:

- Examining and evaluating the effectiveness of internal controls;
- Making recommendations to Council management to further enhance internal control design and effectiveness; and
- Making notifications of actual or suspected instances of fraud and corruption in accordance with relevant reporting procedures.

## **B. STRATEGY**

### **OBJECTIVES**

The objectives of this Strategy and Action Plan are to:

- Eliminate or reduce opportunities for fraudulent or corrupt activities within or against Council.
- Promote an organisational environment that encourages professionalism, integrity and ethical conduct.
- Uphold a commitment to accountable and transparent decision making.
- Ensure that the identification and management of fraud and corruption risks are undertaken in line with the documented principles and procedures
- Support the identification and implementation of appropriate internal controls, including procedures and policies, which support the prevention and detection of fraudulent or corrupt activities.
- Support the implementation and maintenance of effective reporting disclosure systems and investigation and disciplinary procedures for suspected or actual fraudulent or corrupt behaviour.
- Clearly define the responsibilities of Councillors, senior management, all staff and Committees of Council in relation to the prevention, detection, reporting and investigation of fraud and corruption.
- Provide Councillors, senior management and all staff with the necessary tools and understanding to meet their responsibilities in this regard.

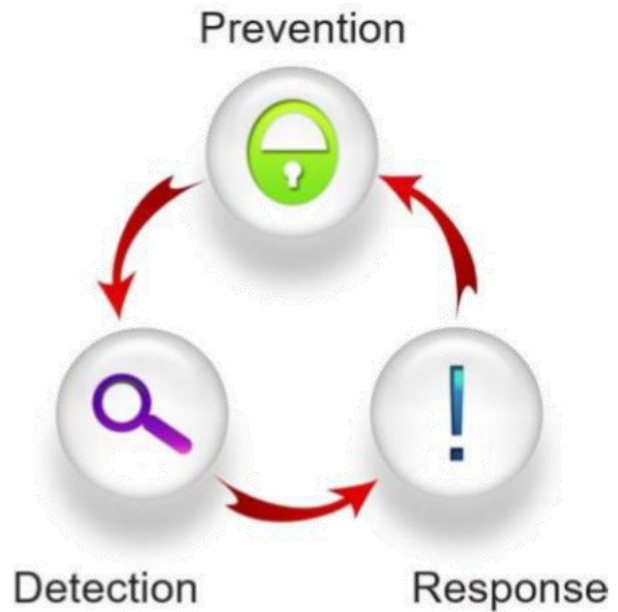
## PRINCIPLES OF THE STRATEGY AND ACTION PLAN

The principals of the Strategy and Action Plan are::

1. Prevention
2. Detection
3. Response

These principals are further guided by the ten attributes as detailed in the Audit Office of NSW Fraud Control Improvement Kit (February 2015), Managing your fraud control obligations.

1. Leadership
2. Ethical Strategy and Plan
3. Responsibility Structures
4. Fraud Control Policy
5. Prevention Systems
6. Fraud Awareness
7. Third Party Management Systems
8. Notification Systems
9. Detection Systems
10. Investigation Systems



## 1. PREVENTION

This section of the document details the strategies that are in place to identify and prevent fraud and corruption risks within or against Council.

### **Fraud and Corruption Control Policy for prevention of Fraud and Corruption**

Council's adopted *Fraud and Corruption Control Policy for prevention of Fraud and Corruption* reinforces Council's commitment to fraud and corruption prevention by providing guidance regarding Council's actions and expectations in relation to fraud and corruption. The Policy also confirms that fraud and corruption prevention is the responsibility of Councillors, Senior Management and every employee of Council.

### **Responsibility Structure**

The organisational responsibilities for implementing and managing Council's Fraud and Corruption Control Strategy and Action Plan; and Councillor, staff and senior management responsibilities in relation to the prevention, detection and investigation of fraud and corruption; are clearly defined earlier in this document.

In addition, Council's *Public Interest Disclosures Policy* (under [Public Interest Disclosures Act 1994](#)) identifies the responsibilities of staff and Councillors, and provides procedures for reporting and handling of Public Interest Disclosures.

Fraud and corruption control responsibilities will be communicated to all levels of the organisation to ensure that there is a common understanding of fraud and corruption responsibilities and expectations.

### **Fraud and Corruption Risk Assessment**

Council will undertake high level Fraud and Corruption Risk Assessment workshops in relation to the various functions and operations of Council. These workshops will:

- Identify specific fraud and corruption risks;
- Rate the likelihood and consequence of each fraud and corruption risk with and without existing controls;
- Review the adequacy of existing internal controls; and
- Develop action plans to treat the identified risks.

Council's identified fraud and corruption risks, internal controls and proposed risk treatment action plans will be documented and recorded in Council's Risk Register.

Council will continue to assess fraud and corruption risks periodically as part of Council's enterprise wide approach to risk management. Furthermore, as resources and budget permits, Council will identify high fraud and corruption risk areas and activities and conduct a more detailed risk assessment involving key staff in each section.

A review of Council's Risk Register will be undertaken on an annual basis for identification of fraud and corruption risks to ensure that additional fraud and corruption risks are identified as they emerge and that Council's operations and functions, particularly those with a high predisposition to fraud and corruption, are subject to ongoing and effective internal controls.

Council recognises that internal audit complements internal assessment of fraud and corruption related risks and controls and therefore independent identification and assessment of Council's fraud and corruption risks will be arranged with Council's Internal Auditor and Audit, Risk and Improvement Committee as warranted.

### Councillor and Employee Awareness

Council will make the following clear to all staff, Councillors, volunteers and contractors:

- The ethical behaviours expected of them in the workplace; and
- That the organisation will not tolerate corruption, including fraudulent dealings, and that people are encouraged to provide information if they suspect corruption is occurring.

Council has the following processes in place to ensure awareness of Council's position in respect to fraud and corruption:

- Induction training that includes elements of fraud and corruption.
- Provision of Fraud and Corruption Control Training for all staff.
- Provision of [Code of Conduct](#) training to ensure an understanding of the ethical behaviour expected in the workplace and the types of activities that may constitute fraudulent or corrupt behaviour and Council's response to this type of activity.
- Public Interest Disclosure Training for staff.
- Making Council's Fraud and Corruption Control Strategy and Action Plan and related policies and procedures readily available.
- Active use of Council's Gifts and Benefits Register and Political Donations and Gifts Disclosure Register in Councils Electronic Document Management System (EDMS).

### Customer and Community Awareness

Council will communicate the following to key stakeholders, including customers and members of the general and business community, to ensure confidence in the integrity of the organisation:

- That Council will not tolerate fraudulent and corruption behaviour and perpetrators will be prosecuted;
- That key stakeholders are encouraged to provide information if they suspect fraud or corruption is occurring and that there are channels available for them to do so; and
- That customers and community members' privacy, when providing information of suspected fraud or corruption to be further investigated, will be protected and treated as confidential information.

Council will communicate the above principles through the following mediums.

### Statement of Business Ethics

Council's Statement of Business Ethics outlines expected behaviour, key code of conduct principles, Council expectations, conflict of interest protocols, gifts and benefits protocols and how to report corruption, maladministration and wastage.



Council's Statement of Business Ethics is available on Council's website and incorporated into and referred to in tender invitations and/or contract documentation.

### **Political Donations**

Council's Development Application submission forms require residents / developers to complete a Political Donation Statement.

Council's website includes information with respect to obligations in relation to the disclosure of political donations.

### **Policy Register**

Council's website includes a Policy Register of all key Council policies.

### **Other**

Declarations in general terms and conditions of business dealings with external parties. Council may undertake surveys to gauge community perception of integrity, fraud and corruption at Council as time and resources permit.

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## **2. DETECTION**

This section of the Strategy and Action Plan deals with Council's approach to the early detection of fraudulent and corrupt behaviour within or against the organisation.

It is noted that Council's Fraud and Corruption Risk Assessment and Responsibility Structure detailed earlier in the document also support this part of Council's Strategy and Action Plan.

### **Detection Systems**

Council recognises the importance of early warning systems to alert possible fraud and corruption and that the implementation and maintenance of a rigorous system of internal controls is the first line of defence against fraud and corruption within and against Council.

Council therefore requires all organisational activities to be designed with an awareness of the fraud and corruption risks that may arise and management controls to be put in place to reduce the risk to an acceptable level.

Council has identified a number of existing internal controls relevant to the fraud and corruption risks faced by Council. These controls are documented in Council's Risk Register and include:

- Review by a senior officer.
- Segregation of duties.
- Authorisation / approval by a senior person.
- Sign-off.

## Fraud and Corruption Control Framework

- Supervisor checks.
- Visual inspections.
- Audit trails.
- Audits.
- Reconciliations.

Council will review its internal controls in conjunction with its fraud and corruption risk assessment review on at least an annual basis in consultation with relevant Council staff to ensure that internal controls remain in place and effective and that additional internal controls are identified and recorded.

### Notification Systems (Reporting Suspected Fraud and Corruption)

Council recognises that ignoring fraud or corruption is tantamount to endorsement of the activity. As such Council will create and foster an organisational culture and environment:

- That supports reporting of suspect actions and behaviour.
- Where staff, volunteers and contractors feel comfortable reporting matters; and
- That promotes confidence in the fact that Council will address complaints genuinely and protect anyone who reports such an activity from reprisal.

The following policies, procedures, documents and systems establish and facilitate the notification of suspected or actual fraudulent and corrupt behaviour to Council.

### Internal Reporting (under Public Interest Disclosures Act 1994) Policy

Council's adopted Public Interest Disclosures Policy (under [Public Interests Disclosures Act 1994](#)) complements normal communication channels between Council supervisors and staff members by providing the following:

- Appropriate avenues for reporting fraudulent and corrupt conduct internally and detailing options available for reports to be made to external authorities;
- An assurance that any person who makes disclosures receives protection from reprisals; and
- Confirming Council's commitment to appropriately investigating matters raised in public interest disclosures.

Council's Policy also details the responsibilities of Council's nominated Disclosure Co-ordinator, Disclosure Officers, Chief Executive Officer and Mayor in relation to Council's Internal Notification and Reporting Systems.

### Statement of Business Ethics

Council's Statement of Business Ethics is required to be written into the contracts of third parties dealing with Council, and those who may be seen by the public as representing Council, such as suppliers, consultants and contractors.

The statements makes third parties aware that they, and their employees, must adhere to Council's ethical standards; report any suspected or alleged fraud or corruption involving the

## Fraud and Corruption Control Framework

Council to the Chief Executive Officer; and that breaches of the Statement may result in penalties being imposed and possible cancellation of their contract.

**Code of Conduct**

Council's [Code of Conduct](#) establishes the standard of ethical behaviour expected of all Council staff and Councillors and therefore supports the objectives of this Strategy and Action Plan.

[Code of Conduct](#) training is provided to Councillors and all staff upon induction and periodically throughout their term of employment to ensure awareness in this regard.

It is noted that in some cases a breach of Council's [Code of Conduct](#) may constitute fraudulent or corrupt behaviour. Such breaches will be investigated in accordance with relevant sections of this Strategy and Action Plan and any relevant Human Resources policies and procedures. Where deemed necessary, Council will take the appropriate disciplinary action.

**Complaints Management**

Council's Complaints Handling Policy sets out Council's approach and procedures for receiving and effectively and positively handling complaints from any person, group or organisation (or their representative) that uses Council's services or is impacted by Council's decisions, actions or lack of actions.

The Policy also details the avenues available for the lodgement of complaints to Council and reinforces that complainants will not be subject to disadvantage or victimisation.

**Grievance Handling Procedure**

Council's Grievance Handling Procedure provides avenues for Council staff to report grievances and the manner in which such reports will be managed by Council.

The Procedure reinforces that Council will apply equity and confidentiality in dispute resolution processes and work towards expediting a return to productive and harmonious workplace relations for all involved.

**External Notification Systems**

Council recognises that it has a legal obligation to:

- Report fraudulent conduct to the police;
- Report suspected corruption to the Independent Commission against Corruption (ICAC); and
- Notify other external authorities as appropriate.

The following policies and procedures detail Council's approach to notifying external authorities. Other external bodies may also be relevant in particular situations (eg. ATO) and will be notified where necessary.

**Internal Reporting (under Public Interests Disclosures Act 1994) Policy**

Council's adopted Public Interest Disclosures Policy (under [Public Interests Disclosures Act 1994](#)) details the procedures for external reporting to the Independent Commission Against Corruption (ICAC), NSW Ombudsman and Office of Local Government. It also defines the responsibilities of Council's nominated Disclosure Co-ordinator, Disclosure Officers, Chief Executive Officer and Mayor in relation to external notification systems and associated procedures.

**Independent Commission Against Corruption (ICAC)**

Under section 11 of the [Independent Commission Against Corruption Act 1988](#), the principal officer of a public authority has a duty to report to the Commission any matter that the officer suspects on reasonable grounds concerns, or may concern, corruption.

The principal officer is defined as the person who is the head of the authority, its most senior officer or the person normally entitled to preside at its meetings. The Council's principal officer is the Chief Executive Officer.

When another person acts as the Chief Executive Officer during periods of leave or other absence, the duty applies to that person who is acting.

The reference to suspects on reasonable grounds, according to ICAC means that there is a real possibility that corrupt conduct may be involved. Proof is not necessary.

The ICAC encourage organisations to contact the Commission to discuss particular matters if they are unsure about whether or not to report, and to seek clarification about other issues related to reporting.

Section 11 applies despite any duty of secrecy or other restriction on disclosure.

The requirement to report suspected corruption to ICAC does not affect the obligations to report or refer matters to other bodies, such as the Police, the Ombudsman, or to carry out disciplinary procedures as required.

The Independent Commission Against Corruption (ICAC) has stated that reporting criminal matters to the Commission should not delay the matter being reported to the Police.

ICAC has advised that the following items should be included in reports:

- details of the allegations
- the name and position of any public official/s alleged to be involved
- the name and role of any other people relevant to the matter
- when the alleged conduct occurred
- whether the alleged conduct appears to be a one-off event or part of a wider pattern or scheme
- when the allegation was made or you became aware of the alleged conduct
- what your organisation has done about the suspected conduct, including notification to any other agency

## Fraud and Corruption Control Framework

- what further action is proposed
- an indication of the estimated amount of money (if any) involved
- any other indicators of seriousness
- any other relevant information

The Commission may use the matters reported to ICAC in the following ways:

- all information is assessed in terms of the contribution it may make to the work of the Commission;
- a small number of reports are selected for full investigation by ICAC;
- reports may form the basis of corruption prevention advice and project work;
- reports may be referred to more appropriate investigative authorities.

**Police**

Where the Chief Executive Officer reasonably believes that a Council employee, Councillor or related party has committed a criminal offence, the matter will be referred to the police.

According to Section 316 of the [Crimes Act 1900](#), concealing a serious offence is a criminal offence:

If a person has committed a serious offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years.

Where any other Council employee or Councillor suspects on reasonable grounds that a crime has been committed, this will be reported in accordance with Council's adopted Public Interest Disclosures Policy (under [Public Interests Disclosures Act 1994](#)).

### 3. RESPONSE

Council will deal fairly with all parties in the course of investigating allegations of fraud or corruption, however if fraud or corruption is proven Council will apply the appropriate sanctions.

#### Guiding Principles

The overall guiding principles of any investigation into alleged improper conduct will be independence, impartiality and objectivity; however it is noted that matters referred to the Independent Commission Against Corruption (ICAC) or NSW Police may lead to criminal proceedings.

Council's investigation standards are clearly documented in various Council policies and procedures, including Council's *Fraud and Corruption Control Policy for prevention of Fraud and Corruption*, *Code of Conduct*, *Public Interest Disclosures Policy (under Public Interests Disclosures Act 1994)* and *Workplace Investigations Policy and Procedure*.

#### Investigation Systems

##### Internal Investigations Procedures

The investigation procedure undertaken by Council will ensure fairness and consistency in accordance with the rules of natural justice and with respect for the civil rights of staff members and citizens.

All Councillors, staff members and stakeholders are expected to fully co-operate in relation to such investigations.

##### Responsibilities

Internal investigations into potential fraud and corruption related activities will be undertaken by Council's suitably authorised and trained staff in accordance with Council's *Public Interest Disclosures Policy (under Public Interests Disclosures Act 1994)* and investigation procedures detailed in *AS8001-2008 Fraud and Corruption Control* and ICAC's "*Guide to Conducting Internal Investigations*".

It is noted that when potential internal investigators have conflicts of interest, an external consultant will be engaged to assist with the conduct of the investigation. All persons engaged will be appropriately qualified by reason of formal qualifications and relevant experience.

##### Record Keeping and Information Protection

Council recognises that the manner in which evidence is collected and stored in relation to any fraud or corruption investigation will have a critical impact on its value as evidence in any later inquiries or court proceedings.

## Fraud and Corruption Control Framework

Council officers involved in internal investigations will keep records in accordance with Council's record keeping policies and procedures, the [State Records Act 1998 \(NSW\)](#) and the following procedure:

1. Investigation files and reports should be kept securely locked when not in use. They should not be left unattended on desks even for short periods.
2. Evidence collected will be stored and labelled systematically, and kept confidential. Additionally original documents will not be altered or annotated in any way.
3. Access to files and reports should only be given to people for official purposes and on a needs basis.
4. People to whom access is given must observe the same security procedures. This should be explained to them.
5. The name of the person suspected of the conduct should not be mentioned on the cover of any files.
6. The name of the person who reported the suspected conduct should not be mentioned on the cover of any file.
7. No information from the investigation report is to be attached to any employee's personnel file.
8. The Disclosure Co-ordinator is responsible for maintaining a record (Investigation Register) of any investigation conducted as a result of suspected instances of fraud and corrupt conduct being reported.
9. The Disclosure Co-ordinator is responsible for all investigation files dealing with suspected fraud, corruption, maladministration and wastage.
10. All investigation files and related records will be retained and destroyed by Council in accordance with the [State Records Act 1998 \(NSW\)](#) and related Council record keeping policies and procedures.

### Investigation Register

Council's Disclosure Co-ordinator will maintain a register of all investigations conducted as a result of suspected or actual instances of fraud and corruption being reported.

The Investigation Register will include the following information in relation to every reported fraud and corruption incident:

- Date and time of report.
- Date and time that incident was detected.
- How the incident came to the attention of management (e.g. anonymous report, normal report, supplier report).
- The nature of the incident.
- Value of loss (if any) to the entity.
- The action taken following discovery of the incident.

Each case will stay on the schedule and not be reported until all action is finalised. Once all action for a case is finalised, including all managerial action, it will be reported as finalised.

All investigation action, including any managerial disciplinary action, if applicable, is expected to be completed within 3 months of the allegation being received.

All preventative action, if any, required by management as recommended and agreed with the investigator, is to be implemented within 3 months of the investigation being completed.

The Disclosure Co-ordinator is responsible for analysing and undertaking trend analysis of information contained on the register/database, e.g. by location, by investigation type.

### Investigation Results

Details of investigations will be communicated to the Chief Executive Officer by the Disclosures Co-ordinator as per Council's *Public Interest Disclosures Policy (under [Public Interests Disclosures Act 1994](#))* and by use of Council's Management Investigation Report.

The Chief Executive Officer will have access to:

- Council's Risk Register
- Council's Management Investigation Report

The Chief Executive Officer will take relevant fraud and corruption information into account when reviewing Council's Fraud and Corruption Control Strategy and Action Plan

### Conduct and Disciplinary Systems

Fraud and corruption will not be tolerated by Council and perpetrators will face disciplinary action and will be prosecuted if necessary.

Where crimes have been committed Council will report the matters to the police and where appropriate criminal prosecution will be undertaken. Civil and administrative action may also be instituted to recover any losses to Council.

To support a sound conduct and disciplinary system, Council's related policies and procedures will ensure that staff members and Councillors understand that:

- Fraud is a crime and will not be tolerated;
- The rules and requirements, values and behaviour expected of them; and
- Those committing fraud or corruption will be prosecuted.

### Disciplinary Standards

In all cases of fraud and corruption, consideration will be given to restitution and criminal charges. The Chief Executive Officer is responsible for making the decision about these matters.

The Chief Executive Officer will be responsible for deciding what disciplinary action is appropriate for staff members involved in fraud and corruption.

The Council and/or the Director General of Local Government is responsible for deciding what disciplinary action is appropriate for Councillors involved in fraud and corruption.



## Fraud and Corruption Control Framework

Council's Public Interest Disclose Policy (under [Public Interests Disclosures Act 1994](#)) details Council's approach to the notification of instances of fraud and corruption to external authorities.

## IMPLEMENTATION

The successful implementation and the achievement of Council's Fraud and Corruption Control Strategy and Action Plan objectives relies heavily on the provision of effective staff and Councillor education and training.

Any person employed by Council and Councillors will be required to undertake training in relation to Council's Fraud and Corruption Control Strategy and Action Plan, [Code of Conduct](#); Public Interest Disclosures Policy (under [Public Interest Disclosures Act 1994](#)) and Complaints Handling Policy.

A copy of these documents will be provided to staff at that time.

Fraud and corruption investigation training will also be provided to relevant Council staff as appropriate.

Council undertakes regular culture surveys and it should be noted that if Council's observable ethical culture falls below acceptable levels, remedial action, including a broad-based communication and training program, will be undertaken as a matter of priority.

Council's Fraud and Corruption Control Strategy and Action Plan, along with related Council policies and procedures, will be made readily available including at induction to Council staff, Councillors and stakeholders. Such availability will ensure a continued awareness and understanding of what constitutes fraudulent and corrupt conduct, reinforce Council's approach should such behaviour be suspected or substantiated, and ensure the continued promotion of ethical and professional conduct throughout the organisation.

Council will develop and maintain an Implementation Action Plan to ensure the appropriate implementation of the Policy and this Strategy.

## MONITOR AND REVIEW

Monitoring and reviewing Council's Fraud and Corruption Control Strategy and Action Plan and associated procedures and systems will ensure effective ongoing implementation and improvement of all aspects of the Strategy and Action Plan across the organisation, and in particular will:

- Identify specific work areas where implementation of some elements of the Strategy and Action Plan may need modification or improvement;
- Identify elements of this Strategy and Action Plan that may need attention across the entire organisation;
- Develop a targeted plan for improving implementation of this Strategy and Action Plan;

## Fraud and Corruption Control Framework

- Monitor the ongoing extent of the implementation of the Strategy and Action Plan across all areas within Council;
- Identify resourcing requirements and, in particular, ensuring that the anti-fraud and anti-corruption human resources are appropriately senior and skilled for the role and that they have a sufficient allocation of time to discharge their responsibilities; and
- Ensure Council meets its legislative obligations.

## STRATEGY AND ACTION PLAN REVIEW

Council's Fraud and Corruption Control Strategy and Action Plan will be reviewed at minimum of once every two years by Council's Manager Governance and Business Services to ensure it remains current and effective. During such reviews, regard will be given to the results of Council's fraud and corruption "Health Checks" and "Improvement Workshops".

## HEALTH CHECKS AND IMPROVEMENT WORKSHOPS

Council will undertake fraud and corruption "Health Checks" at least once every 2 to 3 years in all work areas across the organisation, in line with the requirements of the Audit Office of NSW, Better Practice Guide "Fraud Control Improvement Kit". A Health Check may also be undertaken more regularly as deemed necessary by the Audit, Risk and Improvement Committee, particularly in areas that present a higher level of fraud and corruption related risks.

The results of the Health Check will be considered by Council's Audit, Risk and Improvement Committee and the results will assist in the identification of the areas of Council that require a fraud and corruption control "Improvement Workshop" to be undertaken. Such workshops will be undertaken in line with the requirements of the Audit Office of NSW, Better Practice Guide "Fraud Control Improvement Kit".

## FRAUD AND CORRUPTION RISK ASSESSMENTS

Council's enterprise wide fraud and corruption risk assessment will be reviewed on an annual basis by ELT and reported to Council's Audit, Risk and Improvement Committee, in order to ensure:

- Additional fraud and corruption related risks are identified and managed appropriately; and
- Ensure the ongoing effectiveness of fraud and corruption prevention and detection related controls utilised throughout the organisation.
- The ongoing awareness and commitment of ELT to fraud and corruption control throughout the organisation.

It is recommended that within their area of operations and responsibility, Unit Managers continually monitor their fraud and corruption related risks to ensure that appropriate measures are being implemented to reduce those risks and that any amendments are reflected within Council's Risk Register.

Fraud and Corruption Control Framework

## CODE OF CONDUCT

The Code is required to be revised on a regular basis to ensure that it remains relevant, comprehensive and continues to meet the standards of the [Model Code of Conduct](#) issued by the Office of Local Government.

## C. ACTION PLAN

The Action plan will be provided separately. It is aligned to the NSW Audit Office Fraud Control and Corruption Framework. Actions are cross referenced to the NSW Audit Office checklist. Actions are assigned to a responsible position or positions for implementation.

## ANNEXURE A - TOP 10 ATTRIBUTES OF FRAUD

The "critical factors for success" (top 10 attributes) suggested under the "Fraud Control Improvement Kit (February 2015): Managing Your Fraud Control Obligations" developed by the Audit Office of NSW, that underpin Council's Fraud and Corruption Control Strategy and Plan are outlined below.

PREVENTION		
Attribute No.		Aim of Attribute is to ensure that:
1.	<b>Leadership</b>	<ul style="list-style-type: none"> <li>Senior Management commitment is demonstrated through behaviour and allocation of resources.</li> </ul>
2.	<b>Ethical Strategy and Plan</b>	<ul style="list-style-type: none"> <li>A suite of Policies and procedures have been developed to establish a standard of behaviour</li> <li>A strong governance Strategy and Action Plan has been developed and is entrenched in ethical and transparent decision making</li> </ul>
3.	<b>Responsibility Structure</b>	<ul style="list-style-type: none"> <li>There is a clear accountability and responsibility for implementation and monitoring of the Fraud and Corruption Control Strategy and Action Plan;</li> <li>This accountability is well known by all staff at all levels and in all sections of the organisation;</li> <li>There is a common understanding that everyone in the organisation has a role to play in effective fraud management.</li> </ul>
4.	<b>Fraud and Corruption Control Policy for prevention of Fraud and Corruption</b>	<ul style="list-style-type: none"> <li>Council has in place the necessary policies, systems and procedures to minimise fraud and corruption in all sections, and at all levels of an organisation;</li> <li>Policies, systems and procedures respond, and are proportionate, to the fraud risks faced by Council.</li> </ul>
5.	<b>Prevention Systems</b>	<ul style="list-style-type: none"> <li>Proactive and integrated fraud risk assessments are conducted and reviewed in a timely manner</li> <li>High Risk areas are an organisational focus</li> <li>There is a commitment to planning, accountability and reporting</li> </ul>
6.	<b>Fraud Awareness (Employees, Councillors and the Community)</b>	<ul style="list-style-type: none"> <li>All employees understand the ethical behaviours required of them in the workplace;</li> <li>Training programs in ethical behaviours are in place across the organisation;</li> <li>Training deals with the fraud risks faced by individuals in their workplaces.</li> <li>Employees understand that fraud will not be tolerated and that perpetrators will face disciplinary action;</li> <li>Employees have access to written information to assist them understand their ethical obligations;</li> <li>Approaches will be developed that are consistent with both perceived risks and the organisation's approach to human resources management.</li> </ul>
7.	<b>Third Party Management Systems</b>	<ul style="list-style-type: none"> <li>Effective third party controls are in place particularly in the area of procurement and engaging contractors</li> <li>A secondary employment policy is implemented and communicated to third parties</li> <li>A statement of business ethics sets expectations and mutual obligations</li> </ul>

## Fraud and Corruption Control Framework

DETECTION		
Attribute No.		Aim of Attribute is to ensure that:
8.	<b>Notification Systems</b>	<ul style="list-style-type: none"> <li>▪ There is a culture within the organisation that supports and encourages reporting of actual and suspected fraud and corruption</li> <li>▪ Reporting under section 11 of the ICAC Act is undertaken</li> <li>▪ Policies, systems and procedures are in place to encourage the reporting of suspect behaviours;</li> <li>▪ Council has policies which clearly identify the nature of suspect actions which require reporting to the Police, the ICAC, the Ombudsman, etc;</li> <li>▪ External notification takes place as required in light of the above legal and policy requirements.</li> <li>▪ Fraud notification systems give the complainant the opportunity to report the suspect behaviours anonymously;</li> <li>▪ "Whistle-blowers" are protected by the organisation Policies, systems and procedures and give equal opportunities to managers, staff, contractors, consultants, customers, suppliers etc. to notify the organisation of suspect behaviours.</li> </ul>
9.	<b>Detection Systems</b>	<ul style="list-style-type: none"> <li>▪ Available data is thoroughly monitored and reviewed to ensure that irregularities and warning signals are picked up at a very early stage and flagged for further detailed review;</li> <li>▪ Internal audits regularly examine samples of medium and high risk financial decision making across the organisation;</li> <li>▪ The AC make decisions and recommendations, based on risk, about key systems and decisions to be audited;</li> <li>▪ Outcomes of audits are reported to executive management on a quarterly basis.</li> <li>▪ A separate fraud risk assessment is undertaken by the organisation;</li> <li>▪ The fraud risk assessment quantifies the level, nature and form of the risks to be managed;</li> <li>▪ Actions will be taken by the organisation to mitigate the risks identified in the fraud risk assessment.</li> </ul>
RESPONSE		
Attribute No.		Aim of Attribute is to ensure that:
10.	<b>Investigation Systems</b>	<ul style="list-style-type: none"> <li>▪ Procedures and other appropriate support (including training, where required) is provided to staff undertaking investigation activity on behalf of the organisation;</li> <li>▪ Investigation actions undertaken should be consistent with commonly used investigation standards;</li> <li>▪ Where appropriate expertise is not available internally, then external assistance should be sought;</li> <li>▪ All investigations consider what improvements can be made to policies, systems and procedures within the organisation;</li> <li>▪ All investigation reports are referred to the AC or an equivalent, and the organisation's senior executive, for action.</li> </ul>



**Item No:** 4.2  
**Title:** After Hours Call Centre Service - Alternative Service Delivery Models  
**Department:** Connected Communities

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13731435  
Author: Lisa Champion, Section Manager Customer Relationships  
Manager: Sue Ledingham, Unit Manager Community Engagement  
Executive: Julie Vaughan, Director Connected Communities

### **Report Purpose**

This report was tabled at the Ordinary Meeting on 25 November 2019. The report was debated and remained at large and therefore deferred for consideration at the next Ordinary Meeting of Council. This report responds to Resolution 1147/18 from the Ordinary Council meeting on 26 November 2018 requesting a further report be provided on alternative delivery models for Council's After Hours Call Centre Service.

### **Recommendation**

***That Council commence the tender process for the After Hours Call Centre Service, as noted for Model 2.***

### **Background**

Council, at its Ordinary Meeting on 26 November 2018 resolved the following, part thereof:

- 1147/18 That Council request the Chief Executive Officer provide a further report on alternative delivery models*
- 1148/18 That Council resolve to not accept any tenders for the following reason; to allow Council to investigate alternative delivery model.*

In 2014, both the former Wyong Shire and Gosford City Councils moved to outsource after-hours service providers following reviews of their respective after hour service. Both former Councils identified that the best value for money would be for a contracted After Hours Call Centre service to manage customer calls outside of business hours, during emergency outages and on public holidays; providing the customers with information, lodging service requests to be actioned during business hours, direct emergency calls to Council staff and record all interactions with customers and provide reports on what calls were received after hours.

Up until late 2018 this after-hours service was provided by two separate suppliers until a tender for a single supplier could be issued.

## **4.2 After Hours Call Centre Service - Alternative Service Delivery Models (contd)**

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At the Ordinary Meeting of Council on 26 November 2018 it was resolved to place the tender for an after-hours service provider on hold so that a report on alternative models could be developed. While the tender was placed on hold and the report on alternative models was developed, the after-hours service was consolidated and is currently provided by one existing supplier on a month to month basis.

Council's after-hours service provision is primarily in place to manage emergency calls to Council outside of business hours (including weekends and public holidays). The service consists of a customer call service for emergency actions, these calls are taken by an external service who triage the customer enquiries, the calls are then escalated to Council After Hours Duty Officers (AHDOs) who respond to emergencies related to water and sewer, roads and drainage, facilities and other activities. If the call is not deemed to be an emergency, the Call Centre Service logs customer requests for action during business hours based on a service matrix provided by Council. The average number of calls received after-hours for this service is approximately 6,300 per year, or 17 calls per night.

### **Current status**

The current arrangement is delivered by Oracle CMS in conjunction with AHDOs for an approximate yearly cost of \$350,000, which can vary depending on external factors such as serious weather events impacting the region where additional trades or Council staff are required to attend.

### **Report Findings**

Council's service level is determined by the different business areas in accordance with Council requirements, as well as relevant legislation and regulations as set out by EPA, the Roads Act, Companion Animals Act and IPART for example. By the very nature of the services provided by Local Government, it is a complex business.

Council requested a report be undertaken on alternative delivery models (Attachment 1) for the After Hours Call Centre service, due to the complexity of the services provided by Local Government there are limited options on what can be sourced in the market place for third party providers. To support the review the report findings included evaluation of service model types, benchmarking with other Councils to understand alternatives and a cost analysis on what service model would provide the best value for the Central Coast community.

#### *Benchmarking*

The following 10 councils were contacted to understand what alternatives could be considered:

- Lake Macquarie City Council

## **4.2 After Hours Call Centre Service - Alternative Service Delivery Models (contd)**

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- Blacktown City Council
- Newcastle City Council
- Wollongong City Council
- Hornsby Shire Council
- Inner West Council
- Northern Beaches Council
- Brisbane City Council (QLD)
- City of Casey (VIC)
- City of Greater Geelong (VIC).

There were two models in use by the Councils contacted:

- 1 Outsourced to an after-hours service provider specialising in local government services
- 2 An in-house 24/7 call centre.

The only council providing an in-house service was Brisbane City Council. They have operated an in-house model for some years which is resourced by nearly 200 staff. Brisbane City Council serves a population of over one million people and provides 24-hour service for general and urgent Council enquiries as well as a dedicated business support hotline providing information on a range of Council topics including licensing, development applications, business opportunities and procurement. It is noted that Brisbane City Council is not a recognised water authority and owns and manages Brisbane's bus and ferry transport network.

All other Councils contacted outsourced their after-hours service, which focused primarily on emergencies, and was supported by a range of various staff arrangements including After Hours Duty Officers – similar to the current model undertaken at Central Coast Council.

The main reason for most Councils outsourcing their after-hours service was due to cost effectiveness and value for money for ratepayers as well as to ensure business continuity during outages and major emergencies. Nine of the 10 Councils contacted were satisfied with the quality of service provided by their chosen external providers, whilst still employing Council staff to triage and oversee emergency responses. The one Council who was not satisfied indicated it was due some calls being escalated to the wrong service but said that this was due so some unclear areas in their service matrix/responsibility.

Research was undertaken with a view to identify local suppliers who could provide a similar or same service support Council, however no call management service providers were located in the Central Coast region. Of the call centres located on the Central Coast, none of these provided a call answer service outside of their specific organisation and were not looking to do so.



## 4.2 After Hours Call Centre Service - Alternative Service Delivery Models (contd)

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### Model Comparison

In reviewing the current service, call volumes and times, customer expectations and comparisons with other Council areas were considered. The alternative models have been assessed based on the following:

- Ability to ensure business continuity on short notice both during business hours and after hours to ensure consistency with customer service response in the event of an emergency, declaration of natural disaster, or an event such as system failures that impacts Council's resources
- Best value for money for ratepayers
- Better customer access for emergencies
- Ability for Council to meet customer needs and expectations
- Knowledgeable staff who understand Council operations and service requirements for the above situations
- Service that supports the needs of Central Coast.

The two alternative models considered are:

#### *Model 1: In-house 24/7 Customer Service Call Centre*

The model encompasses two staff per shift after hours in the call centre answering calls, triaging service response and contacting Council's AHDOs to respond and action.

#### Benefits

- All customer calls answered directly by Council night-shift call centre staff
- 6 additional night shift call centre staff required to allow coverage for annual leave, sick leave, etc. - these would be new positions.

#### Risks or challenges

- No business continuity or ability to service customers in the case of a wide-spread emergency or council only emergency such as an IT failure or phone outage either during or outside of business hours. This was experienced In July and August 2019 with one phone outage lasting over two hours during which customers could not contact Council. Due to the external provider being available calls were immediately diverted and customer calls continued to be answered with no break in service
- No ability to divert customer calls as required to support call over flow during unexpected high call volumes during business hours or during customer service training or unavailability
- Expensive service delivery option when call volume after-hours is low - 17 calls per night would equate to four calls per rostered staff member per night
- Customer response level would be a challenge in times of large scale emergency due to limited ability to scale up. An outsourced call centre has the scalability to

## 4.2 After Hours Call Centre Service - Alternative Service Delivery Models (contd)

meet unexpected increases to call volumes and have capacity to scale up or own immediately due to their operating models

- Volume of calls does not warrant the cost to deliver the service with on average 17 calls per night of which 12 would be escalated to AHDOs. Based on these figures and the number of staff per night shift it would equate to four calls per staff member between 5pm and 8:30am
- Long periods of annual leave or sick leave could impact staff availability to resource required hours and maintain customer service expectation levels.

### *Model 2: Outsourced Call Centre + After-Hours Duty Officers – current arrangement*

The model encompasses an external Call Centre service after hours answering calls, triaging service response and contacting Council's AHDOs to respond and action.

#### Benefits

- Business continuity – ability to service customers regardless of situation whether wide-spread emergency or council only emergency or infrastructure failure after-hours
- Scalability due to external provider operating models which can be easily scaled up or down to meet unexpected high or low call volumes
- All calls can be easily diverted to an offsite provider during business hours as required regardless of situation whether wide-spread emergency or council only emergency (such as telephony, systems or IT failure)
- More cost effective option based on low call volumes compared to after-hours in-house call centre.

#### Risks or challenges

- External provider are not Council or Central Coast experts. However, this is mitigated as the After-hours Duty Officers are and can effectively action and manage any required services or trades to attend emergencies
- Responses provided by external provider reliant on accurate script provided by council business areas
- External provider experiences a system or phone issue.

The costs for both an in-house model and an outsourced model After Hours Call Centre service were reviewed for cost comparison.

**Table 1: Cost Comparison of Model 1 and 2**

	<b>Model 1</b>	<b>Model 2 - recommended</b>
Staff required for call centre	6	0
	<b>Model 1</b>	<b>Model 2 - recommended</b>

**4.2 After Hours Call Centre Service - Alternative Service Delivery Models (contd)**

Salaries per year	\$1,080,000	\$0
After-Hours Duty Officer allowance	\$270,000	\$270,000
Service provider	\$0	\$80,000
Business Continuity Support	No	Yes
Costs for 1 year	\$1,350,000	\$ 350,000
Costs over 3 years	<b>\$4,050,000</b>	<b>\$1,050,000</b>
Cost per call/interaction (6,300 per year)	\$214	\$55

**Consultation**

Council’s internal teams including Roads and Drainage, Water and Sewer, Open Space, Facilities and Asset Management and Compliance were consulted on the requirements for supporting the After Hours emergency services for call management. These services provide the primary After Hours Call Centre services.

No specific customer survey was undertaken for the After Hours Call Centre service. However, in the most recent Customer Experience survey 2019, while findings indicated general satisfaction with how Council handled their contact and their expectations were met the majority of the time, there were not specific responses relating to issues with the After Hours Call Centre services. In the last financial year 2018-19 only one complaint was received regarding the level of service after hours.

**Options**

- Option 1 (not recommended)  
Establishing and providing an in-house call centre for after-hours customer service This model is not recommended for the following reasons:
  - Lack of business continuity capability regardless of situation whether wide-spread emergency or council only emergency or infrastructure or IT failure
  - Limited scalability in times of large scale emergency with only two staff per shift to answer calls and limited ability to scale up to support service with this model
  - Small number of calls per year (6,300 per year or 17 calls per day)
  - Does not provide best value for money based on per interaction cost (\$214 vs \$55) with little additional benefit to the community.
  - Option 2 (recommended)

## 4.2 After Hours Call Centre Service - Alternative Service Delivery Models (contd)

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- Seeking the services of an external provider for the After Hours Call Centre. This model is recommended for the following reasons:
- Ability to ensure business continuity on short notice both during business hours and after hours to ensure consistency with customer service response in the event of an emergency, declaration of natural disaster, or an event such as system failures that impacts Council's resources
- Best value for money for Central Coast community based on per interaction cost of \$55
- Ability to meet customer needs and expectations
- Continues to support additional employment with AHDO's undertaking the triage and emergency response, supported by an external call centre service that is specifically for emergency after hours and business continuity requirements. All calls can be easily diverted to an offsite provider during business hours as required regardless of situation whether wide-spread emergency or council only emergency (such as telephony or internet failure) or to support customer service training. This option is not possible with an in-house service as there would be nowhere to divert customer calls and in the case of a telephone or IT outage customers could not be served during business hours
- Service level that supports the needs of Central Coast.

Council provides essential emergency After Hours Call Centre services to support the community for a range of services such as roads, drainage, water and sewer and other services where an emergency call out is required 24/7. Council also provides an online service request for customers available 24/7 for non-urgent issues that can be responded during business hours.

Based on the analysis of two service models for delivery of the emergency and After Hours Call Centre service, and the comparisons with other local government areas, along with the expectations of delivery of a cost effective service and meeting business continuity, it is proposed that Model 2 is the preferred option to meet the needs of the community.

### **Financial Impact**

The 2019/20 Budget allocation for call centre service to support the After Hours Emergency Service is \$350,000 per year.

Should Council consider Model 1 the total cost to implement an internal call centre service for after hours would be approximately \$1,350,000 per year. There has been no provision in the 2019/20 year to accommodate a significant increase in costs to provide this service.

## 4.2 After Hours Call Centre Service - Alternative Service Delivery Models (contd)

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### Link to Community Strategic Plan

Theme 4: Responsible

### Goal G: Good governance and great partnerships

R-G4: Serve the community by providing great customer experience, value for money and quality services.

### Risk Management

Risks have been identified in the review of the alternative models and have clearly outlined the requirement of the preferred model to meet business continuity.

Risks of Model 1 - *In-house 24/7 Customer Service Call Centre*:

- Expensive operating costs with significantly less value for money for the community
- Customer experience in response level, with only one to two staff able to answer calls if there was a larger emergency or water main break the volume of calls would be challenging for staff to respond in a timely manner, no scalability
- No business continuity or ability to service customers regardless of situation whether wide-spread emergency or council only emergency or infrastructure failure
- No ability to divert customer calls during business hours in the case of a telephony outage or as required to support the ability to ensure appropriate customer service training and refresher training to be undertaken by frontline staff
- In the likelihood of emergency or major disaster, with no building or equipment access, staff may be unable to deliver operations required to support call centre services
- Volume of calls would not necessitate the cost to deliver the service with on average 17 calls per night of which 12 are escalated to AHDOs.

Risks of Model 2 - *Outsourced Call Centre + After-Hours Duty Officers – current arrangement*:

- Responses provided by external provider reliant on accurate script provided by Council business areas.
- External provider experiences a system or phone issue
- AHDOs experience high number of escalations during an emergency.

Further risk to Council in undertaking a month to month procurement arrangement is the likelihood of cost increases or unexpected termination of service by external provider.

## **4.2 After Hours Call Centre Service - Alternative Service Delivery Models (contd)**

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### **Critical Dates / Time Frames**

Council is currently serviced on a month to month basis outside of a contract arrangement. This is a significant risk if not formalised to secure pricing and continuity of service provision.

### **Attachments**

- |          |  |                                  |           |
|----------|--|----------------------------------|-----------|
| <b>1</b> | After Hours Call Centre Service Model Review<br>October 2019 | Provided Under Separate<br>Cover | D13717851 |
|----------|--|----------------------------------|-----------|



**Item No:** 4.3  
**Title:** Response to Notice of Motion - Davistown Wetlands Acquisition  
**Department:** Environment and Planning

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-008 - D13728583  
Author: Peter Sheath, Section Manager, Waterways  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

This report responds to the Notice of Motion – Davistown Wetlands Acquisition raised at Council Meeting 25 November 2019.

### **Recommendation**

***That Council receive the report on Davistown Wetlands Acquisition.***

### **Background**

At the Ordinary Meeting held on Monday, 25 November 2019 Council resolved the following:

- 1203/19 *That Council request the Chief Executive Officer advise (at the following Ordinary Council meeting) what actions Council has undertaken to exercise the function and intent of the Davistown Wetlands Acquisition fund and policy since the original establishment of the Central Coast Council*
  
- 1204/19 *That Council requests the Chief Executive Officer, or his suitably qualified agent, to enter into negotiations with the vendor of the Davistown Wetlands parcels to purchase the land in whole or in part to the extent the funds make possible and that these negotiations commence at the earliest opportunity and be concluded within 3 months, considering the \$1,436,049.00 held by Council is directly for the purpose of acquisition;*
  
- 1205/19 *That Council request the Chief Executive Officer to provide a brief report to be presented to Council detailing the actual outcome of the negotiation process and a plan to execute the acquisition be presented to Councillors for consideration at the conclusion of negotiations.*

### **4.3 Response to Notice of Motion - Davistown Wetlands Acquisition (contd)**

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- 1206/19 *That should negotiations prove substantially unsatisfactory and do not substantially progress acquisition, then the Chief Executive Officer present to the chamber options by which Council may acquire the land.*
- 1207/19 *That Council request the Chief Executive Officer to provide another valuation.*
- 1208/19 *That Council reaffirm that the motion to request staff to negotiate is in line with Councils' policies and procedures.*

In July 2019, Council staff made an offer to purchase the Davistown Wetlands in accordance with Council's resolution of 11 June 2019. The initial approach to the owner to purchase the land was declined. The owner stated they wanted to seek their own valuation.

To date, the owners of the property have not provided a further property valuation report or presented an alternative proposal to Council for consideration. A further report on this matter is proposed to be provided for consideration of Council in February 2020.

#### **Attachments**

*Nil.*



**Item No:** 4.4  
**Title:** Response to Notice of Motion - Reclassification  
**Department:** Governance

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13733303



Due notice is given of this matter in accordance with Council's Code of Meeting Practice.

The report and any relevant attachments will be provided prior to the Council Meeting.



**Item No:** 4.5  
**Title:** Councillor Expenses and Facilities Report as at 30 October 2019  
**Department:** Governance

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13721264  
Author: Sarah Georgiou, Section Manager, Councillor Support  
Manager: Shane Sullivan, Unit Manager, Governance and Business Services  
Executive: Dr Liz Develin, Director Governance

### **Report Purpose**

To table the provision of expenses and facilities to Councillors for the period May 2019 to October 2019 as required under clause 122 of the *Councillor Expenses and Facilities Policy*.

### **Recommendation**

***That Council receive the report on Councillor Expenses and Facilities Report as at 30 October 2019.***

### **Context**

Central Coast Council (Council) adopted a *Councillors Expenses and Facilities Policy (the Policy)* on 27 August 2018 to enable the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors, to help them undertake their civic duties.

The policy was drafted in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005* and complies with the Office of Local Government's *Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW*.

To ensure accountability and transparency, and to align the costs incurred with community expectations, the Policy provides at clause 122:

*122 Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.*

The following report is provided to Council to satisfy the requirements of clause 122 of the Policy for the six-month period up to and including October 2019.

Reports to Council will be provided every six months. The last report was provided to the Council Meeting of 11 June 2019 for the period up to April 2019.

**Current Status:**

Attachment 1 provides the expenditure for a six-month period as at 31 October 2019 for each Councillor against each provision of the Councillor Expenses and Facilities Policy.

Council's Internal Audit function has undertaken an audit of the provisions under the Policy and its operation as part of the planned program of audits. Some preliminary information has been provided as a result of this audit and this will result in a future report to Council to review and determine some aspects of the Councillor Expenses and Facilities Policy. Once the final audit report is provided any identified actions will be reviewed and scheduled for implementation.

**Financial Impact**

The attached spend is within the budgeted parameters and in accordance with the adopted Policy.

The following table sets out the financial provisions available under the Policy to each Councillor:

Expense or facility	Maximum amount	Frequency
Corporate Uniform	\$1,000 per Councillor \$500 per Councillor	Upon election Per full twelve months there after
General travel expenses	\$12,500 per Councillor	Per year
Interstate, overseas and long distance intrastate travel expenses	\$15,000 per Councillor	Per year
Accommodation and meals	\$500 per Councillor	Per night
Provision for Partners	\$1000 per Councillor	Per year
Professional development	\$12,000 per Councillor	Per year
ICT expenses	\$4,000 per Councillor \$3,000 per Councillor (equipment)	Per year Upon election
Carer expenses	\$8,000 per Councillor	Per year
Home office expenses	\$300 per Councillor	Per year
Access to facilities in a Councillor room	Provided to all Councillors	Not relevant

**Link to Community Strategic Plan**

Theme 4: Responsible

**Goal G: Good governance and great partnerships**

R-G2: Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

**Attachments**

- 1 Councillor Expenses Report 1 May to 31 October 19 D13726059

Councillor Expenses Report 1 May to 31 October 2019									
Councillor	General Travel Expenses	Interstate, Overseas and long distance travel expenses	Accommodation and Meals	Professional Development	ICT Expenses/ICT Services	Carer Expenses	Corporate Uniform	Home Office Expenses	Total
Best	\$ 1,209.56	\$ -	\$ 2,018.92	\$ 2,085.37	\$ -	\$ -	\$ -	\$ -	\$ 5,313.85
Burke	\$ 2,562.24	\$ -	\$ 1,722.43	\$ -		\$ -	\$ -	\$ -	\$ 4,284.67
Gale	\$ 2,894.28	\$ -	\$ 1,120.00	\$ -	\$ 753.36	\$ -	\$ -	\$ -	\$ 4,767.64
Greenaway	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Hogan	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Holstein	\$ 2,087.59	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ 2,087.59
MacGregor	\$ -	\$ -	\$ 904.09	\$ -		\$ -	\$ -	\$ -	\$ 904.09
Marquart	\$ -	\$ -	\$ -	\$ -		\$ -	\$ 570.36	\$ -	\$ 570.36
Matthews (Mayor)	\$ 1,278.18	\$ -	\$ -	\$ 1,200.00	\$ 1,549.00	\$ -	\$ 653.18	\$ -	\$ 4,680.36
McLachlan	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Mehrtens	\$ -	\$ -	\$ 978.00	\$ -		\$ -	\$ -	\$ -	\$ 978.00
Pilon	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Smith	\$ 686.10	\$ -	\$ 2,135.43	\$ 600.00		\$ -		\$ -	\$ 3,421.53
Sundstrom	\$ -	\$ -	\$ 903.54	\$ -		\$ -		\$ -	\$ 903.54
Vincent	\$ 1,712.24	\$ -	\$ -	\$ -	\$ 1,585.40	\$ -		\$ -	\$ 3,297.64
<b>TOTAL</b>	<b>\$ 12,430.19</b>	<b>\$ -</b>	<b>\$ 9,782.41</b>	<b>\$ 3,885.37</b>	<b>\$ 3,887.76</b>	<b>\$ -</b>	<b>\$ 1,223.54</b>	<b>\$ -</b>	<b>\$ 31,209.27</b>

**Item No:** 4.6  
**Title:** 1A Lucca Road, Wyong  
**Department:** Innovation and Futures

---



9 December 2019 Ordinary Council Meeting

Trim Reference: F2011/02265 - D13530711

Author: Joe O'Connor, Property Development Manager

Manager: Jamie Barclay, Unit Manager, Economic Development and Project Delivery

Executive: Ricardo Martello, Executive Manager Innovation and Futures

## **Report Purpose**

This report seeks Council's resolution to sell the land located at 1A Lucca Road, Wyong (previously known as 1W Lucca Road, Wyong).

## **Summary**

The former Wyong Shire Council endorsed a report at its Ordinary Meeting of Council on 22 October 2014 in relation to the Property Portfolio Review Project – Stage 2 which authorised the sale of 38 properties, including 1A Lucca Road, Wyong (refer to **Attachment 1** which provides a copy of an aerial image of the site).

## **Recommendation**

- 1 That Council endorse the budget adjustment of \$60,000 for the design and construction of a sewer connection to 1A Lucca Road, Wyong (Lot 24 in DP 1220033).**
- 2 That Council endorse the sale of the operational Council owned land at 1A Lucca Road, Wyong (Lot 24 in DP 1220033) as an englobo development parcel through a competitive sales and marketing campaign, provided the sale price is not less than the independent valuation.**
- 3 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 4 to this report remain confidential in accordance with section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed would confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.**

## Context

The former Wyong Shire Council undertook a staged Property Portfolio Review Project of surplus operational parcels of land in the former Wyong Shire which included the subject site, 1A Lucca Road, Wyong. On 4 May 2016, the subject site was consolidated with the road reserve splay, resulting in the new property address and deposited plan description, being 1A Lucca Road, Wyong (Lot 24 DP 1220033).

At the Ordinary Meeting of Council held on 22 October 2014, the former Wyong Shire Council resolved, *in part*:

1190/14 *That Council authorise the sale of the following properties:*

13 *1W Lucca Road, Wyong (Lot 21 DP 243037)*

1191/14 *That Council authorise the General Manager to finalise the terms of sale.*

1192/14 *That Council authorise the General Manager and the Mayor to execute all necessary documentation relevant to the sale of these properties.*

1193/14 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents associated with the sale of land as required between Wyong Shire Council and the purchaser.*

The subject site benefits from a good location within an established industrial and commercial precinct with exposure to the Pacific Highway. Despite this, the site is constrained by limited access from Lucca Road and does not have a sewer connection. A traffic consultant has confirmed that subject to the appropriate controls being established, access from Lucca Road can be successfully managed (refer to Attachment 2). The site is zoned B6 Enterprise Corridor, Attachment 3 provides a copy of the land zoning of the site and surrounds.

Feedback received from the property market indicates that putting the land on the market in an un-serviced state "as is" may not achieve the highest market value for the site. As such, this report recommends undertaking the sewer works for the subject site.

## Consultation

The Property Portfolio Review Project, of which this property was included, has been reported to the former Wyong Shire Council's Employment and Economic Development Committee as well as its Ordinary Meeting of Council.

## Options

**Option 1** - That Council endorse the budget adjustment of \$60,000 for the design and construction of a sewer connection to 1A Lucca Road, Wyong (Lot 24 in DP 1220033).

Further, that Council endorse the sale of the operational Council owned land at 1A Lucca Road, Wyong (Lot 24 in DP 1220033) as an englobo development parcel through a competitive sales and marketing campaign, provided the sale price is not less than the independent valuation

The sale may have the result of realising a profit on a surplus asset, generating activity for local developers, creating jobs and providing business zoned land in a key growth area. An independent valuation report has been received for the subject site, which has provided a market price for the site (Refer to **Attachment 4** for a copy of the valuation report). This price has been arrived at through a review of comparable recent land sales with regards to the subject site.

**Option 2** – Council does not sell the land at the present time.

### **Financial Impact**

Council's book value and valuation for this property are similar in value, which means that subject to market conditions the sale of this property may create a financial gain for Council. The sale of this property would also allow the development of the site for businesses, creating jobs and improving the local economy.

Subject to the completion of the sewer works, the proceeds from the sale of the land will be included within the next financial year's operational budget.

### **Link to Community Strategic Plan**

Theme 2: Smart

### **Goal C: A growing and competitive region**

S-C1: Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast.

### **Risk Management**

Indicative costs associated with the provision of a sewer connection to 1A Lucca Road is approximately \$60,000. By providing the infrastructure prior to the sale of the site, this will ensure that Council achieves the highest and best value for the site.

### **Attachments**

<b>1</b>	Aerial of Subject Site	D13719945
<b>2</b>	Traffic Statement	D13723203
<b>3</b>	Zoning of Subject Site	D13719949
<b>4</b>	Confidential - Valuation of Subject Site -	D13723207





Central Coast Council ASN: 73 149 841 002  
 PO Box 20, Wyong, NSW Australia 2259  
 Ph: 02 43 44 4400 Fax: 02 43 44 4400



**MAP EXTRACT**  
 Scale 1:4,083

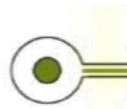
Note: Date is not survey accurate.  
 Scale is representation only.

Projection: "Australian National"  
 Projected Co-ordinate System: GDA1984, UTM, Zone 56  
 Geographic Coordinate System: GDA1984, UTM

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*B J Bradley & Associates*

*Consulting Traffic Engineers*

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P O Box 2030  
GATESHEAD NSW 2290  
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15 November 2019

Central Coast Council  
P O Box 20  
WYONG NSW 2259

Attention: Joe O'Connor

**Re: Assessment of Potential Vehicular Access to Consolidated Site at Lucca Road / Pacific Highway, North Wyong. Lot 24. DP 1220033.**

Dear Joe

I refer to your emails dated 14 November 2019 regarding an assessment of a suitable access location to the consolidated site, Lot 24, DP 1220033, on the north-eastern corner of the industrial estate access – Lucca Road - North Wyong.

There are only two possibilities for vehicular access to the subject site – directly from the Pacific Highway or from Lucca Road.

An access to the subject consolidated lot directly to the Pacific Highway would most likely be objected to strongly by RMS given the existing traffic environment along the frontage of the site. If RMS didn't object to direct Highway access, an additional access to the subject lot likely would involve considerable expense with civil works, traffic controls and potentially service adjustments / relocations - also possibly requiring entering a Works Authorisation Deed with RMS, which can be a lengthy process.

In my opinion, vehicular access to Lucca Road is the preferred location for the following reasons:

1. Lucca Road already provides access to numerous developments within the existing North Wyong Industrial Estate and has access to the Pacific Highway via a seagull intersection with a left-turn deceleration lane and a right-turn storage lane.
2. It is possible that the existing intersection of Lucca Road and the Pacific Highway may be signalised in the future which would make use of that intersection safer for future traffic growth.

3. I have measured the width of Lucca Road near the subject lot previously. Lucca Road has a single lane in each direction, each being 7.0 metres wide.
4. There is a section of the lot boundary 21.385 metres long that is parallel with the property boundaries further north along Lucca Road. That length can accommodate an access suitable for entry and exit movements on Lucca Road.

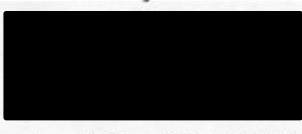
### **Summary**

- The potential future use of the consolidated lot may require an access suitable for articulated vehicles (AV) and it is desirable in my opinion to provide for such vehicles.
- Appendix A shows the preferred design measurements of an access on a minor road, having a width of 6.5 metres internally, with splays as shown in the diagram in Appendix A.
- Lucca Road has an entry lane and an exit lane providing access to the Pacific Highway, each having a width of 7 metres and able to accommodate AV access.
- Should queue lengths be considered a problem on the exit lane of Lucca Road past the recommended access location, a section of "KEEP CLEAR" pavement markings and associated lines can be installed as is common practice in various situations
- An access as shown in Appendix A can be accommodated on the 21.385-metre-long section of property boundary with Lucca Road, located approximately 50 metres north of the Highway boundary.

### **Recommendation**

I recommend the provision of an access as described above on the eastern side of Lucca Road, approximately 50 metres north of the Highway boundary as the preferred vehicular access to the consolidated lot, shown diagrammatically in Appendix B.

Yours sincerely



B J Bradley BE (Civil) Grad Dip Man MIE Aust

APPENDIX A

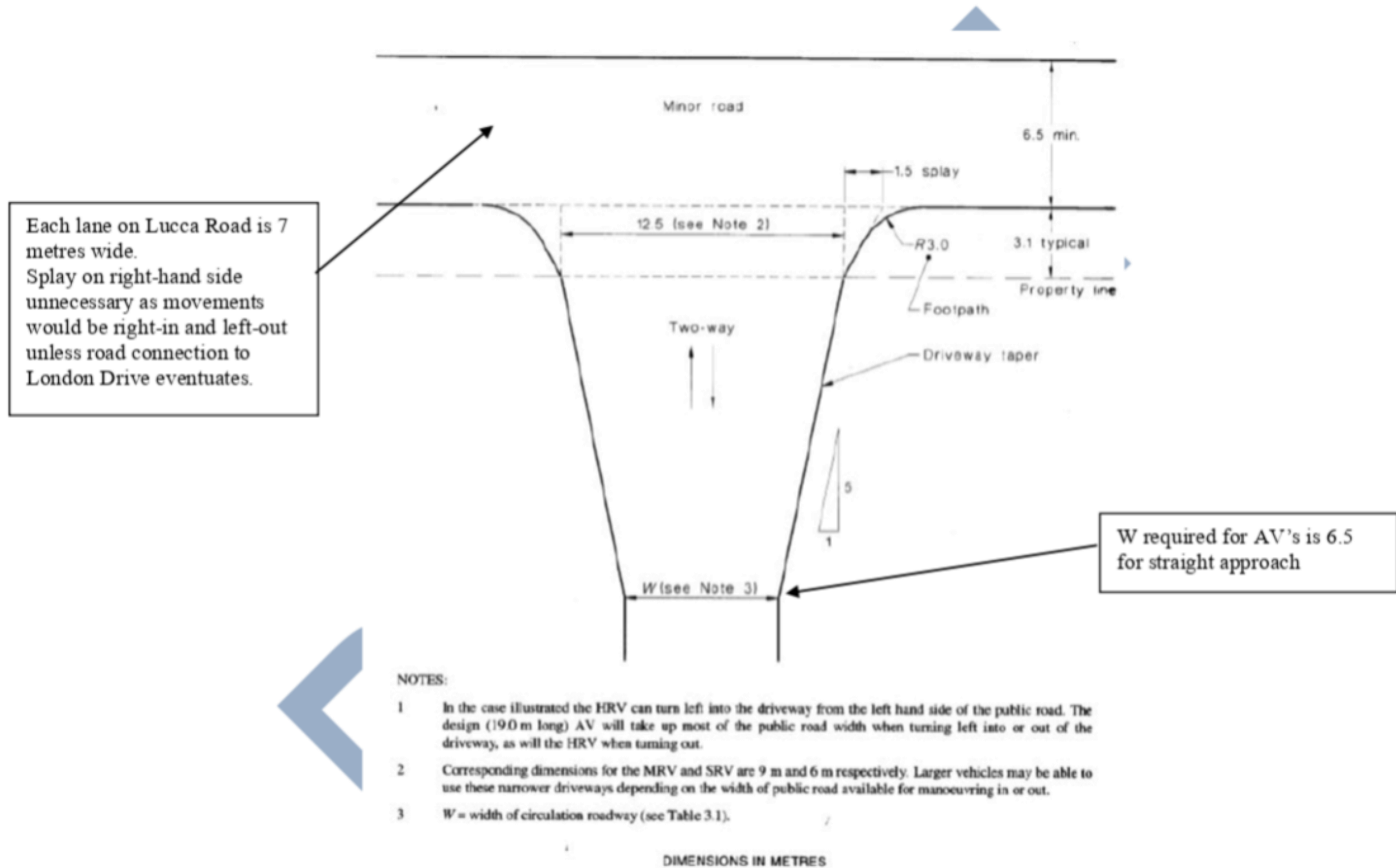


FIGURE 3.1 MINIMUM DESIGN FOR AN ACCESS DRIVEWAY ON A MINOR ROAD CATERING FOR HRVs AND AVs

**APPENDIX B**





- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation

1A Lucca Road, Wyong

**MAP EXTRACT**

Scale 1:4,083

Note: Date is not survey accurate.  
Scale is representation only.

Central Coast Council ASN: 12 148 860002  
DL 1208, 10 Rev 20, Wooma, NSW Australia 2259  
M: (02) 43 42 6043 Fax: (02) 43 41 3029



Projection: Transverse Mercator  
Reference Co-ordinate System: GDA 1994 MGA Zone 56  
Geographic Co-ordinate System: GCS 1994 Zone 56

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DL 1208/10 10/2019 (Supersedes DL 1208/10)

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**Item No:** 4.7  
**Title:** Gosford Cultural Precinct - Decline Tenders  
**Department:** Innovation and Futures

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9 December 2019 Ordinary Council Meeting

Trim Reference: CPA/289643 - D13714913

Author: Ben Brown, Property Development Manager

Manager: Jamie Barclay, Unit Manager Economic Development and Project Delivery

Executive: Ricardo Martello, Executive Manager Innovation and Futures

## **Report Purpose**

The purpose of this report is to seek approval to decline all tenders in relation to the Gosford Cultural Precinct Project Director services and in accordance with the NSW Local Government Act 1993.

## **Summary**

At the Ordinary Meeting of Council held on 25 September 2019, Council resolved in part:

*926/19 That Council request the Chief Executive Officer withdraw from undertaking further work on the Gosford Cultural Precinct in its current form, including negotiations for the acquisition of land known as Lot 11 DP 746819 (which has a street address of 123B-125A Donnison Street, Gosford).*

Due to the withdrawal of the Gosford Cultural Precinct in its current form, endorsement is sought to decline all tenders associated with the Project Director services.

## **Recommendation**

- 1 That Council request the Chief Executive Officer to decline all tenders in relation to the Gosford Cultural Precinct Project Director under Section 55(3)(i) of the Local Government Act 1993 as resolved in Resolution No 926/19 of the Ordinary Meeting of Council dated 25 September 2019 relating to the withdrawal of the Gosford Cultural Precinct.**
- 2 That Council direct the Chief Executive Officer to notify the relevant tenderers in relation to the decision to withdraw the Gosford Cultural Precinct.**

## **Context**

At the Ordinary Meeting of Council held on 24 September 2018, Council resolved:

- 982/18 *That Council confirm that its preferred option for the Gosford Regional Library and Regional Performing Arts and Conference Centre (RPACC) is Option 7.2, as presented in the attached Confidential Attachment 2 – Gosford Cultural Precinct Schematic Designs.*
- 983/18 *That Council request that the Chief Executive Officer proceed with detailed design development of the Gosford Cultural Precinct, based on Option 7.2 and conforming to the appropriate planning legislation, to facilitate submission of a Development Application to the relevant consent authority.*
- 984/18 *That Council request the Chief Executive Officer negotiate and execute a Deed of Agreement with ET Australia to acquire the land known as Lot 11 DP 746819 (which has a street address of 123B-125A Donnison Street, Gosford).*
- 985/18 *That Council request that the Chief Executive Officer continue to proceed with acquisition of the lots included in Confidential Attachment 12 by private treaty, or by a compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.*
- 986/18 *That Council request that the Chief Executive Officer invite expressions of interest or tenders for the appointment of a suitably experienced commercial agent to commence pre-leasing for the proposed commercial and retail space located within the selected Option 7.2.*
- 987/18 *That Council approve a \$4,319,930 increase to the 2018-19 capital budget to accommodate the proposed delivery program as detailed in Confidential Attachment 1 – Gosford Cultural Precinct Project Briefing Paper.*
- 988/18 *That the Mayor and Chief Executive Officer seek urgent discussions with both State and Federal Government funding bodies to assist with the funding shortfall for these much needed community projects.*
- 989/18 *That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that all the confidential attachments to this report remain confidential, as the information in those attachments would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business with.*

In April 2019, Council invited tenders for the Gosford Cultural Precinct Project Director services.

At the Ordinary Meeting of Council held on 25 September 2019, Council resolved:

- 922/19 *That Council notes the matters raised in the Gosford Cultural Precinct Audit workshop and the opportunity to review the business case for individual items included in the Concept.*



#### **4.7 Gosford Cultural Precinct - Decline Tenders (contd)**

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- 923/19 *That Council authorise the Chief Executive Officer to secure and formalise any current funding opportunities to deliver the Gosford Regional Library and deliver this important public infrastructure.*
- 924/19 *That Council notes that the need and urgency for the delivery of the Gosford Regional Library should not be held up by the Gosford Cultural Precinct review and that it should be pursued in isolation as a separate project.*
- 925/19 *That Council immediately review the two sites previously identified, being the sites known as "Parkside" and "Broadwater", for the most suitable site for the Gosford Regional Library.*
- 926/19 *That Council request the Chief Executive Officer withdraw from undertaking further work on the Gosford Cultural Precinct in its current form, including negotiations for the acquisition of land known as Lot 11 DP 746819 (which has a street address of 123B-125A Donnison Street, Gosford).*
- 927/19 *That Council request the Chief Executive Officer provide an update report to Councillors at the first meeting in December 2019 on the preferred site for the Gosford Regional Library (between Parkside and the Broadwater), including a timeline to proceed with design, development application and anticipated commencement and completion of works (subject to an approved DA).*
- 928/19 *That Council meet relevant stakeholders to discuss developments within six weeks.*

#### **Tender Submissions**

The tender was advertised through the TenderLink website during the period of 2 April 2019 to 23 April 2019 and Council has received six tender applications for the Gosford Cultural Precinct Project Director services.

#### **Assessment/Report/Proposal/Tender Evaluation**

Council is currently in the process of evaluating the tender submission. Due to internal delays the tenderers were contacted seeking validity to extend the period of offer for a further 60 days (until Friday, 18 October 2019).

#### **Consultation**

Council has consulted with the Gosford Cultural Precinct PCG and external consultants in relation to the Gosford Cultural Precinct.

#### **Financial Impact**

Nil Financial impact.

**Link to Community Strategic Plan**

Theme 2: Smart

**Goal C: A growing and competitive region**

S-C2: Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for business, local residents, visitors and tourists.

**Critical Dates or Timeframes**

It is imperative that we notify all consultants who submitted a tender for the Gosford Cultural Precinct Project Director Services of the change in direction and Council's decision to withdraw from the Tender process as soon as possible

**Attachments**

*Nil.*



**Item No:** 4.8  
**Title:** Gosford Cultural Precinct - Erina Street, Gosford  
**Department:** Innovation and Futures

---

9 December 2019 Ordinary Council Meeting

Trim Reference: CPA/1445 - D13726273

Author: Ben Brown, Property Development Manager

Manager: Jamie Barclay, Unit Manager, Economic Development and Project Delivery

Executive: Ricardo Martello, Executive Manager Innovation and Futures

## Report Purpose

The purpose of this report is to provide an update in relation to Recommendations No 551/19, 552/19 and 553/19, resolved within the Confidential Ordinary Meeting of Council dated 11 June 2019 entitled 'Gosford Cultural Precinct- ET Negotiations' (Attachment 1).

## Summary

The subject properties are located at 123B-125A Donnison Street, Gosford and 135-137 Erina Street East, Gosford. We seek Council's endorsement to discontinue negotiations and conveyance regarding the subject properties and notify the Vendor's representative of 135-137 Erina Street East, Gosford of Council's decision of discontinuance.

## Recommendation

- 1** *That Council's representatives notify the Vendor's Representatives that it will cease all discussions relating to the proposed purchase of 135-137 Erina Street East, Gosford.*
- 2** *That Council resolve that resolutions 511/19, 552/19 and 553/19 noted within Actions' Ordinary Meeting minutes are no longer pursued for the reasons set out in this report.*
- 3** *That Council resolve, pursuant to s10A(2)(c) of the Local Government Act 1993, that Attachment 2 to this report remain confidential 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.*

## Background

At the Ordinary Meeting of Council held on 8 October 2019, Council considered a Motion of Urgency in relation to Location of the Gosford Regional Library and resolved the following:

- 11/19 *That Council note the confidential staff briefing provided today on preferred sites for the Regional Library.*

- 2/19 *That Council approve that the preferred site location for the Regional Library & Innovation Hub as the Parkside building (Lot 100 Deposited Plan 711850) located at 123A Donnison Street, Gosford.*
- 3/19 *That Council authorise the Chief Executive Officer to secure and formalise any current funding opportunities to deliver the Gosford Regional Library and deliver this important public infrastructure;*
- 4/19 *That Council again request that staff meet with relevant stakeholders within six weeks.*
- 5/19 *That Council reiterate its request to provide an update report to Councillors at the first meeting in December 2019 including a timeline to proceed with design, development application and anticipated commencement and completion of works.*

At the Ordinary Meeting of Council held on 25 September 2019, Council considered a Motion of Urgency in relation to Gosford Cultural Precinct and resolved the following:

- 922/19 *That Council notes the matters raised in the Gosford Cultural Precinct Audit workshop and the opportunity to review the business case for individual items included in the Concept;*
- 923/19 *That Council authorise the Chief Executive Officer to secure and formalise any current funding opportunities to deliver the Gosford Regional Library and deliver this important public infrastructure;*
- 924/19 *That Council notes that the need and urgency for the delivery of the Gosford Regional Library should not be held up by the Gosford Cultural Precinct review and that it should be pursued in isolation as a separate project;*
- 925/19 *That Council immediately review the two sites previously identified, being the sites known as "Parkside" and "Broadwater", for the most suitable site for the Gosford Regional Library;*
- 926/19 *That Council request the Chief Executive Officer withdraw from undertaking further work on the Gosford Cultural Precinct in its current form, including negotiations for the acquisition of land known as Lot 11 DP 746819 (which has a street address of 123B-125A Donnison Street, Gosford).*
- 927/19 *That Council request the Chief Executive Officer provide an update report to Councillors at the first meeting in December 2019 on the preferred site for the Gosford Regional Library (between Parkside and the Broadwater), including a timeline to proceed with design, development application and anticipated commencement and completion of works (subject to an approved DA).*

#### **4.8 Gosford Cultural Precinct - Erina Street, Gosford (contd)**

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928/19 *That Council meet relevant stakeholders to discuss developments within six weeks.*

At the Ordinary Meeting of Council held on 11 June 2019, Council considered a report in relation to the Gosford Cultural Precinct – ET Negotiations and resolved the following:

551/19 *That Council purchase the land known as Lot 11 DP 746819 (which has a street address of 123B-125A Donnison Street, Gosford) by private treaty, in accordance with either revised Option 1 or revised Option 2 outlined in Confidential Attachment 2.*

552/19 *That Council purchase the amalgamated lots listed in Confidential Attachment 4 by private treaty.*

553/19 *The Chief Executive Officer be authorised to carry out all actions necessary to complete the purchases.*

554/19 *That Council resolve, pursuant to s10A(2)(c) of the Local Government Act 1993, that Attachment 1, 2, 3 and 4 to this report remain confidential as they contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

555/19 *That the Chief Executive Officer provide a confidential briefing to elected state and federal MPs on the progress of the Cultural Precinct.*

#### **Context**

Council's resolution dated 11 June 2019 (Confidential Attachment 1), resolved that Council would purchase the land known as Lot 11 DP 746819 (123B-125A Donnison Street, Gosford) by Private Treaty and that Council also purchase the amalgamated lots, commonly known as 135-137 Erina Street East, Gosford.

Council's decision to purchase 123B-125A Donnison Street, Gosford originated from the intention that these premises would need to be demolished to cater for the proposed Gosford Cultural Precinct.

The purchase of 123B-125A Donnison Street, Gosford would require the purchase of ET Australia's Freehold interest.

Alternative arrangements for ET Australia were considered including the purchase of 135-137 Erina Street, Gosford as an alternative site for their relocation.

It was resolved in Urgency Motion dated 25 September 2019, Resolution No 926/19, that the Chief Executive Officer withdraw from undertaking further work on the Gosford Cultural Precinct.

Urgency Motion 'U3/19' entitled '*Location of the Gosford Regional Library*' dated 8 October 2019, concluded that the site at 123A Donnison Street, Gosford 'Parkside' would be the preferred Regional Library & Innovation Hub site.

Following discussions with the Project control Group it was deemed that continuing negotiations and purchasing the subject properties were no longer in Council's interest and subsequently negotiations for both properties should cease.

**Financial Impact**

N/A

**Link to Community Strategic Plan**

Theme 2: Smart

**Goal C: A growing and competitive region**

S-C2: Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for business, local residents, visitors and tourists.

**Attachments**

- 1 Confidential - Item No. 9.2 - Gosford Cultural Precinct - ET Negotiations'.

D13733702

**Item No:** 4.9  
**Title:** Gosford Regional Library and Innovation Hub  
**Department:** Connected Communities

---



9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13717563

Author: Beth Burgess, Unit Manager, Libraries Learning and Education

Executive: Julie Vaughan, Director Connected Communities

Due notice is given of this matter in accordance with Council's Code of Meeting Practice.

The report and any relevant attachments will be provided prior to the Council Meeting.



**Item No:** 4.10  
**Title:** Wyong River Streambank Rehabilitation Project  
**Department:** Environment and Planning

---

9 December 2019 Ordinary Council Meeting

Trim Reference: F2017/01699 - D13656319  
Author: Vanessa McCann, Ecologist  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

## Report Purpose

The purpose of this report is to:

- Seek Council approval for works to be undertaken on private property as required under Section 67 of the *Local Government Act 1993 (LGA)* and;
- Provide Council with details of works on private property in relation to the delivery of one of the projects within the Improving Your Local Parks and Environment Grant Program Agreement (IYLPE) 57028.

## Recommendation

- 1 That Council approve the works detailed in Attachment 1 to this report, to be carried out at: Lot 42 DP75527, No. 33 Dunks Lane Jilliby under the continued implementation of the Tuggerah Lakes Estuary Management Plan.**
- 2 That Council note that all works are to be at no cost to the property owner, or Council being fully funded by the Department of Industry, Innovation and Environment, Department of the Environment and Energy "Improving Your Local Parks and Environment" grant.**

## Background

The federally funded Improving Your Local Parks and Environment (IYLPE) grant is funding delivery of 18 different actions with \$3 million (excl GST) over three years, starting from 1 July 2017. This was a 2016 Federal Election commitment by the then Federal Member for Dobell, and is being administrated by the Department of Industry, Innovation and Environment, Department of Environment and Energy.

The agreement for the IYLPE grant provides for the following actions to support the protection and enhancement of the Tuggerah Lakes Estuary:

- Strategic water quality monitoring and planning
- Installation of new Gross Pollutant Traps



## 4.10 Wyong River Streambank Rehabilitation Project (contd)

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- Streambank, coastal saltmarsh and wetland rehabilitation for improved water management
- Construction of wrack drying pads
- Installation of foreshore erosion controls and upgrade of recreational facilities
- Community education programmes

The Wyong River Streambank Rehabilitation project is one of the 18 projects that are funded through the \$3 million IYLPE grant. This project aims to improve water quality and ecology both in the immediate vicinity and downstream by rehabilitating and stabilising the river bank to improve habitat and water quality.

The project area is on private land. The landholder has agreed to the works being carried out on their land. The project was identified as a high priority for remediation action due to the erosive nature of the soil and geomorphological characteristics of the site.

### Context

The Tuggerah Lakes Estuary Management Plan (EMP) was developed to improve water quality, ecology and general amenity in the Tuggerah Lakes catchment area. The EMP provides for a range of projects to be carried out. A number of these projects relate to reducing the amount of sediment entering the estuary as a result of bank erosion in the various streams, creeks and rivers that discharge to them. The works are being fully funded through the Improving Your Local Parks and Environment grant.

The Wyong River Streambank Rehabilitation Plan (2008) identified hundreds of erosion sites throughout the river system and ranked them in order of priority. Many of these sites have since been remediated as part of the implementation program. (Refer to the map of projects: <https://www.centralcoast.nsw.gov.au/environment/coastlines/estuaries-lagoons-and-wetlands/tuggerah-lakes-estuary> )

An erosion site was identified on Jilliby Jilliby Creek where bank slumping was an issue but was a low priority. Following a flood in Wyong River in 2016, several new erosion sites were identified in the Wyong River weir pool and Jilliby Jilliby Creek, and the condition at the proposed site worsened. This included the formation of significant headcut on a feeder channel which left untreated, has the potential to be an ongoing source of highly erodible clay soil and sediment to the creek and estuary.

A headcut is an erosion feature which starts with a small knickpoint and can rapidly erode into the valley creating a vertical drop (headcut), mobilising large volumes of sediment. Tumbi Creek, which was once mostly wetland with a small incised channel at the downstream end, is an example of an uncontrolled headcut.

The soil type in Jilliby Creek makes it particularly susceptible to erosion, and once disturbed, the high composition of clay within the soil can cause it to be suspended in the water for long periods of time, travelling long distances and increasing turbidity (cloudiness of water) of the creek, weir pool and estuary. This has implications for downstream water quality and estuary health. Clay soil can also carry with it higher levels of bound nutrients (nitrogen, phosphorus) which also has a negative impact on estuary health.

Initial feasibility investigations have indicated that remediation works at this site are possible however given that the site is located on private property, Council approval to allocate the grant funds to works on private land is required.

### **Current Status**

#### Works on Private Property

Section 67 of the *Local Government Act 1993 (LGA)* relates to Council undertaking works on private property. This section outlines procedures for circumstances where Council expends public money to undertake works on private lands, and those works improve the land/provide the private landowner with a benefit (compared to where Council expends public monies on public infrastructure/public benefit). Examples of such work referenced under this Section at The LGA 1993, which are relevant to works being undertaken under the EMP, include excavation, fencing, tree planting, tree maintenance, land clearing and tree felling and bank stabilisation using rock, timber piles or soft engineering works as applicable.

Where Council is undertaking these types of works on private property and does not have an approved fee, or is charging less than an approved fee, Council must, by resolution, approve the works before they are carried out. Funding for these works may be from various sources and are not necessarily revenue funds.

Where it is proposed to undertake works on private property, an agreement is entered into with the property owner relating to the sharing of costs. Agreements are based on the following principles:

1. Council, through IYLPE funding, will provide funding for all of the identified rehabilitation works at the site.
2. Council, through IYLPE funding, will provide initial maintenance to establish seedlings planted as part of the works.
3. If, as a result of the rehabilitation works, off-stream stock watering is required, this is to be provided by the land owner at his/her cost.
4. Following the initial maintenance period as identified in point 2, the property owner will provide for the ongoing maintenance of any fencing and maintenance of revegetated areas for a minimum of five (5) years.

Should a major flood event occur that results in damage to rehabilitated areas, beyond that which could be carried out as part of normal maintenance, any resulting remedial works would be subject to a separate round of assessment.

### Causes of Erosion and Rehabilitation Methods

The 2008 report prepared by Cardno Lawson Treloar, Consultant Engineers identified areas of significant erosion within Wyong River and Ourimbah Creek. The large amounts of sediment that erode from these stream banks are a result of excessive clearing of trees close to the streambank, uncontrolled stock access to the stream, intrusion of weeds (that do not have root systems capable of holding the soil in flood events), changed hydrology due to roadway/drainage construction and gradual erosion resulting in over-steepening of the bank, which has the potential for significant slippage when saturated.

The typical rehabilitation methods detailed within the report, and which form the basis for works to be carried out at individual sites, include:

- Excavation of the streambank to provide a batter that will support revegetation
- Revegetation of the riparian zone to further stabilise the bank
- Fencing to prevent stock access to the stream and revegetated areas
- Clearing of weeds/undesirable vegetation
- Strategic use of rock rip rap, log toe protection, timber piles, protection (brushing) with local natural materials (e.g. logs, branches, root balls) or other soft-engineering techniques which reduce sheer force at the bank, support natural channel processes and minimise impacts elsewhere in the channel. These works serve to protect the eroding bank until such time as native vegetation is re-established.

The Streambank Management Plans independently prepared for Council, investigated waterways that supply the Tuggerah Lakes system. These plans prioritise all 'hotspots' for potential sediment and nutrient input into each creek or river, irrespective of the ownership of the adjacent land. These works are designed to achieve important environmental outcomes by greatly reducing the amount of sediment/nutrient entering the waterways, eventually clogging river/creek mouths and the Tuggerah Lakes. Sediment is a significant issue for Tuggerah Lakes and the associated waterways because it smothers aquatic vegetation, increases turbidity, causes navigation issues and carries attached nutrients which increase algal growth in the estuary. Reducing sediment and nutrients in the catchment is a high priority under the EMP.

### **Proposed Works**

The proposed works are a reportable action of the Improving Your Local Parks and Environment (IYLPE) grant and must be completed by the end of the grant term (June 2020) in order to retain the grant funding.

The works will provide significant environmental benefits by stabilising and controlling areas identified as having high erosion risk and providing appropriate revegetation and fencing to assist in the long term sustainability of the site. Works will improve riparian condition, increase riparian connectivity, reduce the amount of sediment and nutrients entering the waterways and contribute to continual improvements in water quality and ecological health observed in Tuggerah Lakes.

## 4.10 Wyong River Streambank Rehabilitation Project (contd)

The proposed works are located on Jilliby Jilliby Creek upstream of the confluence with Wyong River on private property at 33 Dunks Lane, Jilliby.

A conceptual design and phased implementation program (including maintenance) is set out in Table A (Appendix – D13671428). In summary, the works will include rehabilitation of the headcut using proven methods (toe protection, bank regrading, piling, brushing, jute matting, revegetation, fencing) and improvements to the immediate surrounding area to ensure long-term stability. The project will be delivered by Council operational staff who have extensive experience delivering sympathetic, soft engineering river stabilisation works having completed around 50km of streambank rehabilitation to date under the Tuggerah Lakes estuary management program.

### Site location



### Consultation

Where rehabilitation works are proposed to be undertaken on private land, extensive discussions are held with owners to obtain their permission to undertake the works. This is a requirement under *Section 67 of the Local Government Act 1993*. Consultation has occurred with landholders, relevant Council authorities, Greater Sydney Local Land Services and the Department of Industry, Innovation and Environment, Department of Environment and Energy (DEE).

### **Options**

The property owners consider that these works will benefit them directly. Concerns raised include fencing off stock from the river resulting in owners having to install off-stream watering. In addition, revegetation of streambanks which are fenced to prevent stock access to new plants may be viewed as a loss of pasture land. Similarly, battering of the streambank to be revegetated and fenced is also seen as a loss of pasture and land.

While it may be considered that the works outlined above provide long term assets such as fences and riparian vegetation for the property concerned, the owners have indicated that they will not consent to the works being undertaken if they are required to make any significant monetary contribution. Therefore, there are no viable alternative options if Council is to pursue the desired environmental and water quality outcomes for the Tuggerah Lakes other than stabilisation of the streambank at this location.

### **Financial Impact**

The works are fully funded through the "Improving Your Local Parks and Environment" Department of Industry, Innovation and Environment, Department of the Environment and Energy grant.

### **Link to Community Strategic Plan**

Theme 3: Green

### **Goal E: Environmental resources for the future**

G-F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.

Refer to Table C for more detailed reference to CSP objectives.

### **Attachments**

- 1 Works on Private Land as part of IYLP & E - Streambank Rehabilitation - D13671428  
33 Dunks Lane, Jilliby

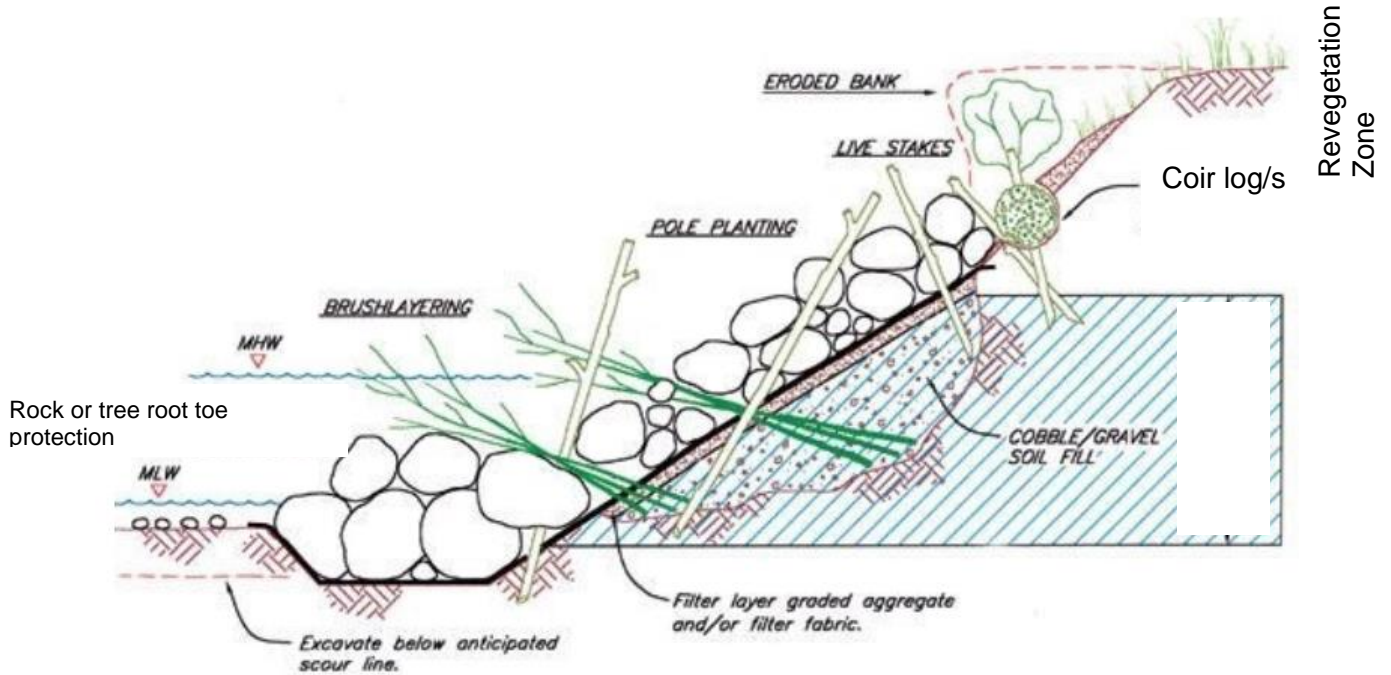
## Appendix

### Appendix 1

The works will incorporate bush regeneration within the riparian area up and downstream from the eroded site as well as erosion remediation, toe and mid bank protection, habitat provision and planting.

#### Concept diagram 1.

#### Site A



Cross section simplified design drawing plan. Combination of methods applied to restabilise eroded bank including re-grading the bank to a lesser gradient. Layered installation of geofabric, graded riprap (small and medium size basalt, then sandstone boulders) for toe and riparian bank protection, live stalk brush layering, pole planting and re-vegetation of banks.

**Table A. Proposed work on private property as part of the continued implementation of the Tuggerah Lakes Estuary Management Plan funded by the Improving Your Local Parks and Environment grant.**

Phase 1: Site preparation, weed control and revegetation	Mark out excavation envelope
	Control weeds up and down stream
	Plant out high bank and riparian areas outside of excavation envelope. Install tree guards as required.
Phase 2: Excavation / construction	Re grade bank
	Lay and pin geofabric
	Lay toe protection

	Install piling and brushing
	Lay small rock
	Lay larger sandstone riprap
Phase 3: Revegetation and follow up weed control	Install coir rolls
	Plant out upper bank and edges of excavated envelope
	Water plants to maximise survival rate, maintain live stakes, follow up weed control

**Table B. Objectives (Principle activity) of the Strategic Plan and Operational Plan to the outcomes of the project works (Strategy or Program).**

**Central Coast Council Strategic/ Annual Plan**

<b>Principal Activity</b>	<b>Strategy or Program</b>	<b>Financial Line Item No and Description</b>
A More Sustainable Community	By completing these works, the rural community will have a better knowledge and understanding of the benefits of environmental management and their impacts on the Tuggerah Lakes.	
A More Sustainable Economy	Not applicable	
A More Sustainable Environment	Implementation of Tuggerah Lakes Estuary Management Plan.	3.2.8
Infrastructure	Not applicable	
Organisation	Not applicable	

**Table C. Outcomes of the project that meet the Strategic Plans Green & Smart Focus Areas**

**Link to the Strategic Vision**

<b>Green &amp; Smart Focus Areas</b>	<b>How the proposal contributes or links to the Green &amp; Smart Focus areas in the Central Coast Councils Strategic Vision</b>
E1 Educate the community on the value and importance of natural areas and biodiversity and encourage community involvement in caring for our natural environment	Community education and awareness of these types of initiatives and the importance of biodiversity in our unique natural environments should foster a sense of belonging, value and encourage community to recognise its contribution to protect, and be involved in caring for our natural environment.

<b>Green &amp; Smart Focus Areas</b>	<b>How the proposal contributes or links to the Green &amp; Smart Focus areas in the Central Coast Councils Strategic Vision</b>
F4 Address climate change and its impacts through collaborative strategic planning and responsible land management	<p>The landholders within the Councils' water catchment areas will see this environmental project as an example of land use best practice.</p> <p>The landholders will see through collaborative strategic planning and action throughout the catchment area how to reduce the impacts of climate change and rehabilitate degraded natural environments through responsible land management and education.</p>
E3 Reduce littering, minimise waste to landfill and educate to strengthen positive environmental behaviours	<p>In accordance with the EMP works, the community education programs will describe the benefits these works will have for the environment.</p> <p>The education initiatives within the greater IYLPE programme will enable the community through accessible interactive tools a new way to engage and learn about environmental initiatives, processes, information, significant sites and their value. As well as what they can do themselves to reduce their impact and strengthen positive environmental behaviours.</p>
<p>C3 Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents</p> <p>C4 Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly</p>	<p>Temporary bush regenerators, plant operators and local materials suppliers will be working on these projects. Employment will arise from this program in the areas of planning and design, construction, materials and resource purchase, provision, delivery and installation. As well as short term maintenance. Ongoing employment will be supported by tourism growth within the Central Coast Council area due to the improved health of natural ecosystems e.g. the lakes system.</p>



<b>Green &amp; Smart Focus Areas</b>	<b>How the proposal contributes or links to the Green &amp; Smart Focus areas in the Central Coast Councils Strategic Vision</b>
<p>E2 Improve water quality for beaches, lakes and waterways by minimising pollutants and preventing litter entering our waterways</p> <p>F2 Promote greening and ensure the wellbeing of communities through the protection of local bushland, urban trees, tree canopies and expansion of the Coastal Open Space System (COSS)</p>	<p>The health of the lakes systems and waterways will be enhanced by the restoration of degenerated streams, foreshore areas, instillation of catchment controls and the education of landholders.</p> <p>The community will benefit from the protection of local bushland, urban trees, tree canopies and unique aquatic and riparian environments through healthy ecosystems providing an increase of ecosystem services and overall wellbeing facilitated by access and connection to the natural environment, support and understanding of environmental processes.</p>
<p>F1 Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas and the diversity of local native species</p>	<p>As part of the EMP, implementation of these projects will contribute to the community's ownership and understanding of the importance of the waterways, lake system, connecting environments and diversity of local native species.</p>



**Item No:** 4.11  
**Title:** Acquisition of Private Land for Environmental Purposes  
**Department:** Innovation and Futures

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00442-002 - D13710122

Author: Susan Loder, Property Officer

Simone Barwick, Property Officer Land Sales Acquisitions

Manager: Paul Forster, Section Manager, Property and Infrastructure

Jamie Barclay, Unit Manager, Economic Development and Project Delivery

Executive: Ricardo Martello, Executive Manager Innovation and Futures

### **Report Purpose**

Authority is sought from Council to proceed with the purchase of land at 100 Lake Road, Tuggerah, 1856 Thompson Vale Road, Doyalson and 5 Eric Malouf Close, Tumbi Umbi in accordance with s377 of the Local Government Act 1993.

### **Summary**

If Council approves the acquisition of the land for environmental purposes, negotiations will continue with the owners to transfer the land to Council.

### **Recommendation**

**1 That Council acquire the land below by private treaty known as:**

***Lot 137 DP 1128053 at 100 Lake Road, Tuggerah (the Land).***

***Lot 4,5,6 DP 255846 at 1856 Thompson Vale Road, Doyalson (the Land); and***

***Lot 105 DP 791039 at 5 Eric Malouf Close, Tumbi Umbi (the Land)***

**2 That the purchase price for the acquisition of the land be negotiated based on an assessment of the market values of the land by a qualified Valuer.**

**3 That Council authorise the Common Seal of Central Coast Council to be affixed to the documents necessary to acquire the land including but not limited to any Transfer or Contract.**

**4 That Council authorise the Mayor and the Chief Executive Officer to execute all documents necessary to acquire the Land including but not limited to any Transfer or Contract.**

**Background**

In February 2019 instructions were provided by Council's Environmental Management Unit in association with Council's priority Conservation Land Acquisition Program being undertaken, to negotiate the acquisitions of various parcels of high-quality bushland to add to and enhance biodiversity and habitat, and to allow for better management of Council's natural assets.

Management of Council's natural assets can be enhanced by acquiring adjacent parcels to either strategically manage access (to reduce costs related to damaged gates, fences and trails), to better manage and connect fire trails (reducing costs by establishing fire trails on public land), or to enlarge reserves, making environmental management more cost efficient and enhancing their value as publicly owned and managed biodiversity protection areas.

Some of the purchases will result in small Council reserves becoming viable as biodiversity stewardship sites under the Biodiversity Offset Scheme, allowing them to generate land management funding to enable better management into the future.

The attributes of each property are provided in further detail;

***1856 Thompson Vale Road***

1856 Thompson Vale Rd, Doyalson is required for access control to Thompson Vale Reserve. The property is zoned E2 Environmental Conservation and has an area of 55,856m<sup>2</sup>. The property scores highly for strategic access control, strategic biodiversity management and value for money (as surplus RMS land) and is an environmental acquisition priority. The vegetation may contain threatened species, as the surrounding Council-owned land has critically endangered flora records.

Acquisition of these parcels will help support better management and protection of the adjoining environmentally sensitive reserve, which is threatened by long term motorbike access and dumping. The reserve is a key conservation site in the North Wyong area. These parcels lie within the Spring Creek catchment.

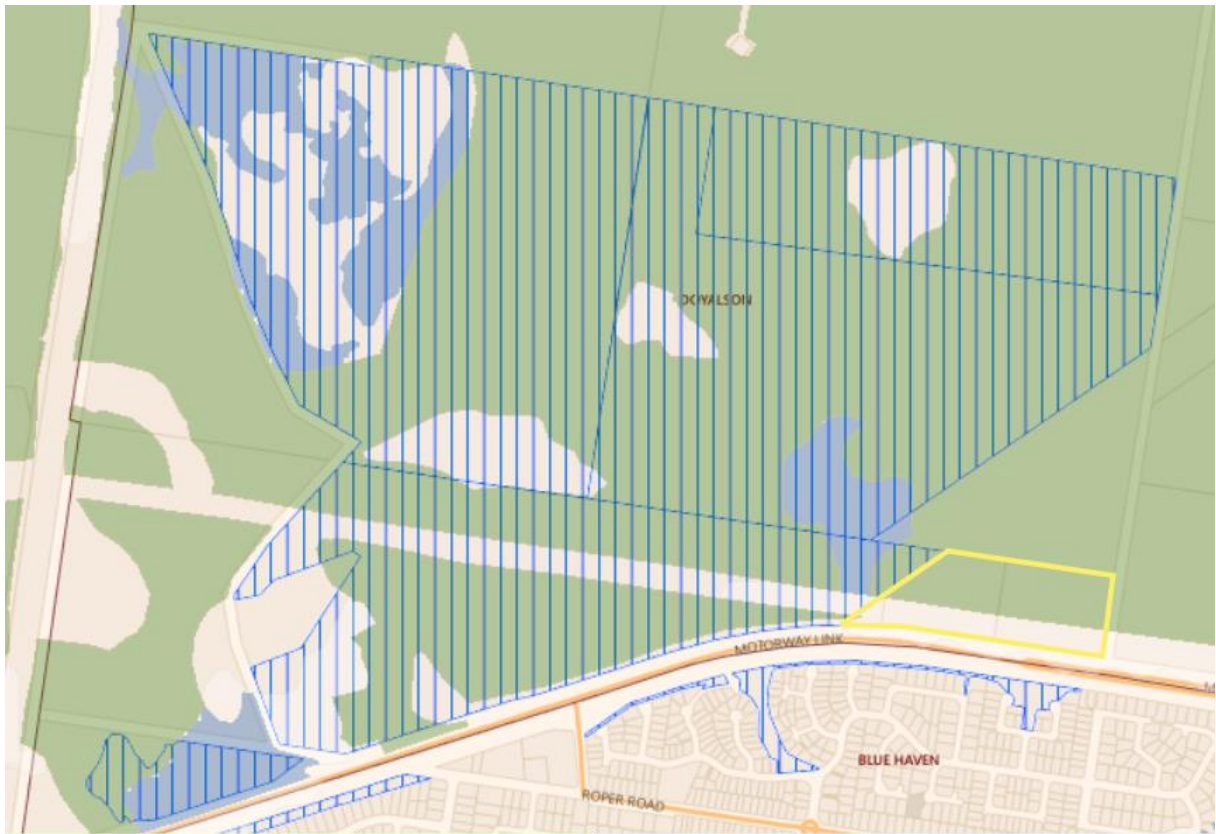


Figure – Green on the above map represents native vegetation in good condition considered 'core' habitat in the Wildlife Corridor mapping for the LGA. The lots in question (yellow lines) contain such vegetation and comprise an important east-west corridor in the North Wyong Structure Plan area.

**5 Eric Malouf Close**

Acquisition of 5 Eric Malouf Close would increase the size of the adjacent Tumbi Umbi reserve, which protects Swamp Sclerophyll Forest on Coastal Floodplains, an endangered Ecological Community. The acquisition of the parcel is a high priority for Council in order to secure access to the existing reserve for environmental management and to increase its size. The parcel is known to contain a threatened flora species, *Melaleuca biconvexa*, and therefore scores highly for biodiversity values.

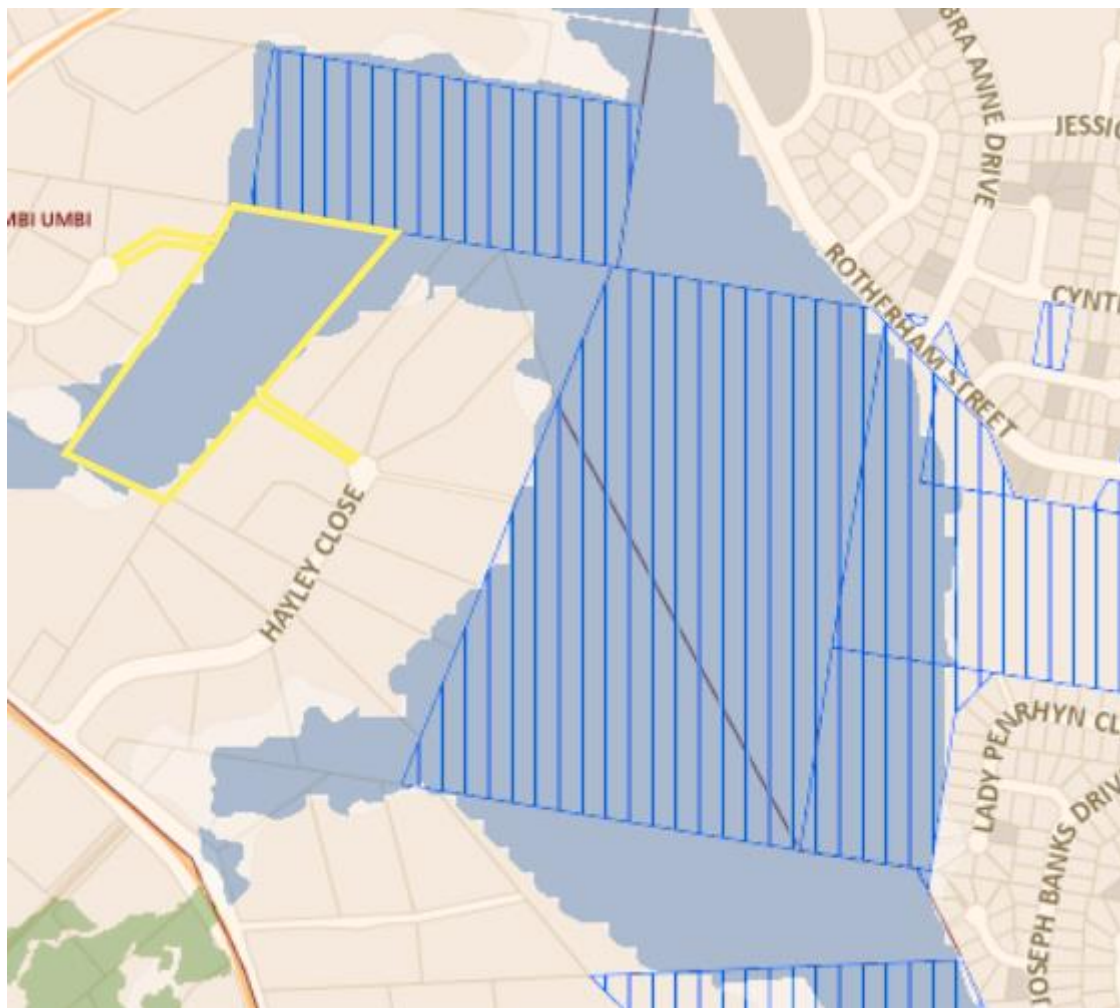


Figure – Blue on the map above indicates Endangered Ecological Community vegetation that makes up a key corridor in the LGA Wildlife Corridor mapping.

**100 Lake Road**

The parcel at Lake Road represents a high priority for environmental acquisition as it scores highly for biodiversity values and connectivity to surrounding intact native vegetation and foreshore environments. There are three Endangered Ecological Communities present on the site and potentially threatened species and their habitats are present. It also scores highly for strategic biodiversity management as it would provide Council access to the foreshore and Coastal Saltmarsh for protection and rehabilitation works.



**Current Status**

Valuation reports have been provided by a registered valuer in each case a copy of each included as an attachment to this report. Offers of purchase of the respective lands have been made to the landowners and agreements have recently been reached to Transfer the whole of the land that Council has an interest. Any agreements reached are subject receiving the formal approval of Council.

**Consultation**

When the respective properties were identified by Council as high-quality bushland but is otherwise highly constrained the owners of each were advised of Council's interest in their properties and of the process of negotiation that would ensue should they have an interest in selling the properties to Council. Any agreement would be based on the willing buyer and willing seller principle and compulsory acquisition of the properties is not contemplated. The owners were made aware of the basis of Council's interest.

**Financial Impact**

No additional budget is required. The spend in 2019/20 in project 22615 and is allocated for the purchase of these lands.

Capital budget for the purchase has been approved and there will be no ongoing costs incurred in the purchases, the cost for demolition for the building located on 100 Lake Road Tuggerah has been budgeted and thereafter the land would not have any ongoing operating expenditure.

**Link to Community Strategic Plan**

Theme 3: Green

**Goal E: Environmental resources for the future**

G-E1: Educate the community on the value and importance of natural areas and biodiversity, and encourage community involvement in caring for our natural environment.

**Attachments**

<b>1</b>	5 Eric Malouf Close Map - Land to be acquired	D13710185
<b>2</b>	100 Lake Road Tuggerah - Land to be acquired	D13710181
<b>3</b>	1856 Thompson Vale Road Doyalson - Map of the Land to be acquired	D13710176
<b>4</b>	Confidential - 100 Lake Road Tuggerah - Copy of Valuation Report	D13715309
<b>5</b>	Confidential - 1856 Thompson Vale Road Doyalson - Copy of Valuation Report	D13715307
<b>6</b>	Confidential - 5 Eric Malouf Tumbi Umbi - Copy of Valuation Report	D13715306











**Item No:** 4.12  
**Title:** Acquisition of Land at Orana Road Gwandalan for Road  
**Department:** Innovation and Futures

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00971 - D13715199  
Author: Susan Loder, Property Officer  
Simone Barwick, Property Officer Land Sales Acquisitions  
Manager: Paul Forster, Section Manager, Property and Infrastructure  
Jamie Barclay, Unit Manager, Economic Development and Project Delivery  
Executive: Ricardo Martello, Executive Manager Innovation and Futures

### **Report Purpose**

Approval is sought to acquire part of land 52 Orana Road, Gwandalan for road widening purposes.

### **Summary**

As part of Council's Operational Plan 2018-2019, funding was provided to undertake a redesign of Orana Road to improve pedestrian safety.

### **Recommendation**

- 1 That Council resolve to acquire the following land for the purpose of road widening.**
- 2 That part of Lot 27 DP Section 6 DP27782 highlighted in yellow in the plan in Attachment 1 at 52 Orana Road, Gwandalan ('Land').**
- 3 That Council authorise the Chief Executive Officer to execute all necessary documentation relevant to the acquisition of the land.**
- 4 That Council resolve to acquire all or some of the portions comprising the land by compulsory process for the purposes of a road, pursuant to Section 177 of the Roads Act 1993 and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991, in the event that negotiations for the acquisition of all or some of the portions comprising the Land with the relevant property owner or owners cannot be satisfactorily resolved.**
- 5 That Council resolve to make an application to the Minister for Local Government and the Governor for approval to acquire all or some of the portions comprising the Land by compulsory process pursuant to the Land Acquisition (Just Terms**

***Compensation) Act 1991, in the event that negotiations for the acquisition of the land with the relevant property owner or owners cannot be satisfactorily resolved.***

**Context**

Detailed construction drawings have identified the need for improved footpath requirements surrounding the local area, a plan of acquisition has been prepared indicating the area required.

**Current Status**

Negotiations with the owner are continuing and a valuation of the land has been arranged.

**Proposal**

To facilitate the road infrastructure requirements for the Project, it will be necessary to acquire land for road widening.

The land affected by the Project is 52 Orana Road, Gwandalan

**Consultation**

Council has written to the owner of the affected land informing them of the potential road works and the associated proposal to acquire part of the affected property to accommodate the road works.

**Options**

If Council does not authorise the acquisition of the affected land, the project cannot proceed.

**Financial Impact**

It is estimated that the cost of acquisition including compensation to owners, valuation and legal costs will be in the vicinity of \$10,000, an offer of \$1,700 has been made to the owner.

Funds for the purchase of the road widening land are included in the 2018/2019 Roads and Drainage operational budget.

**Link to Community Strategic Plan**

Theme 4: Responsible

**Goal H: Delivering essential infrastructure**

R-H2: Improve pedestrian movement safety, speed and vehicle congestion around schools, town centres, neighbourhoods, and community facilities.

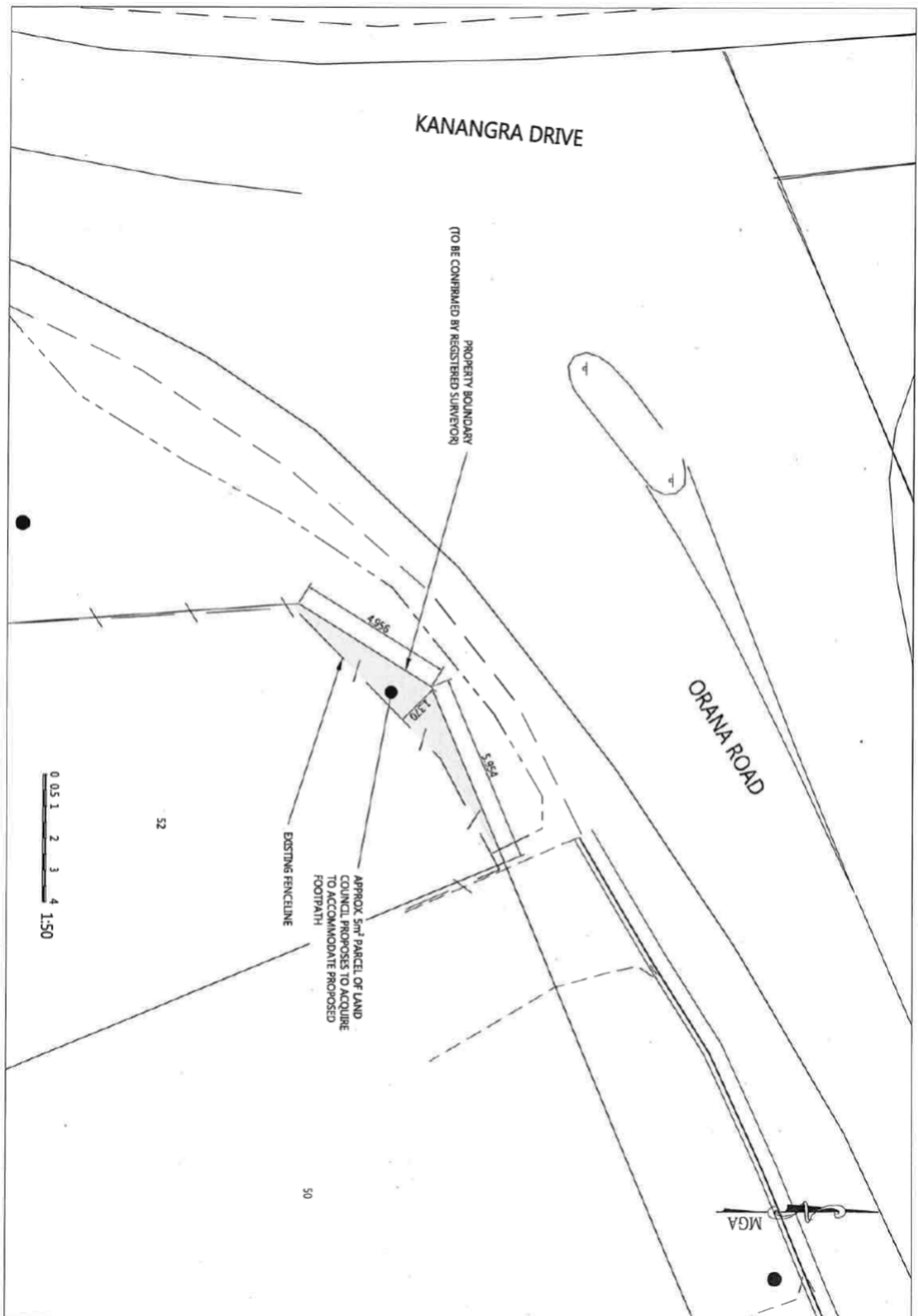
**Critical Dates or Timeframes**

The property acquisition must be completed as soon as possible to allow construction to proceed and meet the construction milestones.

The attachments show the land affected by the acquisitions and the location of the proposed road widening acquisition.

**Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Proposed Area to be Acquired               | D13715230 |
| <b>2</b> | Engagement of Services - Instructing Party | D13720744 |
| <b>3</b> | Map showing the Road Safety Program        | D13730331 |



To : Section Manager Property & Infrastructure Services

### Instructions for Engagement of Services

#### PROJECT DESCRIPTION

Project Name	Proposed Road Safety Improvements – Gwandalan Public School
Asset Owner	Central Coast Council
Project Manager	Chris Sheppard

#### PROJECT OBJECTIVES (acquire land and or easement)

Acquire land

#### AFFECTED PROPERTY

Lot & DP	Address	Owner	Land/Easement
LOT 27 DP27782	52 Orana Road GWANDALAN NSW 2259	Mr M A Higgins	Land

#### Acquisition details/width:

Acquire approx. 5m<sup>2</sup> of land from Mr Higgins from his actual property boundary to his fence line to accommodate proposed footpath. See plan attached.

#### Plan(s) attached (list):

Concept design plan

Sketch outlining property acquisition required (property boundary TBC by registered surveyor)

#### Provide details of consultation with owners:

Owner has been consulted with regarding the proposed roundabout and proposed acquisition and is in agreement with the acquisition. The proposed works are scheduled for the 18/19 financial year, Mr Higgins was also in agreement with Council obtaining a permit to enter to complete the works prior to the acquisition being finalised.

#### FUNDING REQUIRED

Amount of budget funds available for compensation and expenses	\$10,000
In which financial year are these funds available	This financial year – 2018/19
Has provision been made for compensation and expenses in the following financial year – if so how much	Yes, if required, by quarterly review
Source of funds (grant, rates, S94, sewer)	General Fund
Project Number and Tasks (expenses & compensation)	23254-10

#### MILESTONES

Date access required to private property	
Date works to commence	18/19 Financial year

Project completion date	18/19 Financial year
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**WHAT APPROVALS ARE AVAILABLE? (eg: Council, Development consent, other authorities)**

Approvals obtained	
Approvals outstanding	

*The above information is confirmed and the instruction to acquire is authorised*

Signed:  .....  
Unit Manager/Asset Owner

Date: 15/4/19 .....

*Other matters to be addressed for the purpose of reporting to Council;*

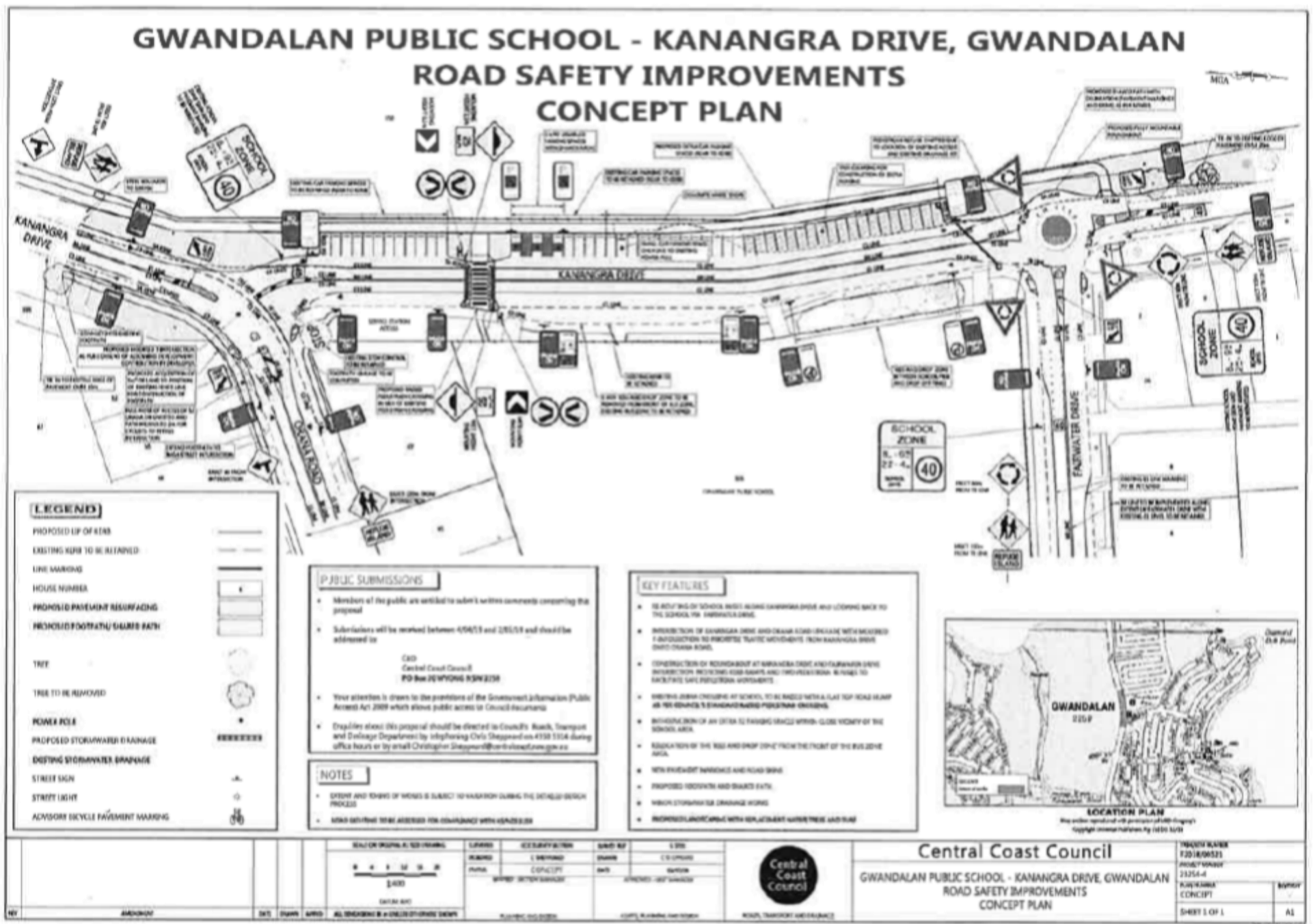
**BACKGROUND**

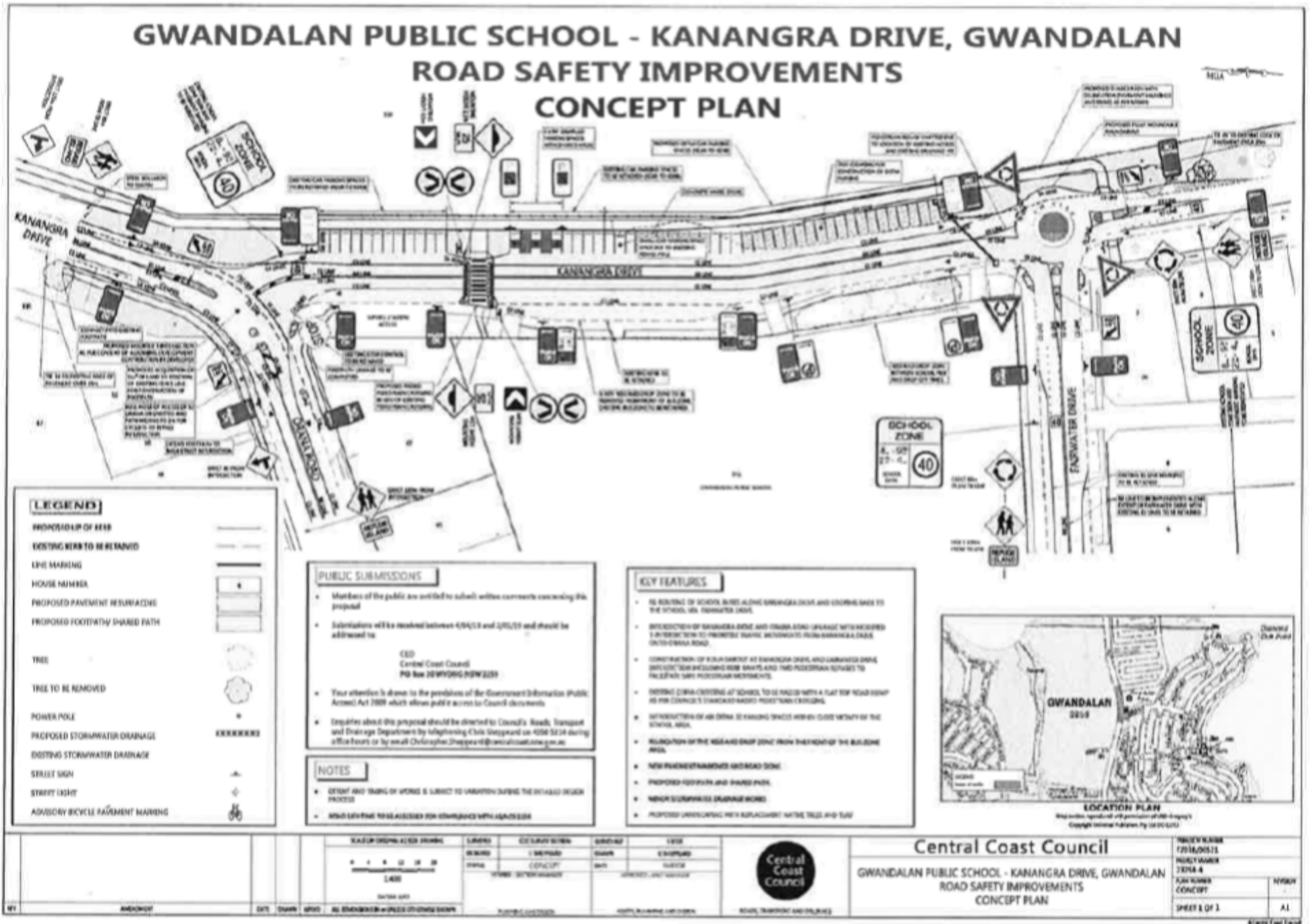
**OPTIONS**

**FUNDS**

How much money is available for the project for construction and design and for acquisition and what is the source of the funding?









**Item No:** 4.13  
**Title:** Progress of Actions of the Destination Management Plan 2018-2021  
**Department:** Connected Communities

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13717588  
Author: Carolyne Wildman, Section Manager, Marketing and Tourism  
Manager: Sue Ledingham, Unit Manager Community Engagement  
Executive: Julie Vaughan, Director Connected Communities

### **Report Purpose**

At the Ordinary Meeting of Council held 10 December 2018, Council resolved in part:

*1226/18 That Council receive a further report on the progress of the Destination Management Plan in twelve months.*

This report summarises the 12 month progress of actions undertaken in 2019 of the Destination Management Plan (2018-2021).

### **Recommendation**

- 1 That Council receive the report and Attachment 1 on the Progress of Actions of the Destination Management Plan 2018-2021.**
- 2 That Council receive a further report on the progress of the Destination Management Plan in twelve months.**

### **Context**

The Destination Management Plan for the Central Coast 2018-2021 (The Plan), as endorsed at the Ordinary Council meeting on 18 December 2017, guides tourism development and destination management for the next five years for all stakeholders; to help ensure long-term viability and sustainability of this vital sector for the Central Coast economy. It outlines the vision and goals for the destination and provides a clearly evidenced business case for investments, strategies and actions. The Plan is also required to support any organisation, inclusive of commercial operators to apply for funding to Destination New South Wales (DNSW) for regional marketing campaigns, or tourism product and experiences development.

The Plan is supported by the regional Destination Network Destination Management Plan that facilitates priority actions and funding for the Sydney Surrounds North region including Blue Mountains, Central Coast, Hawkesbury, Hunter Valley, Lake Macquarie, Newcastle, Penrith and Port Stephens.

#### **4.13 Progress of Actions of the Destination Management Plan 2018-2021 (contd)**

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The Tourism Opportunity Plan 2019-2024 was adopted by Council in June 2019 and is one outcome of the Destination Management Plan. The Tourism Opportunity Plan provides direction on the public and private sector investment and activation opportunities which will be instrumental for Central Coast in achieving its economic, community and environmental ambitions over the next four years.

Council facilitates the delivery of tourism marketing and management in the region through planning and co-ordinated actions in collaboration with the tourism industry, tourism funding bodies and other regional stakeholders. It is important to note that not all of the actions within The Plan are the responsibility of the Council to carry out. The implementation of Destination Management actions is shared and activities are undertaken in alignment with the region's local tourism industry and stakeholders, such as DNSW, Destination Networks and local tourism organisations.

In 2019 a Central Coast Tourism Advisory Committee was established to advise Council on matters relating to tourism destination management and tourism opportunities for the Central Coast Council local government area.

#### **Current Status**

The Destination Management Plan sets out three key strategic priorities, supporting priority projects and underlying actions to assist Council to take a proactive facilitative role in delivering economic and community benefits for tourism across the Central Coast region.

#### Strategic Priority 1 - Drive visitor expenditure through targeted campaigns

Council and the Central Coast Tourism industry has achieved an overall shift in the visitor economy in the past year. Our Destination Management Plan tourism expenditure target was to achieve \$921m by 2021 and in 2019 the Central Coast has achieved a record breaking one billion in tourism expenditure, surpassing the 2021 target.

In 2018, market evaluation and visitor surveys informed a new tourism campaign positioning for the Central Coast to assist in bringing together individual locations into a distinct Central Coast destination.

A shared responsibility between Council, external partners and industry stakeholders, this has been supported with a marketing campaign focussed on perception change and targeting leisure travellers out of Sydney.

The marketing campaign 'Have a Little Adventure' attracted \$238,000 in tourism businesses partner funding and generated \$945,000 in media value.

#### 4.13 Progress of Actions of the Destination Management Plan 2018-2021 (contd)

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Favourable reactions to the campaign and improvements have already been made in how leisure visitors positively perceive the Central Coast and the net effect of increasing their intentions to travel here - Commencing at a baseline (pre-activity) mean of 6.6 for 'All Sydney' in Nov 2017, improving to 6.8 in 2018, and more significantly to 7.1\* in 2019 (Source: Visitor surveys 2017, 2018 & 2019 topline/early survey results n=305).

Other actions completed in 2019 to facilitate targeted marketing campaigns included:

- Visit Central Coast website that was launched in May 2018, in 2019 it has seen a 43.9% increase in visits to the site and a 69.8% increase in leads to local business listings. The website has added over 200 new business listings in 2019 and increased features such as news, stay, eat & drink, things to do and deals for each business.
- November 2018 to November 2019 - Seasonal media releases were devised and distributed to targeted media outlets across newspapers, radio, TV, magazines, writers, bloggers and influencers which featured new tourism news in Central Coast. This included new experiences, accommodation, food, wine, craft beer and spirits, soft adventure experiences. The releases resulted in extensive coverage across TV and radio news bulletins, and metropolitan and regional newspapers of the Central Coast as a desirable tourism destination. 89 pieces of media coverage and 26 media visits by Tourism Central Coast, achieving a total value of publicity results of \$1,571,850 (equivalent advertising value). Some of the coverage received in media outlets included:
  - Conde Nast Traveller (UK)
  - Woman's Day
  - Sydney Morning Herald 'Traveller' (syndicated NSW/Vic)
  - Sunday Telegraph 'Escape' (syndicated nationally)
  - Sunday Telegraph 'Stellar' magazine (syndicated NSW/Vic)
  - Concrete Playground
  - Hunter Hunter
  - Sydney Weekender
- At the 2018 industry Christmas networking event, it was announced that Council and Industry Services would be engaging more frequently with industry through monthly networking events. Since February 2019, industry networking events have been consistently well-attended with an average of 83 attendees per event. The cost of staging the events have been offset with partnership presenters including Tourism Australia, Destination Sydney Surrounds North, Expedia, Glenworth Valley Outdoor Adventures, Mercure Kooindah Waters, Six String Brewing Company, The Savoy Theatre, Central Coast Stadium and Pearls of Australia.
- Informative, monthly industry eDM (electronic direct mail) newsletters are sent to an actively subscribed tourism business community of 1252 contacts across the Central Coast, which represents an increase of 38.4% from December 2018.

#### **4.13 Progress of Actions of the Destination Management Plan 2018-2021 (contd)**

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The industry eDM newsletters are averaging an open rate of 36.3%, well above an industry average of 16.7% and a click through rate of 9.34%, exceeding an industry average of 2.7%. The growth in both volume and interaction with an engaged tourism business community in 2019 has been a significant outcome for Industry Services in 2019.

##### Strategic Priority 2: Encourage Visitor Dispersal

Visitation to the Central Coast generally peaks during the summer months of January and December, with key off-peak months being June through to August. This reflects seasonal weather patterns and school holidays.

The Plan recognises that a focus on sustainable tourism that encourages mid-week, off-peak and dispersed visitation can have a positive impact on tourism expenditure and also a contribution to the community through employment and building local pride.

A preliminary report on Kayaking and Canoeing Tourism Opportunities report was adopted by Council in September 2019. This report was undertaken as a further action to support the Central Coast Destination Management Plan and the Tourism Opportunity Plan in the activation of Central Coast Waterways and Soft Adventure Market. Identified opportunities include:

- Improved signage and sign posting of locations for activities whether guided or not .
- Improved information to highlight locations for parking, picnicking and relating to water-based soft adventure.
- Encourage pop up activations to leverage highly seasonal activities.
- Encourage packaging experiences and cooperative marketing efforts between product operators to expand the regions offering.

Events can play a significant role in visitor dispersal by creating specific reasons to visit, encourage repeat or multi-day visitation and generate visitor expenditure during traditional off-peak times. Events in 2019 that contributed towards improved visitor dispersal included:

- Hosted the LGNSW Tourism Conference in March 2019 with over 190 delegates from local government areas all around the state and NSW Coastal Conference in October 2019 with over 250 delegates from a diverse range of fields.
- Completed the development of the Pedestrian Access and Mobility Plan and Bike Plan which aims to improve how visitors and residents move around the coast.
- Commenced Mountain Bike Feasibility Study and completed the extensive community consultation program with over 1949 responses received to the survey.
- Officially opened the new Central Coast Regional Sporting and Recreation Complex in March 2019 and securing over 23 events that will roll out 41 event days. Highlight was the hosting of the 2019 NSW Aboriginal Rugby League Knockout, attracting over 40,000 attendees making it the largest event the facility has hosted since its opening. NSW Touch Football have confirmed the 2020 and 2022 NSW Junior Regional

#### **4.13 Progress of Actions of the Destination Management Plan 2018-2021 (contd)**

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Championships to be held at the Complex. Council is continuing to seek funding for the second stage to develop a multi-purpose indoor complex and grandstand at the site. The current amenities building has accessible toilets, four change rooms, kiosk and storerooms.

- An annual calendar of events delivered by Central Coast Council and the broader community through 2019 provide opportunities for visitor dispersal. Some examples of regionally significant events delivered by Central Coast Council include:
  - Love Lanes Festival (Wyong) an example of an event reinvigorating a town centre
  - Harvest Festival (Calga, Somersby, Peats Ridge, Mangrove Mountain, Kulnura and Yarramalong areas) an example of an event highlighting local producers in the hinterland region of the Central Coast
  - Lakes Festival (Gosford Waterfront and Tuggerah Lakes plus many places in between) an example of an event that highlights the diverse waterways of the Central Coast region in partnership with community delivered events such as the Brisbane Water Oyster Festival.
  - Grants and Sponsorship support by Council also support community events with broad appeal for visitors, examples include: the Coastal Twist Festival which highlights diversity and inclusive activities, the Visla Central Coast Surf Pro which highlights the regions world class surfing locations on a global stage, as well as a plethora of weekend markets which add vibrancy to our coastal villages and promote local makers and creatives.

#### Strategic Priority 3: Boost Community Support through Tourism Employment

The Plan identifies that tourism can be an opportunity to capitalise on and develop the Central Coast's available workforce and particularly seek to provide employment pathways for young people. The Visitor Services Strategy and execution plan has outlined the benefits of creating a volunteer-based Young Ambassador Program for the Central Coast.

A basic overview of the Young Ambassador Program has been developed which entails a 12-week program, up to 25 candidates accepted, 2 intakes per year. The Program outline includes an induction, online tourism modules, a face to face workshop, 12 hours practical experience. At the end of the program ambassadors will be encouraged to be involved in and help run the future programs. A detailed proposal and quote have been sourced from Tourism eSchool to deliver online tourism modules for training and several in-person workshops for participants. Young Ambassadors will also work closely with the Visitor Information Services staff, for on-the-job training, guidance and direction.

Council tourism staff are collaborating with our Work Experience program staff to utilise contacts already in place to help raise the profile of this program and help feed students through from local high schools, TAFE and Universities.

#### **4.13 Progress of Actions of the Destination Management Plan 2018-2021 (contd)**

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Recent graduates will also have the opportunity to apply and gain the training and experience to boost their personal profiles for further job placement and tourism-related careers.

As one of the biggest industries on the Central Coast, it is recommended that the focused approach to tourism development and destination management be maintained. This is to ensure long-term viability and sustainability of this vital sector for the Central Coast economy.

Council proposes that to achieve the vision and goals for tourism in the Central Coast region, that the Plan continue to focus on the strategic priorities of driving visitor expenditure through targeted campaigns, actions that encourage visitor dispersal and product development and boost community support through tourism employment.

The success of the Plan will continue to be measured through:

- growing the value of the Central Coast economy;
- increased community pride and public perception of the Central Coast; and,
- the value of new private sector tourism investment and continued public sector investment maintained over the course of the Plan.

#### **Consultation**

Two engagement and consultation opportunities have been undertaken over the past 12 months. These include:

- Consultation on the Mountain Bike Feasibility Study for Central Coast included site visits, a community survey, workshops and consultation with a range of stakeholders and resulted in over 1949 responses to surveys and 25 targeted attendees over two focus groups held during June 2019.
- Public Exhibition of the Tourism Opportunity Plan was undertaken between 2 July 2019 to 30 August 2019 via the Your Voice Our Coast website. Respondents were asked to provide suggestions for the '1000 Little Things We Could Do' concept, as well as a general submission on the outcomes of the entire document. 454 people were aware, 213 downloaded the plan and 51 people completed a submission. Feedback was overwhelmingly in support for the development of tourism offerings, the direction the plan provides and the provision of growth opportunities for the tourism industry on the Central Coast.

#### **Social Impacts**

Tourism sits across all objectives of the Community Strategic Plan (CSP) 2030 and results of the recent CSP survey findings indicate a strong support for tourism with 79% of respondents identifying that the Central Coast has the potential to grow as a tourist destination.



#### **4.13 Progress of Actions of the Destination Management Plan 2018-2021 (contd)**

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Tourism development brings improvement to services and facilities in a region that can improve the quality of life of its residents.

This includes an appreciation of enhanced lifestyle and leisure opportunities arising from tourism development and the direct benefits of local employment and business opportunities.

##### **Environmental Considerations**

The Plan for the Central Coast recognises the outstanding natural attractions of the region as a critical competitive advantage over other destinations. The Plan proposes that nature based and soft adventure activities are a growth opportunity. The purpose of the Plan is to guide tourism development in such areas to help ensure long-term viability and sustainability of such sectors.

##### **Financial Impact**

Specific actions currently allocated in the 2019/20 Operational Plan include Ecotourism and Rural Tourism Opportunities Study and Wayfinding Signage Strategy and implementation of gateway signs at entry points to the Central Coast.

##### **Link to Community Strategic Plan**

Theme 2: Smart

##### **Goal C: A growing and competitive region**

S-C4: Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly.

##### **Risk Management**

Reputation risk managing the expectations of the community to deliver all of the opportunities outlined in the plan. Council has identified its actions for deliver and risk is mitigated through stakeholder consultation and the provision of actions in existing and new Council strategies and operational plans.

##### **Critical Dates or Timeframes**

The Destination Management Plan is a four-year program through to 2021.

**4.13 Progress of Actions of the Destination Management Plan 2018-2021  
(contd)**

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**Attachments**

- 1 Central Coast Destination Management Plan - Actions report 2019 D13730729

## Attachment 1

### Destination Management Plan 2018-2021: Progress of actions

#### 1. Progress on strategic priorities

The Destination Management Plan sets out three key strategic priorities, supporting priority projects and underlying actions to assist Council to take a proactive facilitative role in delivering economic and community benefits for tourism across the Central Coast region.

Tables 1-3 summarises the progress of Council actions in Year 2 to support the strategic priorities for the Destination Management Plan. Action 1.1 and 1.2 have been completed.

#### 1.1 Strategic Priority 1: Drive visitor expenditure through targeted campaigns

Priority Project 1: Develop and implement a new Destination Brand and targeted campaign activity, in partnership with Central Coast Council (CCC), to deliver a clear single message for the destination.

Table 1: Supporting Actions and Opportunities:

Action	Partners ( <i>Bold – leads</i> )	Timing	Progress
1.3 Implement a <b>Regional Signage Strategy</b> following the place strategy and branding of each village with a clear village and town centre identity	<b>CCC</b>	2019	Commenced. Budget allocated in 2019/20. Links to Town Centre planning.
1.4 A year-round 'always on' <b>social media</b> campaign focused on the region's strong attributes and unexpected experiences	<b>CCC, Industry</b>	Ongoing	Content ongoing and featuring diverse experiences from local businesses. To date, the social media campaign has focussed on the themes of adventure, nature, escape and discovery.
1.5 International <b>product mentoring</b> to increase the range and depth of experiences on offer at international trade shows such as the Australian Tourism Exchange (ATE)	<b>Destination NSW (DNSW), Destination Network Sydney Surrounds</b>	Ongoing	Due to ATE restrictions, Destination Network Sydney Surrounds North was unable to attend ATE 2019 with a booth. Therefore, a revised international strategy was formed and rolled out with Lighthouse Tourism. This revised strategy included a product

Action	Partners <i>(Bold – leads)</i>	Timing	Progress
	<b>North (DNSSN)</b> and Industry		<p>audit on the International Products in the region and a focus on increasing this number through product development and collaboration across the network.</p> <p>DNSSN has worked with DNSW to deliver 1 x Tourism Workshop and 2 x International Workshops in the region in the past 12 months. DNSSN has worked closely with a number of Central Coast products whom attended these workshops including Distillery Botanica, Firescreek Winery and Little Creek Cheeses.</p> <p>DNSSN have put together an International Profile on the Central Coast, which includes the current International Ready Products and those DNSSN and DNSW have identified as potential International Ready Products. To date, the Australian Reptile Park and Pearls of Australia are the only Central Coast products registered for ATE 2020, as well as the branded hotels in the region.</p>
1.6 Introduce a <b>customer experience monitoring and mentoring program</b> , measured through analysis of visitor satisfaction ratings such as TripAdvisor (using programs such as ReviewPro)	<b>CCC,</b> Industry	Ongoing	Not yet commenced. Program to be developed and introduced in 2020.

## 1.2 Strategic Priority 2: Encourage Visitor Dispersal

Priority Project 2: Establish an events strategy program which maintains and grows off-peak, multi-day events.

Table 2: Supporting Actions and Opportunities:

Actions	Partners ( <i>Bold - leads</i> )	Timing	Progress
2.1 Develop a business case for new <b>mountain bike trails</b> to attract a world-class event to the Central Coast	<b>CCC, NPWS</b>	2018/19	Completed consultation on the Mountain Bike Feasibility Study for Central Coast included site visits, a community survey, workshops and consultation with a range of stakeholders and resulted in over 1949 responses to surveys and 25 targeted attendees over two focus groups held during June 2019. Council Officers are currently compiling community feedback and preparing the Feasibility Study.
2.2 Ensure Council Planning <b>guidelines for beach events</b> are supportive of flexible uses and promote the steps required to run beach-based events	<b>CCC, LGA NSW</b>	2018	Achieved. Procedures completed for processing applications for events on beaches Central Coast Council Officers work within the Special Event Guidelines and seek advice from the appropriate Asset Manager to accommodate special requests for beach events. Depending on the scale and location of the event, other planning approvals may also be required.
2.3 Create an <b>investment platform</b> for new nature-based tourism projects through an	<b>CCC, State Govt</b>	2019-2021	Request for quotation (RFQ) prepared for release in November 2019

Actions	Partners <i>(Bold - leads)</i>	Timing	Progress
<b>Ecotourism and Rural Tourism Opportunities Study</b>			
2.4 Map and develop <b>Management Plans for sacred sites</b> to ensure they are not impacted by future outdoor recreation programs	Indigenous Groups, <b>CCC</b>	2021	Year 3 action.
2.5 Utilise the new <b>Central Coast Regional Sporting and Recreation Complex</b> to host, not only sporting events, but also more community and social events through the multipurpose indoor complex.	<b>CCC</b>	2019/20	Ongoing. Officially opened the new Central Coast Regional Sporting and Recreation Complex in March 2019 and securing over 23 events that will roll out 41 event days. Council is continuing to seek funding for the second stage to develop a multi-purpose indoor complex and grandstand at the site.
2.6 Develop heritage trail in Gosford to complement other cultural attractions	<b>CCC</b>	2019/20	Extensive research report completed by Heritage Officer. Heritage trails, signage and maps in progress
2.7 Create interconnected cycleways to encourage exploration across the region	<b>CCC</b>	2019/20	Achieved - Pedestrian Access and Mobility Plan and Bike Plan adopted in 2019. Implementation commenced.

### 1.3 Strategic Priority 3: Boost Community Support through Tourism Employment

Priority Project 3: Develop entrepreneur, innovation hubs and mentoring programs, specifically targeting youth employment in the tourism sector to lift the overall visitor experience, product development and investment attraction.

Table 3: Supporting Actions and Opportunities:

Action	Partners ( <i>Bold - leads</i> )	Timing	Progress
3.1 Further investigate the opportunity for the Central Coast to be recognised as a <b>National Surfing Reserve</b>	<b>CCC, Industry</b>	Long Term	Opportunity is incorporated in the Tourism Opportunity Plan 2019-2024.

## 2. Measures of Success

The success of the Destination Management Plan is measured through growing the value of the visitor economy above growth forecasts; targeting visitor dispersal and growing community support for the visitor economy.

In 2019, Council and the Central Coast Tourism industry has achieved an overall shift in the visitor economy in the past year above target. Expenditure target set for 2021 was \$921m, target surpassed in 2019 achieving a record breaking \$1 billion in tourism expenditure.

Source: Tourism Research Australia



**Item No:** 5.1  
**Title:** Deferred Item - 2019 Election Commitments - Progress Update  
**Department:** Innovation and Futures

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2004/06322 - D13730856  
Author: Louise Fisher, Chief External Funding Coordinator  
Executive: Ricardo Martello, Executive Manager Innovation and Futures

## Summary

At its meeting held 25 November 2019, the Council resolved as follows;

*1178/19 That Council defer consideration of the following items to the 9 December 2019 Ordinary Meeting:*

<i>Item 4.4 - Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019</i>
<i>Item 4.6 - 2019 Election Commitments – Progress Update</i>
<i>Item 6.1 - Deferred Item - Notice of Motion - Redress Scheme</i>
<i>Item 6.3 - Notice of Motion - The Missing Munmorah SK8Park</i>

## Recommendation

***That Council receive the report on Deferred Item - 2019 Election Commitments - Progress Update.***

## Attachments

<b>1</b>	OM 25 November 2019 - Item 4.6 - 2019 Election Commitments – Progress Update	Provided Under Separate Cover	D13731307
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**Item No:** 5.2  
**Title:** Deferred Item - Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019  
**Department:** Connected Communities

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00090 - D13730852

Author: Glenn Cannard, Unit Manager, Community Partnerships

Executive: Julie Vaughan, Director Connected Communities

### Summary

At its meeting held 25 November 2019, the Council resolved as follows;

*1178/19 That Council defer consideration of the following items to the 9 December 2019 Ordinary Meeting:*

<i>Item 4.4 - Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019</i>
<i>Item 4.6 - 2019 Election Commitments – Progress Update</i>
<i>Item 6.1 - Deferred Item - Notice of Motion - Redress Scheme</i>
<i>Item 6.3 - Notice of Motion - The Missing Munmorah SK8Park</i>

### Recommendation

***That Council receive the report on Deferred Item - Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019.***

### Attachments

1 OM 25 November 2019 - Item 4.4 - Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019

D13730892

**Item No:** 4.4  
**Title:** Meeting Record of the Social Inclusion Advisory  
Committee held on 24 October 2019  
**Department:** Connected Communities



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25 November 2019 Ordinary Council Meeting

Trim Reference: F2019/00090 - D13717698

Unit Manager Glenn, Cannard, Community Partnerships

Executive: Julie Vaughan, Director Connected Communities

### **Report Purpose**

To note the Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019.

### **Recommendation**

***That Council receive the report on Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019.***

### **Background**

The Social Inclusion Advisory Committee held a meeting on 24 October 2019. The Meeting Record of that meeting is Attachment 1 to this report.

There are no actions recommended to Council therefore the Meeting Record is being reported for information only.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal G: Good governance and great partnerships**

G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

### **Attachments**

1 Social Inclusion Advisory Committee Meeting Record - 24 October 2019 D13717689



Location:	Central Coast Council Gosford Office Level 1 Committee Room, 49 Mann Street, Gosford	
Date:	24 October 2019	
Time	Started at: 4.02pm	Closed at: 5.54pm
Chair	Councillor Kyle MacGregor	
File Ref	F2019/00090	

**Present:**

Councillor Chris Holstein (arrived 4.11pm, left 5.12pm), Councillor Kyle MacGregor, Colette Baron, Bert Cotte (arrived 4.15pm), Jackie Klarkowski, Joshua Maxwell, Glitta Supernova, Deb Tipper

**Council Staff present:**

Glenn Cannard – Unit Manager Community Partnerships, Kerrie Forrest – Section Manager Community Planning and Services, Belinda McRobie – Team Leader Community and Cultural Programs, Celia Pennycook – Social Planner, Kelly Drover – Advisory Group Support Officer

**Item 1 Welcome, Acknowledgement of Country and Apologies**

Apologies received: Councillor Jillian Hogan, Julie Vaughan – Director Connected Communities

Councillor MacGregor welcomed the Advisory Group and completed an Acknowledgement of Country.

**Item 2 Disclosure of Interest**

No disclosures were received.

**Item 3 Confirmation of Previous Meeting Record**

The Advisory Group confirmed the Meeting Record from 22 August 2019.

The Advisory Group discussed the Action Log.

**Item 4 Council Events Feedback**

Glenn Cannard (Unit Manager Community Partnerships) discussed Councils' *Planning Accessible Events Guide and Checklist* and making our events inclusive.

## Attachment 1

## Social Inclusion Advisory Committee Meeting Record - 24 October 2019

Social Inclusion Advisory Committee Meeting Record  
24 October 2019



The recent event 'Coastal Twist' organised by Naughty Noodle is a great example of keeping local events inclusive of all people.

Inclusivity also needs to consider the timing and venue of events, sign interpreter, large font on the website or brochures and whether events are in walking distance to public transport.

The Advisory Group discussed the need for a centralised calendar for event organisers and the community to be able to access with upcoming events. Staff are working with the Tourism and Town Centre Advisory Groups to develop this.

**Action:** The Social Inclusion Advisory Group to be kept informed of the progress of a centralised event calendar.

It was suggested that any document that has the Council logo on it, including event flyers/brochures should have a reference to Acknowledgement to Country. It was also suggested that a link could be provided on Council's website or in the Planning Accessible Events guide, with examples of Acknowledgement of Country that people can use at events. This could also be incorporated into Event permits.

The Advisory Group expressed an interest in having a standardised Acknowledgement of Country included in Council events and Council documents including the website and Council spaces (e.g. Laycock Street Theatre).

**Action:** Connected Communities staff to look at incorporating an Acknowledgement of Country statement on all Council event flyers/brochures and that a standardised Acknowledgement of Country to be included in the *Planning Accessible Events Guide and Checklist*.

Bert Cotte provided the Advisory Group with an update on the work that Westfield have been doing with 'quiet hour'.

#### Item 5 Who makes up our community?

Celia Pennycook (Social Planner) ran the Advisory Group through <https://profile.id.com.au/central-coast-nsw>

**Action:** Advisory Group Support Officer to provide log in details to Advisory Group Members.

#### Item 6 Confirm Future Meeting Dates

The agenda for the 12 December 2019 meeting to include the following items:

- Draft Social Inclusion Policy - 45 minutes
- Economic Disadvantage (particularly in northern part of LGA, impact on social participation, travel/transport barriers, gendered nature of work, opportunities for advocacy) – 45 minutes

Attachment 1

Social Inclusion Advisory Committee Meeting Record - 24 October 2019

Social Inclusion Advisory Committee Meeting Record  
24 October 2019



The agenda for the February 2020 meeting to include the following items:

- Libraries and childcare centres (how these services can be utilised)
- Broader community education
- Feedback from Innovation and Futures Reference Group
- Rainbow Community (LGBTIQ+ inclusivity in everyday considerations)

**Item 7                    General Business and Close**

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No general business was discussed.

The meeting closed at 5.54pm

**Next Meeting:            Thursday 12 December 2019**  
**4pm – 6pm**  
**Central Coast Council Wyong Office**  
**Level 2 Committee Room**



**Item No:** 5.3  
**Title:** Response to Notice of Motion - Lower Wyong Floodplain Risk Management Plan  
**Department:** Environment and Planning

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-008 - D13718636

Author: Parissa Ghanem, Team Leader Floodplain Management and Senior Planner

Manager: Luke Sulkowski, Unit Manager, Environmental Management

Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

This report responds to Notion of Motion 914/19 relating to the Lower Wyong River Floodplain Risk Management Plan 2010, which is the existing adopted plan that relates to Wyong River.

### **Recommendation**

***That Council receive the report on Response to Notice of Motion - Lower Wyong Floodplain Risk Management Plan.***

### **Background**

Council, at its Ordinary Meeting on 25 September 2019 resolved the following:

- 914/19 *That Council request the Chief Executive Officer to provide a report on the recommendations contained within the Lower Wyong River Floodplain Risk Management Plan adopted by the fWSC on 27 October 2010. This report is to include;*
- a) *whether all the recommendations were implemented and if not, the rationale for not implementing them.*
  - b) *whether the LWRF is being addressed in the Wyong River Floodplain Risk Management Study and Plan, noting that community consultation in respect to this closed on 26 April 2019.*
  - c) *a copy of the Report prepared pursuant to Resolutions 302/13 305/13, (or advice that it wasn't prepared).*
  - d) *any recommendations to address the flooding at the intersection of Woodbury Park Dr/ Johnson Rd and Gavenlock Road.*

Recently a new Wyong River Floodplain Risk Management Plan has been drafted, which contains more implementation options than the previous plan.

### 5.3 Response to Notice of Motion - Lower Wyong Floodplain Risk Management Plan (contd)

Council, at its Ordinary Meeting on 28 October 2019 resolved the following regarding a new Wyong River Floodplain Risk Management Plan:

*1029/19 That Council defer consideration of this item until a site inspection has been conducted with those interested Councillors and members of the Catchments and Coast Committee – Tuggerah Lakes.*

#### Response to Notice of Motion 914/19

The response below relates to questions about the old plan, not the current plan being considered by Council.

**a) *whether all the recommendations were implemented and if not, the rationale for not implementing them.***

The Lower Wyong River Floodplain Risk Management Plan was adopted by the former Wyong Shire Council on 27 October 2010. This plan identified five corresponding implementation actions, all of which have been effectively completed, as shown below.

No.	Issue	Implementation Comment
1	Council's Flood Prone Land Development Policy is dated and needs updating and incorporation into a DCP.  Response: Develop a new DCP covering flooding, with specific mention of local areas, where flood studies have been completed. "	This was completed as part of the Wyong Development Control Plan 2013.
2	Flood risk management issues regarding the Main Northern Railway and Wyong Nursing Home currently create concerns.  Response: Strengthen formal communication channels to ensure dialogue is maintained and flood issues monitored."	Council has had ongoing engagement with the Rail Authority (several name changes) and continues to collaborate with the SES by providing flood information to support their operational activities. Note that the Draft Wyong River Floodplain Risk Management Study and Plan, placed on public exhibition earlier this year, considered the Wyong aged care facility further and recommends that Council undertake discussions with the facility to determine the potential for including an elevated flood refuge as part of any future development. This is due to be undertaken once the Study and Plan have been adopted.
3	Wyong Shire Council has installed rain and water level gauges relied upon by the Bureau of Meteorology for flood warning.	Council has undertaken an audit of Council-owned rain and water level gauges in the former Wyong LGA and is in the process of

## 5.3

### Response to Notice of Motion - Lower Wyong Floodplain Risk Management Plan (contd)

No.	Issue	Implementation Comment
	Response: Include maintenance and budget within Wyong Shire Council's LEMO activities. Request the Bureau of Meteorology to review the need and operational requirements for gauges and long-term funding requirements."	finalising a report which identifies the maintenance and operational requirements. External agencies, including the Bureau of Meteorology, have been consulted during the project. This report, in conjunction with a similar report previously prepared in the former Gosford LGA, will allow Council to make decisions regarding the long-term funding and operation requirements for the entire CCC LGA.
4	<p>A general lack of knowledge of flooding is perceived within the community, partly created by the absence of major floods within recent years."</p> <p>Response: Undertake a formal publicising of flood information, specific to the Lower Wyong River floodplain, every four years. This could include information on Wyong Shire Council's website, mail outs to local residents and businesses or presentations to local precinct committees."</p>	Council continues to work closely with the SES to provide flood knowledge to the community through websites and staff have attended community meetings to advise on localised flood response. All flood studies and floodplain risk management plans are also made available to the SES at their completion via the NSW Flood Data Portal.
5	<p>The existing hydrology model and CELLS model need to be updated to define catchment hydrology more accurately and to update the hydraulic model to a fully two-dimensional model. This review should include impacts due to Climate Change, particularly due to the Tuggerah Lakes flooding.</p> <p>Response: Undertake new catchment hydrology study and flood study when adequate data becomes available."</p>	The Wyong River Catchment Flood Study was completed in 2014. More recently, the Draft Wyong River Floodplain Risk Management Study and Plan was prepared and placed on public exhibition earlier this year. The Draft Study and Plan was recommended in the Council meeting of 28 October 2019 for adoption. It was deferred pending a site visit of the recommended options by the Councillors.

**b) whether the LWRF is being addressed in the Wyong River Floodplain Risk Management Study and Plan, noting that community consultation in respect to this closed on 26 April 2019.**

The Draft Wyong River Floodplain Risk Management Study and Plan updates and expands on the Lower Wyong River Floodplain Risk Management Study and the Lower Wyong River Floodplain Risk Management Plan prepared by Paterson Consultants in 2010. The Porters Creek sub-catchment and Tuggerah Lakes foreshore areas were addressed in separate studies and plans, the Porters Creek Floodplain Risk Management Plan (2012) and Tuggerah Lakes Floodplain Risk Management Study and Plan (2014) respectively.



### 5.3 Response to Notice of Motion - Lower Wyong Floodplain Risk Management Plan (contd)

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- c) a copy of the Report prepared pursuant to Resolutions 302/13 305/13, (or advice that it wasn't prepared).**

A copy of report on *Repeated Flooding of Tuggerah Businesses* is attached, as included on the 12 June 2013 Ordinary Council Meeting Agenda.

- d) any recommendations to address the flooding at the intersection of Woodbury Park Dr/ Johnson Rd and Gavenlock Road.**

Although no specific options were recommended in the Lower Wyong River Floodplain Risk Management Plan (2010) to reduce flooding at the intersection of Woodbury Park Drive, Johnson Road and Gavenlock Road, the Lower Wyong River Floodplain Risk Management Study (2010) did investigate numerous options to potentially reduce flood levels in the Tuggerah Straight Industrial Area.

It is important to understand that the Tuggerah Straight Industrial Area can be affected by flooding from both Mardi Creek and Wyong River. Options investigated in the Study are summarized:

#### Tuggerah Straight Industrial Area Levee

The construction of a northern levee would potentially prevent floodwaters from the Wyong River spilling onto the southern floodplain upstream of the Pacific Highway and railway and reduce flood levels in the area. However, the area would still be susceptible to flooding from the local catchment and Mardi Creek and flood levels would be increased and a greater than 40 properties would suffer significantly higher flood levels as a result.

The construction of a southern levee to protect the industrial area from Mardi Creek flooding was also investigated although no appropriate location could be identified. If a suitable location was identified, the construction of such a levee would result in the loss of temporary flood storage in the area which would cause significant increases in flood levels in Mardi Creek and potential impacts to Woodbury Park and carpark areas of the Westfield shopping complex.

#### Replacement of Pacific Highway and Railway Bridges

The effectiveness of raising of the highway and railway bridges over the Wyong River is limited by the obstruction of floodwaters flowing over the floodplain which is caused by the railway embankment. Replacement of the bridges would provide minimal reduction in flood levels, typically less than 0.1m.

#### Mardi Dam Works

The temporary flood storage available in Mardi Dam provides a nominal flood mitigation benefit. However, due to the relatively small catchment area controlled by the dam and the rapid response of the remainder of the Mardi Creek catchment, it is not considered feasible to pre-release from the dam or to operate the dam for flood mitigation purposes.

### **5.3 Response to Notice of Motion - Lower Wyong Floodplain Risk Management Plan (contd)**

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#### Cobbs Road Detention Basin

Several potential sites for detention basins were identified upstream of the Freeway/M1. Construction of a detention basin at the Cobbs Road location may reduce flood levels between Gavenlock Road and the Pacific Highway by approximately 0.05 metres.

#### Proposed Schemes

The effectiveness of various works and schemes were investigated for Mardi Creek, including Scheme 2 which comprised channel improvements downstream of the railway, channel improvements between Gavenlock Road and the Pacific Highway, upgrading the Gavenlock Road culvert and duplication of the culverts under the Pacific Highway and railway.

Scheme 2 provided the greatest reduction in the number of premises flooded and mean annual flood damages and was adopted as the drainage strategy for Mardi Creek circa 1996. The bulk of the benefits derived from the scheme are attributable to the channel improvements and duplication of the culverts, with other works providing marginal benefit only.

#### **Attachments**

- 1** Repeated Flooding of Tuggerah Businesses      D03379764

12 June 2013

Director's Report

To the Ordinary Council Meeting

Infrastructure and Operations

### **5.3 Repeated Flooding of Tuggerah Businesses**

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TRIM REFERENCE: F2004/07986 - D03379764

MANAGER: Andrew Pearce, Manager, Waterways Asset Manager

AUTHOR: Peter Sheath; Senior Planning Engineer Hydrology

#### **SUMMARY**

This report presents the outcomes of an investigation into managing flooding in Anzac Avenue and Ace Crescent, Tuggerah.

#### **RECOMMENDATION**

*That Council receive the report on Repeated Flooding of Tuggerah Businesses.*

#### **ORDINARY MEETING HELD 12 JUNE 2013**

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

***778/13 That Council receive the report on Repeated Flooding of Tuggerah Businesses.***

#### **BACKGROUND**

At the ordinary Council meeting of 13 March 2013 Council resolved as follows:

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

- 1/13 That Council note with great concern the escalating frequency of flooding events of local Tuggerah businesses in and around the Anzac, Ace and Gavenlock roads area.*
- 2/13 That Council investigate as a matter of urgency the possible flooding causes and seek advice from Roads and Maritime Services and RailCorp as to whether any works carried out by those bodies may be contributing to further localise flooding.*
- 3/13 That Council note that since the Roads and Maritime Services upgrade of the Tuggerah Straight the major Tuggerah storm water channel is now permanently charged providing for little to no flood storage, further this now permanent standing body of water is ideal for supporting large quantities of aquatic vegetation, conducive to blocking drainage."*
- 4/13 That Council direct the General Manager to report the outcome of the recommendations on this issue as a matter of urgency.*

## REPORT

This report addresses the first three above resolutions above in turn (the report itself addresses the fourth resolution).

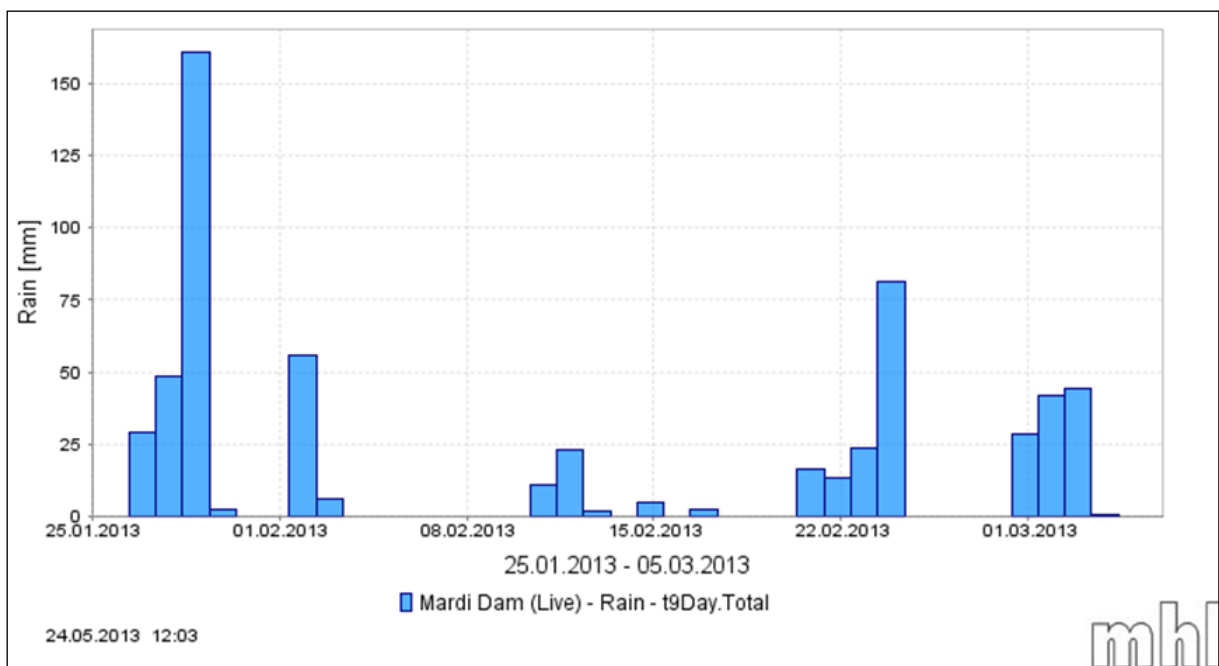
### 1. Escalating frequency of flooding events

The Anzac Road and Ace Crescent, Tuggerah commercial and industrial area is known for frequent flooding, which is associated with overflows from Mardi Creek. The area is located on the floodplain, with an average longitudinal grade of less than 0.1% along the 3km journey between the open channel and the Wyong River.

Council has carried out numerous studies and capital works throughout the 1990s to help manage this risk, largely in response to the February 1990 flood. There is no evidence to suggest that the frequency or severity of flooding is increasing.

The area is part of the Wyong River catchment and subsequently forms part of the Wyong River Flood Study which is presently being carried out. It is anticipated by August 2013 we will have updated flood information for this location.

600mm fell at the Mardi Dam rain gauge from late January 2013 till early March 2013, as shown in the graph below; this was about three times higher than the long-term climate average for the same period. While this rainfall was significant, it was not unusual, given that the Bureau of Meteorology classifies this area to have moderate rainfall variability from January to March.



Flooding occurred on both 29 January 2013 and 24 February 2013. The most severe flooding occurred on 29 January, associated with a 165mm rain-storm, which started at 10am Mon 28 January (public holiday) and ceased at 9am Tues 29 January. During this time flood depths at road low-points in both Anzac Avenue (opposite McDonalds) and the next road to the north, Ace Crescent, are estimated to have reached up to 1m deep, which is a flood depth that has a 10% chance of being reached or exceeded each year (10% AEP flood event). Note that the flood depths are expected to be another 0.3m deeper in a 1% AEP flood event.

It should also be noted that the frequency of flooding in this industrial area will always be greater than that observed in other industrial areas within the shire as the Council made a deliberate decision many years ago to allow this area to be developed and so as not to sterilize the area, applied a flood planning level of 2% AEP (1 in 50 years) as opposed to the normal flood planning level of 1% AEP (1 in 100 years) applied on other areas.

## **2. Investigation of possible flooding causes**

Flooding in Anzac Avenue and Ace Crescent, Tuggerah is a result of Mardi Creek breaking its banks. The creek catchment includes Mardi Dam and Westfield Tuggerah. It measures 5.3km<sup>2</sup> to Pacific Highway, which can roughly be split into thirds: the area upstream of the dam wall, the area between the dam and the freeway (western side), and the area downstream of the freeway (eastern side). It should be noted that flooding would be much worse if Mardi dam were not present.

Council staff carried out a site inspection on 20 March 2013, including the Director Infrastructure Operations, Acting Manager Roads and Drainage, Manager Waterways & Asset Management, and Senior Planning Engineer Hydrology. During the site inspection standing water was observed in the drainage channels, which appeared to be largely matched by standing water levels in the creek downstream of the highway and railway.

Council's surveyors were subsequently requested to undertake water level measurements in both the channel and at various points downstream of the railway line into the Pioneer Dairy site. Measurements taken within the drainage channel and creek on the 9 April 2013 confirm that water levels were reasonably static between the open channel upstream of the highway to a point within the Pioneer dairy site. These results were consistent with a survey of water levels taken at the same locations in 1997.

A survey taken further within the Pioneer Dairy site did however identify lower water levels indicative of a possible blockage between survey points in the Pioneer Dairy site. Further detailed survey works and accompanying site inspection will be required to identify if there is a particular blockage which may be impacting on upstream standing water levels.

Investigations into better managing flooding in the Mardi Creek catchment were carried out in the mid 1990s. At that time significant works were being carried out within the catchment including construction of Westfields and Woodbury Park Estate. Work was subsequently carried out on the stormwater channels and overbank changes immediately upstream of Gavenlock Road, construction of 4-cell 3m x 1.8m RC box culverts under the bend of Gavenlock Road, together with a 50m wide weir overflow.

An updated flood study and investigation of possible further flood mitigation options was carried out in 1997, which is still relevant. These were seen to have the following possible benefits on flood levels within Anzac Road and Ace Crescent:

Option	Indicative Cost	Reduction in flood level (m) [measured just upstream of Pacific Highway]	
		1% AEP	10% AEP
A. Double the width of the Pacific Highway culverts and Railway Bridge	\$3M	-0.42	-0.34
B. Downstream channel works: Floodway downstream of rail bridge short-circuit bends in the creek, 20m wide base, 1:6 batters (three sections: 140m, 70m, 280m)	\$400 000	0.13	-0.20
C. Retarding basin upstream of F3, at back of Council Nursery	\$60 000	-0.25	-0.23
D. Options A + B	\$3.4M	-0.45	-0.47
E. Options B + C	\$460 000	-0.26	-0.34

Options A & B are not feasible. They are associated with a very high cost. Option B is also associated with a high environmental impact through realignment of the creek through Pioneer Dairy wetlands.

Option C, a retarding basin upstream of the F3, at the back of the Council Nursery, is expected to be associated with relatively low cost and low environmental impact. A project will be commissioned to further investigate the feasibility of a retarding basin at this location, which is likely to reduce flood depths by over 0.2m. Note however that even after such works are carried out then flood depths in these roads will still exceed 1.0m in a 1% AEP flood event.

### 3. Investigation of impact of Road & Maritime Services road widening works

The RMS road widening works at Tuggerah Straight involved simply extending the existing culverts, which would not have had an effect on ongoing water levels.

As discussed in 2 above, standing water levels were recently observed and surveyed to be similar both upstream and downstream of the highway and railway line.

The water level survey carried out in 1997, which is the only comparison data that is available, shows marginally lower but consistent standing water levels throughout the stormwater drains. This confirms that standing water within the stormwater drains is not new. The level of standing water most likely fluctuates according to the fluctuations in groundwater levels.

## CONCLUSION

This report has detailed investigations into the repeated flooding in the area of Anzac Avenue and Ace Crescent, Tuggerah.

The area is characterised as being flood prone land with limited opportunity to mitigate flooding through engineering works.

Actions directly arising from the investigations have been:

- Investigations into the feasibility of a retarding basin upstream of the F3, at the back of the Council Nursery
- Enhanced focus on the area as part of the Wyong River Flood Study with updated flood modelling data anticipated to be available in August 2013
- Recent and ongoing maintenance of the existing storm water drains

- Proposed further inspection and survey to identify any tangible blockage within the Pioneer Dairy site
- Proposed installation of warning signs and flood depth markers in Anzac Avenue and Ace Crescent.

**ATTACHMENTS**

*Nil.*



**Item No:** 5.4  
**Title:** Meeting Record of the Protection of the Environment Trust Management Committee held on 5 November 2019  
**Department:** Governance

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2018/00732 - D13727419

Executive: Dr Liz Develin, Director Governance

### **Report Purpose**

To note the Meeting Record of the Protection of the Environment Trust (PoET) Management Committee held on 5 November 2019.

### **Recommendation**

***That Council note the Meeting Record of the Protection of the Environment Trust Management Committee held on 5 November 2019.***

### **Background**

The Protection of the Environment Trust (PoET) Management Committee held a meeting on 5 November 2019. The Meeting Record of that meeting is Attachment 1 to this report.

There are no actions recommended to Council therefore the Meeting Record is being reported for information only.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal G: Good governance and great partnerships**

G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

### **Attachments**

**1** POET Management Committee Meeting Record - 5 November 2019      D13727458



# Protection of the Environment Trust (PoET) Management Committee Meeting Record 5 November 2019



Location:	Central Coast Council Gosford Office Level 1 Committee Room 49 Mann Street, Gosford	
Date:	5 November 2019	
Time	Started at: 3.06pm	Closed at: 4.04pm
Chair	Councillor Jane Smith	
File Ref	F2018/00732	

**Present:**

Councillor Jane Smith, Gary Murphy – Chief Executive Officer (arrived 3.08pm), Gary Chestnut (arrived 3.10pm), Joy Cooper, Barbara Wills,

**Staff present:**

Luke Sulkowski – Unit Manager Natural and Environmental Assets, Larry Melican – Section Manager Natural Assets and Biodiversity, Kelly Drover – Advisory Group Support Officer, Donna Payne – Advisory Group Support Officer

## **Item 1            Welcome, Apologies and Acknowledgement of Country**

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Apologies received: Shane Sullivan - Unit Manager Governance and Business Services

The Chairperson, Councillor Jane Smith, declared the meeting open and completed an Acknowledgement of Country and Connection to Land statement.

## **Item 2            Disclosure of Interest**

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The Chairperson called for any declarations of interest.

No disclosures received.

## **Item 3            Confirmation of Previous Meeting Record**

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The Committee confirmed the Meeting Record from 6 August 2019.



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**Item 4            Action Log**

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The Committee discussed the Action Log.

Action 33: Barbara Wills to advise of specific lots.

Action 51: The below response was provided by Strategic Planning staff:

- The Department of Planning, Industry and Environment (DPIE) has advised that there is no state government commitment to review the Somersby POM currently. However, there is an action on the Regional Employment Lands Working Group for discussion 'to review the implementation of the Somersby POM'. Council and DPIE are co-leads in this review. This action is not being done to review the Somersby POM (and produce a new Somersby POM), but is more of an audit to review DA approvals and whether they are complying with the Somersby POM and identify any implementation issues arising since the plan was introduced.

Action 60: The Committee noted the letter received from the Hon Sussan Ley MP Minister for the Environment regarding report on donation for the decade, which had been distributed to Committee Members.

Action 68: Joy Cooper to email Councillor Smith with questions on the planning process, to be submitted as a Councillor Request.

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**Item 5            Annual Strom Talk**

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At the 26 August 2019 Ordinary Meeting, Council resolved in part:

*That Council resolve that the Protection of the Environment Trust Management Committee coordinates an annual Strom Talk to support the objectives of the Trust.*

The Committee discussed timing of the venue and agreed to tie it in around World Environment Day (June 2020).

Laycock Street Theatre was suggested as a venue.

Richard Denniss (Economist and Executive Director of the Australian Institute) was suggested as a speaker.

**Action:** Councillor Smith to investigate a date and venue for a 2020 Strom Talk and bring back costs to the next meeting.

**Action:** Committee members to give thought to potential speakers and provide suggestions at the next meeting.

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**Item 6            Legal Advice on the Trusts**

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Staff advised in previous meetings that Council was obtaining legal advice on the Trusts. As Chair of the Committee, Councillor Smith had expressed concerns to the CEO and Director Governance and has received clarification that the legal advice relates to whether the Trust is operating within the legal framework of the Deed. This advice will be discussed with the Committee once received.



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**Item 7 Update on documenting the history of COSS**

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Councillor Smith advised she recently met with Robert Bell (former Mayor of Gosford) who is undertaking a project to document the history of COSS.

Robert Bell is looking for various organisations to contribute \$5000 towards his project and has made a request to the Protection of the Environment Trust.

The Committee believes there is merit in the project and recognises the unique perspective that Robert Bell would provide to documenting the history of COSS. The Committee note the request for approximately \$5000 contribution towards the cost.

**Action:** The Committee request Robert Bell to submit an application that addresses the PoET grant guidelines (copy to be provided to Robert) 2 weeks prior to the next meeting.

**Action:** That the elements of Robert's proposed project that are not in alignment with the grant guidelines are separately identified and addressed for consideration of the PoET.

**Action:** Robert Bell to be invited to the next meeting of the PoET.

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**Item 8 Promotion and Donation to the Trusts (Action Item 67)**

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A handout was provided by Shane Sullivan detailing advice received from Communications staff.

The advice from Communications staff is that:

- The Committee develop a separate website independent to Council's website, a similar example would be that of Northern Beaches and their set up for Pittwater Environmental Trust.
- The Committee develop and manage an RFQ to procure a full-service digital agency to support marketing, website and content creation and ongoing management.
- A Community Representative member of the committee manage and be the point of contact for information and the services provided by an appointed digital agency.

Councillor Smith to review the Pittwater Website.

<http://www.pittwaterenvironmentalfoundation.org.au/donations/>

**Action:** Councillor Smith to meet with Director Governance to seek clarification around the Trusts setting up a website, the process including preferred suppliers and provide advice back to the next meeting.

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**Item 9 Finance Report**

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The Committee reviewed the Income Statement as at 31 October 2019.

Protection of the Environment Trust Management Committee Meeting Record  
5 November 2019



Central  
Coast  
Council

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**Item 10            General Business and Close**

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Councillor Smith advised that the discovery of local soft corals was featured on the front cover of the recent Coast Magazine and an interview with Troy Gaston (University of Newcastle) included in the magazine. A previous grant from the Protection of the Environment Trust contributed to this work undertaken by the University of Newcastle and is acknowledged in presentations by Dr. Gaston. There could be potential media opportunities to promote PoET.

The meeting closed at 4.04pm

**Next Meeting:            Tuesday 4 February 2020 (TBC)**  
**3pm – 4pm**  
**Level 1 Committee Room**  
**Gosford Admin Building**  
**49 Mann Street, Gosford**



**Item No:** 5.5  
**Title:** Meeting Record of the Town Centre Advisory Committee held on 29 October 2019  
**Department:** Connected Communities

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00505 - D13720858

Manager: Glenn Cannard, Unit Manager, Community Partnerships

Executive: Julie Vaughan, Director Connected Communities

### **Report Purpose**

To note the Meeting Record of the Town Centre Advisory Committee held on 29 October 2019.

### **Recommendation**

***That Council receive the report on Meeting Record of the Town Centre Advisory Committee held on 29 October 2019 .***

### **Background**

The Town Centre Advisory Committee held a meeting on 29 October 2019. The Meeting Record of that meeting is Attachment 1 to this report.

There are no actions recommended to Council. The Meeting Record is being reported for information only in accordance with the Terms of Reference.

Regarding the Terms of Reference, at its meeting held 11 November 2019, Council resolved the following in part.

- 1115/19 *That the Terms of Reference for Advisory Committees be amended to provide that a quorum for the conduct of a meeting is as follows:*
- a) *Half the non-Councillor representatives and two Councillors for those Groups with four or more Councillor representatives; and*
  - b) *Half the non-Councillor representatives and one Councillor for those Groups with fewer than four Councillor representatives.*
- 1116/19 *That the Terms of Reference for Advisory Committees be amended to provide that the Committees provide advice to both Council and staff noting that this change will not have a practical impact upon the way in which the Committees currently operate.*

## **5.5 Meeting Record of the Town Centre Advisory Committee held on 29 October 2019 (contd)**

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The above resolutions of Council have been implemented by staff and the Terms of Reference for the Town Centre Advisory Committee have been updated on Council's website.

The Terms of Reference for all Advisory Groups are available here:

<https://www.centralcoast.nsw.gov.au/council/meetings-and-minutes/committee-and-advisory-groups>

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal G: Good governance and great partnerships**

G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

### **Attachments**

- 1** Town Centre Advisory Committee Meeting Record - 29 October 2019      D13721170

# Town Centre Advisory Committee Meeting Record 29 October 2019



Location:	Central Coast Council Wyong Office Level 2 Committee Room, 2 Hely Street, Wyong	
Date:	29 October 2019	
Time	Started at: 3.02pm	Closed at: 5.04pm
Chair	Mayor Lisa Matthews	
File Ref	F2019/00505	

### Present:

Mayor Lisa Matthews, Councillor Chris Holstein, Councillor Richard Mehrtens (arrived 3:15pm), Councillor Jane Smith, Robert Diaz, Matthew Hingerty, Juan Iocco, Matthew Lusted, Paula Martin, Brenton Pavier, Georgia Thomas, Matthew Wales

### Council Staff present:

Glenn Cannard – Unit Manager Community Partnerships, Cobey Linsley – Section Manager Place Activation, Shari Young – Team Leader Enterprise and Activation, Kelly Drover – Advisory Group Support Officer

### Item 1 Welcome, Acknowledgement of Country and Apologies

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Apologies received: Councillor Chris Burke, Rod Dever, Deborah Warwick, Julie Vaughan – Director Connected Communities, Jamie Barclay – Unit Manager Economic Development and Project Delivery

Mayor Lisa Matthews welcomed the Advisory Group and completed an Acknowledgement of Country and Connection to Land Statement.

### Item 2 Disclosures of Interest

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The Mayor called for any Disclosures of Interest.

Matthew Hingerty declared a less than significant non-pecuniary interest as a registered 3<sup>rd</sup> party lobbyist, as he had also done previously, in particular, regarding The University of Newcastle.

Matthew Lusted declared a less than significant non-pecuniary interest, as he had also done previously, having property ownership in the township of Wyong.

### Item 3 Confirmation of Previous Meeting Record

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The Advisory Group confirmed the Meeting Record from 20 August 2019.



The Advisory Group discussed the Action Log.

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**Item 4 Markets, Operational Models and Pricing**

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Glenn Cannard (Unit Manager Community Partnerships) provided a presentation on operating a market.

The Advisory Group expressed concerns that the current model for markets isn't working. If we are looking at activating town centres and street frontages we need to be mindful that these activities don't clash with retailers in the town centre.

The Chambers would like to be consulted when markets are proposed in their area so they are aware as to what products are going to be sold.

**Action:** EOI currently being developed for the Toukley Markets model to be sent to members of the Town Centre Advisory Committee for feedback.

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**Item 5 Presentation on Events**

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Glenn Cannard (Unit Manager Community Partnerships) provided a presentation on current/planned events in the Central Coast LGA.

The Advisory Group discussed concerns around the 9pm fireworks. Mayor Lisa Matthews advised discussions have been held with the State Member to hopefully extend the times.

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**Item 6 Update on Funding / Deliverables for Town Centres**

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Glenn Cannard (Unit Manager Community Partnerships) provided an update on funding and deliverables for town centres.

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**Item 7 Chamber of Commerce Update (standing item)**

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- Bob Diaz from The Entrance Chamber of Commerce provided an update on the Chambers recent activities including:
  - Recently attended a meeting re accessibility requirements
  - Attended the BAM (Better Access Map) launch
  - Attended the Tourism event at Glenworth Valley and a meeting coming up soon as to how adventure can be brought to the Entrance
  - Fright Night to be held at The Entrance Thursday 31 October
  
- Matthew Lusted from Wyong Regional Chamber of Commerce (WRCoC) tabled a report on the recent activities of the Chamber. Matthew highlighted the two new advisory panels that have been refined to enhance the function of the WRCoC – Town Centre Advisory Panel and a City Planning Advisory Panel.

Georgia Thomas provided a brief update on the Wyong Writer's Festival.



- Matthew Wales from Peninsula Chamber of Commerce provided an update on the Chambers recent activities including:
  - Recently met with Councils Strategic Planning Staff who did a great job and will hopefully rectify planning issues in the area
  - Matthew thanked Council for their support in the Oyster Festival event

Glenn Cannard (Unit Manager Community Partnerships) advised with the assistance of Ability Links, a pack will be put together for businesses and there will be a disability access education program available for the Chambers next year.

#### **Item 8                    General Business and Close**

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- a) Façade improvement program which includes the ability to apply for accessibility improvements funding should be rolled out February 2020. Businesses and Commercial property owners will be able to apply for the funding.
- b) Matthew Hingerty advised the University Gosford Campus project is going well.
- c) Matthew Wales referred to the Former Gosford Council Retail Centres Strategy which may be worth looking at.
- d) Matthew Lusted raised concerns which were echoed by other Committee members that there had been little contact or visibility with the new Town Centre "Managers". Matthew indicated it would be great to see them have more of a presence and visibility in town. Clarification is sought as to the role of the Town Centre "Managers" including their hours of work that may better suit the community.

**Action:** Each of the 5 town centres to have the opportunity to identify what their town centre needs including suggestions on a major project that Council could partner with. Council will circulate further contact details and roles and responsibilities of the "Managers" in November.

- e) Juan Iocco thanked Council for their support of the Coastal Twist festival.

**Action:** Juan to provide a presentation at a future meeting on the Coastal Twist Festival.

- f) Mayor Lisa Matthews advised that the CEO and Mayor will be attending the Town Centres regularly to meet with local business owners. A Mystery Busy Tour with the CEO, Directors and Media team will also be held, to get out and see what is happening in the community.

The meeting closed at 5.04pm

**Next Meeting:            Thursday 30 January 2020**  
**3pm – 5pm**  
**Gosford Administration Building**  
**Level 1 Committee Room**



**Item No:** 5.6  
**Title:** Fire Safety Report 40 Lake Haven Dr Kanwal  
**Department:** Environment and Planning

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2004/12907 - D13725577

Author: Gary Evans, Principal Health and Building Surveyor  
Scott Rathgen, Section Manager, Central Coast Building Certification North

Manager: Brian Jones, Unit Manager, Environment and Compliance

Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is for Council to consider whether it should exercise its power to give an order under the provisions of Section 9.34 of the Environmental Planning and Assessment Act 1979, (EP&A Act) in relation to a fire safety inspection report received from Fire and Rescue NSW. This report recommends that Council resolve to not exercise its powers to an issue an order in relation to fire safety.

### **Recommendation**

- 1 That Council note that the club is actively assisting staff to ensuring that an adequate level of fire safety is afforded to building occupants, inclusive of the carrying out of works to rectify any identified deficiency;**
- 2 That Council resolve to not exercise its power to issue an order 1 under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act 1979 with respect to the matters raised within the fire safety inspection report received from Fire and Rescue NSW; at this time, and**
- 3 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.**

### **Background**

Council has received a Fire Safety Inspection Report from Fire and Rescue NSW (FRNSW) with respect to the premises known as Lot 1224 DP 1004170, 40 Lake Haven Drive Kanwal (Wyong Leagues Club), issued under the provisions of Clause 9.32 of the Environmental Planning and Assessment Act 1979. This inspection report was noted as having been received by Council at its meeting of 25 November 2019.

Fire and Rescue NSW inspection reports received by Council are required to be tabled before the Council.

Council is then required to determine whether or not to exercise its power to issue an order 1 under Part 2 of the table of Schedule 5 of the EP&A Act 1979.

### **Concerns Raised by Fire and Rescue NSW**

The concerns raised within the fire safety inspection report received from FRNSW are limited to the following issues;

- Concerns regarding permitted occupant numbers within the upper level auditorium;
- Concerns regarding the premises smoke detection and alarm and mechanical air handling systems;
- Concerns regarding bounding (fire separating) construction requirements of the Building Code of Australia (BCA) not being complied with in terms of the auditorium and associated egress stairs; and
- Concerns regarding the existing exits from the auditorium area, being non-compliant with BCA requirements.

### **Prior Place of Public Entertainment (POPE) Legislative Requirements**

Under the provisions of legislation repealed by the State Government in 2009, the auditorium area of the Leagues Club building was licensed as a POPE. At the time, POPE licenses were regulated and issued by Council and included an annual inspection of each premises as part of an annual license renewal process. Additionally, POPE licenses issued by Council, contained permitted occupant numbers within the designated POPE area. This being 850 persons in the case of Wyong Leagues Club.

Since the repeal of the POPE legislation in 2009, regulation of licensed premises providing entertainment (former POPES), is enforced via individual venue liquor licenses and by the Licensing division of the NSW Police Force. Council only retains a role in terms of these premises in the event noise complaints are received, at which time action can be enforced via the provisions of the *Protection of Environment Operations Act 1997*.

### **Concerns Regarding Occupant Numbers**

In early September 2019, Council staff were contacted by members of the licensing division of the NSW Police Force regarding the operation of the Wyong Leagues Club auditorium. Specifically, concerns were raised as to the number of occupants being permitted within the auditorium area during various functions. This number had been increased to 1,200 persons by the club, contrary to the number permitted under the former POPE license being 850.

The increase in occupant numbers was not supported by Licensing Police and accordingly information was sought from Council staff as to how the prior occupant number applied to the former POPE license was derived. This effectively being a function of floor area and combined exit width as prescribed by the BCA.

As a result of the provision of this information, in addition to former POPE inspection reports being made available, Licensing Police sought that FRNSW undertake an inspection of the premises to identify potential fire safety matters. This inspection request has resulted in the subsequent FRNSW inspection report being furnished to Council for consideration of further action.

### **Result of Investigation of Issues**

Upon receipt of the FRNSW inspection report, Council's Principal Building Surveyor undertook an inspection of the premises on 13 November 2019. This inspection revealed some matters in terms of fire separating construction and required exit latching devices that required attention. These items were also identified within the FRNSW inspection report. The club representative indicated during the inspection that works to rectify these issues were to be carried out immediately.

In addition to the inspection, staff also attended a full function fire test with club representatives on 22 November 2019. The purpose of the inspection was to review the correct functioning of various fire safety systems within the club building including the smoke detection and alarm system and smoke extraction system. The test revealed that all systems were functioning adequately.

Other concerns raised by FRNSW in relation to the premises smoke detection and mechanical air handling system, specifically surrounding they type of individual detectors utilised and required spacing are not able to be immediately determined via visual inspection and will therefore require further investigation via appropriately qualified consultants. Upon submission of further technical reports, staff will continue to work with the club in order that any matter identified by this investigation is rectified, noting that the club is actively assisting staff in terms of the rectification of any deficiency.

Additionally, the FRNSW inspection report provides no recognition of the existing nature of the premises. Further, no works within the auditorium portion of the club have been undertaken since its licensing under the POPE legislation.

Rather, the report references the current 2019 version of the BCA and associated Australian Standards as opposed to those in effect at the time of the building's construction, to which the premises is required to display compliance.

It should be noted also, that the club has now agreed to a liquor license condition as requested by licensing authorities, limiting occupant numbers within the auditorium area to a maximum 850 persons.

Further inspections are scheduled no later than the end of December 2019 to ensure appropriate action has been undertaken.

### **Conclusion**

The subject site was inspected by Council staff on 13 November 2019 and 22 November 2019. These inspections have revealed some matters that require attention and the club is rectifying them as a matter of urgency. Other matters that have been highlighted by the FRNSW inspection report are to be further investigated and appropriately actioned where necessary, as agreed to by club representatives. Further, the club has agreed to limit occupant numbers within the auditorium in line with licensing authority requirements.

Council staff are of the opinion that an adequate level of safety is currently afforded to building occupants and accordingly, the need for Council to exercise its power to issue an order order 1 under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act 1979, is not required at this time.

Council staff will maintain surveillance of the activities of the club to ensure all matters are addressed. Where necessary to address any matter, service of orders remains an option.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal G: Good governance and great partnerships**

A4: Enhance community safety within neighbourhoods, public spaces and places.

### **Attachments**

- 1 Letter from Fire and Rescue NSW D13725580

Unclassified



File Ref. No: BFS19/3556 (9347)  
TRIM Ref. No: D19/80438  
Contact: Edren Ravino

6 November 2019

General Manager  
Central Coast Council  
49 Mann Street  
GOSFORD NSW 2250

Email: [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT  
'WYONG RUGBY LEAGUE CLUB'  
40 LAKE HAVEN DRIVE, KANWAL ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 22 October 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part:

*"...ascertain patron capacity."*

*"The DA stipulates max 850 within the auditorium however that number was derived from a POPE licence for the auditorium - which no longer applies."*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 30 October 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Fire and Rescue NSW

ABN 12 593 473 110

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Community Safety Directorate  
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Unclassified

**Unclassified**

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

**COMMENTS**

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items are limited to observations of the building accessed at the time of the inspection and identifies possible deviations from the National Construction Code 2019, Volume 1 Building Code of Australia (NCC). FRNSW acknowledges that the deviations may contradict development consent approval or relate to the building's age. It is therefore council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures
  - 1A. Smoke Detection and Alarm System – Table E2.2a of the NCC prescribes the general requirements for smoke hazard management for Class 9b buildings. Typically, a Class 9b building consisting of a rise in storey of 3 would require the installation of a Clause 4 and Clause 7 Automatic Smoke Detection and Alarm system. At first glance, it appears that a Clause 4 system has been installed to the auditorium area. Council may need to review its records to confirm compliance with NSW Table E2.2b and Specification E2.2a of the NCC.
  - 1B. Specification E2.2a – The following comments consider Australian Standard AS1670.1:2015 – 'Fire detection, warning, control and intercom systems—System design, installation and commissioning':
    - A. Heat Detectors – Clause C3.27.1 of AS1670.1 outline circumstances where smoke detectors can be replaced with heat detectors. Council may need to review its records to confirm whether the circumstances surrounding the installation of heat detectors has been approved.
    - B. Air Handling Systems – Table 7.4 of AS1670.1 requires smoke detectors be installed to activate the smoke control systems. At first glance, the detectors within the auditorium appear to be heat and may not activate the smoke control systems.
    - C. Spacing of Smoke Detectors – Clause 3.27 of AS1670.1 prescribes the minimum spacing between detectors for level and uneven surfaces. A review of the detector types and spacings may be required.

**Unclassified**

- 1C. NSW Table E2.2b – Assertions from the facilities manager at the time indicate that the auditorium has been fitted with automatic shutdown of the air handling system. A review of council's records may be required to confirm whether the installed measures are consistent with the smoke hazard management system approved at the time.
  - 1D. Fire Doors / Smoke Doors – Section 12.2.4 of Australian Standard AS1851-2012 (amendment 1) - "Service of fire protection systems and equipment", requires essential service measures to be regularly tested and fire doors and smoke doors to be appropriately tagged. At the time of the inspection there were a number of tags to fire doors that were painted over.
2. Access & Egress
    - 2A. Handrails – Clause D2.17 of the NCC, specifies the requirements for the installation of handrails. Due to the age of the building, it appears that the handrails throughout the auditorium may not meet the required dimensions required for handrails. Moreover, the handrails to the fire exit stairs on the western and northern exits (either side of the stage) do not appear to meet the required dimensions for handrails.
    - 2B. Goings and Risers – Clause D2.13 of the NCC, specifies the dimensions and requirements for stair construction for each flight of stairs. The stairs to the fire exit on western side (Left hand side facing the stage) appears uneven and inconsistent in rising and goings.
3. Compartmentation
    - 3A. Compartmentation – Performance Requirement CP2 of the NCC, specifies the requirements to prevent the spread of fire, as such council may need to conduct a review of its records to confirm whether the auditorium is a fire compartment that is separated from the back stage, main building and what appears to be fire isolated stairs either side of the stage.
    - 3B. Clause C2.8 of the NCC requires separation of classification in the same storey. If the auditorium has been approved as a Class 9b and separated from the other parts of the building, the following observations may require further investigation by council:
      - A. The construction of the stairs either side of the stage appear to be fire isolated stairs. There are numerous openings within the wall and ceiling that may mean the stairs are not compliant. This includes but not limited to:
        - i. The hole in the ceiling of the main auditorium exposing ducting for the air-conditioning. The hole provides access to the fire exit stairs on the left hand side when facing the stage.



**Unclassified**

- ii. There is brickwork that has been removed along the top of the fire door, potentially compromising the separation between the back of house area and the stage.
  - iii. There are holes within the brickwork within the stairs providing direct access to the Fire Hose Reel Cabinet and stage within the auditorium.
  - iv. The glass doors that lead from the club and into the auditorium.
- 3C. Fire isolated exits – The exit on the right hand side facing the stage leads into what appears to be a fire isolated exit. The following may require further investigation:
- A. Clause D1.7 of the NCC limits the number of entry points into a fire isolate exit in order to maintain its fire-resisting performance. . There is a conference room and entrance into the kitchen area of the first floor. A review may be required to determine if this is approved as a fire isolated stair.
  - B. Clause C3.9 of the NCC minimises the number of service penetrations into the fire isolated exit by only allowing the services specified. There were sewage and gas pipes observed within the stairwell
- 3D. Stair Storage – Clause D2.8 of the NCC states that the space under the stairs must not be enclosed to form a cupboard or other enclosed space. The fire exit stairs on the left-hand side facing the stage contained a storage cupboard.
4. Generally
- 4A. General Considerations – The proceeding items are considered 'informative', as the investigation disclosed items beyond the scope of FRNSW enforcement powers. Council as the appropriate regulatory authority may need to determine whether enforcement action is required.
  - 4B. Items for Further Investigation – An investigation may be required by council, to confirm whether the population numbers remain relevant:
    - A. It is understood that there have been no other development applications or building work since the auditorium's construction.
    - B. Assertions from the facilities manager indicate that the development application that is currently in force restricts the population by 850 persons, which was obtained from the previous POPE approval. However, it is understood that this may be reconsidered under the requirements for "Reviewable Conditions" under the EP&A Act.

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- C. The operators have asserted that the population numbers can increase to 1100 persons, which is based on a report from Hunter Valley Fire Pty Ltd dated 23/10/2019. The report notes that the calculations do not take into consideration the operational requirements of the auditorium.
- D. On the face of the observations at the time, the following may need to be considered when calculating the population numbers:
  - i. The width of the doors. In particular the door leading from the main club to the auditorium, the only door provided with a panic bar, is a single leaf required exit door. Thereby reducing the total exit widths
  - ii. The application of Clause D1.13 of the NCC would be reduced as a result of the stage. Furthermore, the outdoor area is not within the enclosed space that could be included as part of the calculations. Hence the approved number of 850 may be less if reassessed.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

**RECOMMENDATIONS**


FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 4 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Edren Ravino of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/3556 (9347) for any future correspondence in relation to this matter.

Yours faithfully



Edren Ravino  
Senior Building Surveyor  
Fire Safety Compliance Unit



**Item No:** 5.7  
**Title:** Somersby to Erina Corridor Strategy  
**Department:** Environment and Planning

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2017/00959 - D13687957  
Author: Peta James, Urban Designer  
Gary Hamer, Section Manager, Strategic Planning  
Manager: Karen Tucker, Acting Unit Manager, Strategic Planning Unit  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is to outline to Council the outcomes of the public exhibition of the draft Somersby to Erina Corridor Strategy (the Strategy).

The report also seeks Council's endorsement and adoption of the draft Somersby to Erina Corridor Strategy which has been amended in response to public exhibition. It also requests that Council incorporate the actions in the strategy into Council's future delivery and operational plans and the strategy be reviewed after 5 years.

### **Recommendation**

- 1 That Council adopt the draft Somersby to Erina Corridor Strategy as amended in response to public exhibition as outlined in Attachment 1 to this report.**
  - ***Insert Action 2.3: Collaborate with relevant Government Agencies to ensure transport infrastructure along the Corridor supports anticipated growth and investment.***
  - ***Insert Action 6.2: Opportunities for the reuse of the Old Sydney Town site.***
  - ***Amend Action 7.1 : Somersby Plan of Management to "support the continued implementation of Somersby Plan of Management."***
  - ***Insert a new Action 8.1: Collaborate with HCCDC on the review of the Masterplan for Mount Penang Parklands Site.***
  - ***Insert Action 11.1 Structure Plan for future renewal south of the Highway including West Gosford Shopping Centre and land to the north of the highway.***
  - ***Delete Action 11.3: Masterplan for West Gosford Shopping Centre.***
  - ***Merge previous Actions 17.1 and 17.2 to create Action 16.1. Prepare a precinct plan for East Gosford Centre***
  - ***Insert Direction 17: Set up Erina for future renewal.***
  - ***Action 17.3 (Now Action 16.2) regarding Pocket Parks has been amended to focus on Pioneer Park.***

- 2** *That Council incorporate the projects identified in the Implementation section of the Strategy into future Delivery Program and Operational Plans.*
- 3** *That Council monitor the implementation of the Actions in the Strategy and update the Strategy after 5 years.*
- 4** *Those people who lodged submissions or attended a workshop be notified of Council's resolution.*

### **Background**

The NSW Government's Central Coast Regional Plan 2036 (CCRP) sets four goals for the Central Coast to ensure its successful and sustainable growth.

- Goal 1: A prosperous Central Coast with more jobs close to home
- Goal 2: Protect the natural environment and manage the use of agricultural and resource lands
- Goal 3: Well-connected communities and attractive lifestyles
- Goal 4: A variety of housing choice to suit needs and lifestyles

Under these goals are a list of Directions, intended to guide planning and investment in the region. The draft Strategy has been developed to implement two Directions of the CCRP in particular:

- Direction 1: Grow Gosford City Centre as the region's capital
- Direction 2: Focus economic development in the Southern and Northern Growth Corridors.

The Somersby to Erina Corridor Strategy describes the centres along the Central Coast Highway between Somersby and Erina (the Corridor). This Strategy has been prepared by Council as the next step in implementing the CCRP.

The Strategy was prepared by Council in conjunction with a consultant team comprising of Architectus (Strategic Planning and Urban Design), SGS Economics and Planning (Economics) and ARUP (Transport Planning).

The draft Strategy was reported to Council on 12 November 2018 and Council resolved:

- 968/18 *That Council, for the purposes of community consultation endorse the exhibition of the draft Somersby to Erina Growth Corridor Strategy for a minimum period of 60 days.*
- 969/18 *That Council undertake a series of workshops on the draft Somersby to Erina Corridor Strategy as part of the exhibition period.*

- 970/18 *That following the exhibition of the draft Somersby to Erina Corridor Strategy, Council consider a further report on results of community consultation.*
- 971/18 *That Council notes the existing Somersby Industrial Estate Plan of Management as an existing document for consideration.*
- 972/18 *That Council include discussion around transport management plans at the relevant stake holder workshops.*

### **The Strategy**

The 'Draft Somersby to Erina Corridor Strategy' (the Strategy) is a set of directions, actions and catalyst projects for the community, Government and the development sector to create a sustainable Corridor that the community want to live and work in.

A key direction includes a Transport Strategy which aims to maximise active and public transport connections between the six centres of Somersby, Mt Penang/Kariong, West Gosford, Gosford City Centre, East Gosford and Erina. The associated actions to be undertaken by Council in consultation with State Government Agencies, will include the development of a Business Case for a Rapid Bus Corridor and preparation of an Active Transport Strategy which further supports the implementation of Council's *Bike Plan* and *Pedestrian Access & Mobility Plan* for the Region and Corridor.

In addition, the Draft Strategy identifies a key direction to develop a Landscape Corridor Strategy which aims to provide a beautiful arrival experience for each Centre located along the Corridor. This direction involves the development and implementation of a Central Coast Highway Landscape Strategy in consultation with TfNSW as well as reviewing amendments to the Development Control Plan (DCP). These actions will support the beautification of the Central Coast Highway creating improved visual amenity, positive environmental outcomes and enhanced pedestrian and cycleway connections to existing Recreation and Open spaces. The strategy includes six (6) key precincts that each will play an important role in the ongoing growth including:

- Somersby
- Mount Penang and Kariong
- West Gosford
- Gosford City Centre
- East Gosford and Point Frederick
- Erina

There are five (5) key corridor strategies:

1. Six successful centres strategy
2. Transport strategy including future planning for rapid bus transport

3. Cultural and tourism strategy
4. A landscape corridor strategy
5. Sustainability and resilience strategy

Each of these key corridor strategies collectively focus on improving livability of the six (6) key precincts. There is a focus towards the use of existing infrastructure capacity and to promote increased density and employment generating precincts.

The adoption of the Strategy could be leveraged in seeking future state and/or government funding opportunities.

### **Consultation**

The draft Strategy was placed on public exhibition from 14 February until 15 April 2019.

The community was advised of the exhibition period through: -

- Media Release
- Advertising in the Coast Community Newspapers, Central Coast Express Advocate and local radio
- 4,657 emails were also sent to individual stakeholders and key interest groups
- A project page on Council's "Your Voice Our Coast" web site

### **Consultation and workshops**

- Three (3) community workshops were held to capture as wide an audience as possible with these being attended by 30 people. The workshops were on the 6<sup>th</sup> and 8<sup>th</sup> of March 2018 at the Erina Centre and the 12<sup>th</sup> March 2019 held at the Entertainment Grounds, Gosford Race Club.
- Two (2) workshops were also held for key interest groups (eg: Development and Industry representatives, Environment and Community groups etc) these were attended by 14 people. These two workshops were held on 5<sup>th</sup> March 2019 at the Entertainment Grounds, Gosford Race Club and 6<sup>th</sup> March 2018 at Erina Centre.
- A Councillor Briefing was held on 20<sup>th</sup> March 2018 to present the draft Strategy to the Councillors that explained the objectives and the key precincts and corridor strategies. Input was received as to the future of the Central Coast Highway and issues concerning rapid bus transport and the implications of future development.

ARUP Consulting were commissioned in 2018 to undertake a Transport Assessment of the corridor. The study examined travel behaviours and profiles of residents and employees on a regional, Corridor and precinct level. The findings were used to guide a balanced strategy to improve all non-car modes to help tackle car dependency. A strong public transport presence would support the future growth of the Corridor.

## 5.7 Somersby to Erina Corridor Strategy (contd)

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Concerns were also raised as to “What does the Strategy address the Somersby Plan of Management (POM)?”. Action 7.1 identifies to support the continued implementation of the Somersby POM. This will include consultation and collaboration between Council and the key external stakeholders.

- The project page on Council’s “Your Voice Our Coast” web site received 2,500 visits during the consultation period with 91 comments being made by 32 stakeholders on the interactive map.

Key issues raised during the workshops related to:

- A transport solution that accommodates all access needs along the Corridor is imperative to its success and Council should work with the relevant agencies to develop a solution.
- Solutions for parking need to be looked at and consideration for future proofing parking lots (so that they can be easily re-developed/re-purposed).
- Connectivity in terms of active transport (pathways/shared paths) is important.
- Increased activities (events) and better tourism infrastructure (including accommodation) is required.
- Development opportunities and changes to planning controls are required in some areas, however any changes should ensure quality design, good amenity, retain character and encourage sustainable development.
- Green space (including parks and reserves) are an important asset and should be a priority for ongoing maintenance.

During the workshops participants were asked to provide input into which criteria Council should use to prioritize the Directions and Actions outlined in the strategy, the results were:

1. Transport
2. Environment
3. Planning
4. Land use
5. Employment
6. Tourism
7. Development

A complete Consultation Summary Report can be found in Attachment 2.

Many of the issues and suggestions raised during the workshops related to detailed matters relating to specific intersections, maintenance requirements, flooding etc. Which will be provided to the relevant Council units to address as Business as usual.

Whilst these cannot be included in a high-level strategy such as the Somersby to Erina Corridor Strategy, they will be valuable in informing more detailed work along the corridor such as the preparation of Structure Plans and Public Domain Plans.

### **Written Submissions**

Twenty-seven (27) written submissions were received from community members in response to public exhibition. The majority of these submissions supported the strategy with most making suggestions for minor amendments or additional items to be considered.

A number requested to be involved in future planning processes such as structure plans, Rapid Bus Route development and Tourist Trail etc.

Two submissions did not support the Strategy, one considering that it only targeted growth and investment and the other believed that Council should be focusing on the Woy Woy Peninsula.

A number of minor amendments have been made to the strategy in response to issues raised in submissions and these include:

- *Insert Action 2.3: Collaborate with relevant Government Agencies to ensure transport infrastructure along the Corridor supports anticipated growth and investment.*
- *Insert Direction 17: Set up Erina for future renewal. This will include a future development of a structure plan for the precinct.*
- *Insert Action 6.2: Opportunities for the reuse of the Old Sydney Town site, including outlining specific planning considerations for any future development.*
- *Delete Action 11.3: Masterplan for West Gosford Shopping Centre.*
- *Insert Action 11.1 Structure Plan for future renewal south of the Highway including West Gosford Shopping Centre and land to the north of the highway.*
- *Merge previous Actions 17.1 and 17.2 to create Action 16.1. Prepare a precinct plan for East Gosford Centre.*
- *Insert Action 17.3 regarding Pocket Parks has been amended to focus on Pioneer Park.*
- *Insert a new Action 8.1: Collaborate with HCCDC on the review of the Masterplan for Mount Penang Parklands Site.*
- *Amending Action 7.1 : Somersby Plan of Management to "support the continued implementation of Somersby Plan of Management."*

A complete list of issues and Council's Response to Public Submissions is outlined in Attachment 3.



## **Key Issues Raised in Public Submissions**

### Traffic and Transport

In response to Council's Resolution,

*972/18 That Council include discussion around transport management plans at the relevant stake holder workshops.*

Staff at the workshops discussed the Key Transport Directions and Actions outlined in the strategy. Traffic and parking studies currently being undertaken were also discussed including:

- Central Coast Regional Transport Plan, being prepared by Transport for NSW (TfNSW).
- Gosford CBD Traffic and Transport Study.
- Central Coast Parking Strategy for key centres across the LGA including the Gosford City Centre

Fifteen (15) public submissions raised concerns regarding traffic congestion, lack of car parking and the need to improve public transport. These were also the most commonly raised issues during the workshops.

The Strategy contains a number of actions which aim to address concerns raised by the community including:

- Working with Transport for NSW on;
  - Development of a Rapid Bus Network along the corridor
  - An Active Transport Strategy
  - Reducing train travel time to Sydney and Newcastle
  - Upgrades to Gosford Train Station and bus interchange
- Preparation of a Carparking Strategy
- Implementation of the Point Clare to Gosford Shared Cycle/Pedestrian Rail Path
- Preparation of Structure Plans and Public Domain Plans which include consideration of pedestrian and traffic circulation.

In response to the community consultation and public exhibition, an additional Action (Action 2.3) has been added

*Action 2.3: Collaborate with relevant Government Agencies to ensure transport infrastructure along the Corridor supports anticipated growth and investment*

Six submissions raised the need for an alternate route around Gosford City Centre to the coastal areas as a means to alleviate traffic, with reference to reconsider the "East West By-

Pass" which had previously been considered by former Gosford City Council and the NSW State Government.

The Central Coast Regional Transport Plan (CCRTP) which is currently being undertaken by TfNSW which will look at transport opportunities across the entire Central Coast Region.

This plan will review all available transport solutions. Having regard to submissions received including options to re-route traffic around the CBD will be raised with TfNSW as Council will work collaboratively to identify key projects to support anticipated employment and population growth in the Region.

### ***Site Specific Submissions***

A number of site-specific submissions were received requesting changes to zoning, permitted uses, and/or building height and floor space ratio. The Somersby to Erina Corridor Strategy is a high level strategy which identifies actions which will help guide development along the Corridor into the future. It is not the role of this strategy to make recommendations about the zoning or development control of individual properties. Such changes require investigations at a more detailed level to ensure appropriate consideration of potential impacts such as strategic context, traffic, amenity etc.

The Strategy identifies actions such as an Employment Lands Study and the preparation of Structure Plans which support the consideration of landuse or development control changes in the future.

### ***Erina Valley***

Three (3) submissions requested that Erina Valley be investigated for future urban release to help meet housing targets. Two (2) submissions expressed an alternate view stating that the valley provides an important inter-urban green space which is important for wildlife, visual breaks and allows the development of cottage industries which are important for tourism.

Previous studies undertaken by Council identified that Erina Valley has a number of constraints including flooding, endangered flora and fauna and limited infrastructure and servicing capacities. The recent Council Environmental Lands/Urban Edge Review prepared by Council recommended that the land retain an environmental zone.

At this stage, the Erina Valley area is not required for residential development to meet the population targets set out in the CCRP 2036. Further, the draft Urban Spatial Plan recommends future development be focussed in existing centres along the Somersby to Erina. Therefore, Council will focus its work on the existing urban area in Erina in the short to medium term.

Erina

Three (3) submissions were received on behalf of major landowners who considered that Erina has more potential than is outlined in the strategy. One submission provided a concept masterplan with landuses, pedestrian networks, green spaces and proposed increases to building heights (4-14 storeys) and floor space ratios along key road corridors. It is stated that this would provide significant increases in employment and dwellings. Two submissions requested to work with Council on the development of actions in the Strategy.

Action 19.1 of the Strategy recommends that Council prepare a Structure Plan for the future mixed-use renewal of certain precincts in Erina.

In response to submissions, the area proposed to be covered by the Erina Structure Plan has been expanded to include all the B5 Business Development land in Erina, east of the Central Coast Highway and south of Terrigal Drive.

Council has budgeted for work to commence on the Structure Plan in its 2019/20 Operational Plan. A brief for a Traffic and Transport study has recently been awarded as the first stage in this project. Council will meet with all interested stakeholders as the project progresses.

Somersby Land Owners Group – Land West of the M1

A landowners group with land to the north of the existing industrial estate at Somersby provided a concept plan and requested that a 373ha site on both sides of Wisemans Ferry Road (bounded by Howes and Ulinga Roads to the south and Grants and Lutana Roads to the North, the M1 Freeway to the East and Vitasalo Road to the West) be considered for low and medium density residential, commercial and industrial land, open space, playing fields and riparian corridors.

The group state that the land is no longer viable for agricultural purposes and request that Council advise NSW Department of Planning Infrastructure and Environment (DPIE) to amend the CCRP to support the release of land for low density housing west of the M1 Motorway.

The CCRP does not support residential land west of the M1 Motorway and includes,

*Direction 11: Sustain and Balance productive landscapes west of the M1*

Council has not traditionally supported residential land west of the M1 for a number of reasons including compliance with Direction 11 of the CCRP, protection of agricultural land, potential landuse conflicts, difficulties with servicing etc,. Council's draft Urban Spatial Plan supports residential growth in existing urban and serviced areas. It does not support residential land west of the M1 Motorway.

Further Council is currently undertaking a Rural Lands Study and a Housing Strategy which will identify if there is a need for additional residential land within the LGA and the role of the rural and resource lands west of the M1 on an LGA basis. These studies will inform Council's future work regarding agricultural lands and housing within the LGA.

Old Sydney Town

The owners of the Old Sydney Town site have recently been undertaking public consultation regarding a proposed concept plan for the site. A submission was lodged requesting greater flexibility in the permitted uses on the site to allow residential uses as well as tourism and employment opportunities.

Council has not traditionally supported residential land west of the M1 Motorway.

In response to comments from Government Agencies and internal discussion within Council, *Action 6.2* relating to the Old Sydney Town Site has been amended to provide guidance on a number of matters that would need to be addressed when considering future uses for the site including the need to satisfy relevant strategic directions in the CCRP and Council strategies, address legislative requirements and demonstrate compatibility with existing tourism uses on the site and surrounding landuses.

Council will work with the site owners and (DPIE) to ensure that any proposal is consistent with CCRP objectives and Council's aims and objectives for land west of the M1.

West Gosford

Submissions were received from the Gosford RSL, owners of the Riverside site and the Urban Development Institute of Australia (UDIA) highlighting that allowing additional uses and additional building height and floor space on sites along the Central Coast Highway would encourage redevelopment to allow for a civic precinct, public domain improvements, improved connections and an improved visual appearance for the "entry" to Gosford. Concept plans were provided to support the submission.

The submissions also requested a review of *Direction 12.1 Policy Direction to protect current zones until further review*, the aim of which is to retain current zones until an Employment Lands Study has been completed.

Issues raised in these submissions were referred to SGS Economics and Planning who were involved in the preparation of the Strategy. SGS Economics advised the following:

*"The recommendation that Council restrict residential development in existing industrial areas including West Gosford and Erina remains relevant. This proposed development has the potential to threaten the viability of development within Gosford City Centre now and in the future. Until there is a clear understanding of capacity across all employment lands within the Corridor and LGA to accommodate growth, residential development should not be introduced in employment areas."*

Council has recently commenced an Employment Lands Strategy for the Central Coast Local Government Area (LGA) to better understand the role and function of all employment land in the LGA. Once this study is finalised, Council will have a better understanding of the role of West Gosford employment land into the future from a broader LGA perspective. Council will commence work on a Structure Plan for all or part (dependent on outcomes of the Employment Lands Study) of the West Gosford area in consultation with landowners, businesses and residents.

In response to comments in submissions, *Action 11.3 Masterplan for West Gosford Shopping Centre* has been deleted and *Action 11.1 Structure Plan for future renewal south of the Highway* has been expanded to include the West Gosford Shopping Centre site and land to the north of the highway depending on the outcomes of the Employment Lands Study.

*Direction 12.1 (now Direction 11- Action 11.1) Policy Direction to protect current zones until further review*, remains unchanged following SGS advice outlined above.

### **Other Strategy Amendments in Response to Public Submissions/Workshops**

Other minor amendments were made to Actions in response to issues raised in public submissions or at the workshops including:

- Combining the two actions for East Gosford Centre Master Plan for East Gosford Centre and Masterplan for the redevelopment of the western part of the Centre into one action, *Action 17.1 Prepare a Precinct Plan for East Gosford Centre*, with minor wording amendments.
- Action 17.3 regarding Pocket Parks has been amended to focus on Pioneer Park and the preparation of a revised Heritage Conservation Strategy, masterplan and interpretation strategy.

### **Government Agencies**

During the preparation of the Strategy consultation was undertaken with Government Agencies, Council also wrote to Government Agencies advising of the public exhibition period and inviting them to make a submission. Written submissions were received from the following government agencies:

- NSW Department of Planning Industry and Environment
- NSW Department of Primary Industries
- NSW Department of Education – School Infrastructure
- NSW Health – Central Coast
- Hunter Central Coast Development Corporation
- Transport for NSW – Roads and Maritime Services
- Transport for NSW
- Office of Environment and Heritage

All of the Government Agencies supported the preparation of the strategy, some requested minor amendments to wording or mapping, and further involvement as the actions are progressed.

A complete list of issues raised by Government Agencies and Council's Response to Governments Agency Submissions is outlined in Attachment 4.

Key amendments in response to Government Agency submissions include:

***SEPP (Aboriginal Lands) 2019***

Following Council's resolution to exhibit the Strategy, the State Government introduced the *State Environmental Planning Policy (Aboriginal Land) 2019* ('SEPP') which came into force on 6 February 2019. The SEPP provides for the making of 'Development Delivery Plans '(DDP) for land owned by Local Aboriginal Land Councils (LALCs) which must be considered when determining Development Applications. DPPs are also required to be considered when preparing Planning Proposals.

At present the SEPP only applies to certain land owned by Darkinjung Local Aboriginal Land Council (Darkinjung) in the LGA. An Interim Darkinjung DDP has been prepared.

In response to both public and agency submissions the wording in the Strategy has been amended to acknowledge the introduction of the SEPP (Aboriginal Land) 2019 and the Interim Darkinjung DDP 2019.

Any proposal to rezone these sites is required to go through a planning process identified by the DPIE which includes Independent Proposal Review and lodgement of a Planning Proposal. Council and the community will be able to provide input as part of this process.

***Mount Penang***

Hunter Central Coast Development Corporation (HCCDC) owns, manages and maintains the Mt Penang Parklands precinct. HCCDC are currently reviewing the Masterplan for the site.

HCCDC have advised that the events space will be reduced in the near future and that the remaining parklands are not viable as a large-scale festival site. *Actions 8.1 Mount Penang Festival Strategy, Action 8.2 Mount Penang and Kariong Website and Co-ordinator* have been deleted in response to this comment.

DPIE requested that the role of HCCDC be defined in the final strategy. The Mount Penang and Kariong section has been amended to outline that (HCCDC) owns, manages and maintains the Mt Penang Parklands precinct.

A new Action has been included in the strategy, Action 8.1

*Action 8.1: Collaborate with HCCDC on the review of the Masterplan for Mount Penang Parklands Site*

*The Mount Penang Masterplan and Development Control Plan for the Mount Penang Parklands Site was prepared in 2000 by the Urban Design Advisory Service and adopted by the then Gosford City Council on 7th March 2000. Since that time there has been a number of changes to the development of the site and as such the current Masterplan needs to be updated and reviewed to reflect current policy and directions.*

*Council will work collaboratively with HCCDC on the review of the Mount Penang Masterplan and the preparation of any revised development controls for the site (if required) to ensure that the Council and community expectations for the site are achieved. Enhancing the gardens, protection of heritage and bushland, appropriate sustainable tourism and employment opportunities are key considerations for Council.*

### **Leagues Club Park**

The Government Architects Gosford Urban Design Framework (UDF) identified the need to convert Leagues Club Field into a regionally significant park and play space.

In mid-2018 the NSW Government committed \$10 million to the Leagues Club Field upgrade. The HCCDC is leading the project and has been working with landscape designers, Council, the community and Darkinjung to create the final designs for the park.

As this is a significant project for the Gosford City Centre, HCCDC requested that it be included as a Catalyst Project. The Strategy has been amended to include Catalyst Project G, Leagues Club Field Regional Playground.

### **Somersby Plan of Management (POM)**

In 1981 the Somersby Industrial Park was zoned industrial and commercial to provide employment opportunities for the fast-growing Central Coast Region. It contains approximately 300 hectares of industrial zoned land.

Due to known threatened flora species and the need to protect significant Aboriginal heritage sites and concerns by landowners over delays in Development Applications, the Premiers Department in 1999 established the Somersby Industrial Park Taskforce to address the perceived barriers.

The Taskforce consisted of the following representatives:

- Former Gosford City Council (fGCC)
- Premier's Department
- Dept. of State and Regional Development (DSRD)
- Dept. of Environment and Conservation (DEC),
- Landowner's representatives
- Business Central Coast (BCC)
- Darkinjung Local Aboriginal Land Council (DLALC)
- Dept. of Infrastructure Planning and Natural Resources (DIPNR)

## 5.7 Somersby to Erina Corridor Strategy (contd)

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- NSW Fisheries
- Rural Fire Service NSW.

The role of the taskforce was to work together to overcome the issues that impact on the development of the Park as an industrial area. The Taskforce sought to enable development to occur and to protect and manage cultural and environmental issues.

In order to provide more certainty for landowners and protect and manage flora and fauna and Aboriginal sites The Taskforce produced the Somersby POM which was adopted by Council in 2005.

Submissions from DPIE, NSW Office of Environment and Heritage and the UDIA raised issues regarding the Somersby POM with differing opinions as whether the Development Control Plan (DCP) should be amended to include the Somersby Plan of Management or whether there should be a review of the implementation of the plan to determine if amendments are required.

After considering issues raised in submissions and following discussion with Government Agencies and within Council Action 7.1 relating to Somersby Plan of Management has been amended to "*Support the continued implementation of Somersby Plan of Management*".

Council will monitor the implementation of the Plan as part of this process to determine if further action is required.

### **Implementation**

An Implementation Program is included at the end of the strategy which identifies actions, which agency is responsible for delivering the action, and how the action will be delivered.

Timeframes for the actions are also identified:

- Current (Underway)
- Short Term (0-5years)
- Medium Term (5-10 years)
- Long Term (10+ years)
- Ongoing

To ensure that the actions are implemented and the Strategy responds to changing government policy, community and industry needs over time it is recommended that ongoing monitoring of the action implementation be undertaken and that the Strategy be reviewed and amended after five years if required.



### **Financial Impact**

The direct cost to Council has been the Consultant's Fees for assisting with the preparation of the strategy including community consultation and money has already been allocated for this project in Council's budget. Future funding of certain directions and actions that may require cross collaboration with key government agencies would also need to be considered.

Implementation of the actions outlined in the strategy may result in costs to Council. These will need to be included in future Delivery Program and Operational Plan budgets over a number of years.

### **Link to Community Strategic Plan**

Theme 2: Smart

Theme 4: Responsible

Theme 5: Liveable

### **Goal C: A growing and competitive region**

C1: Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast.

C2: Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for business, local residents, visitors and tourists.

C3: Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents.

### **Goal D: A place of opportunity for people**

D2: Support local business growth by providing incentives, cutting red tape and encouraging social enterprises.

D3: Invest in broadening local education and learning pathways linking industry with Universities, TAFE and other training providers.

### **Goal G: Good governance and great partnerships**

G2: Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

### **Goal I: Balanced and sustainable development**

I1: Preserve local character and protect our heritage and rural areas including concentration of development along transport corridors and around town centres.

**Goal J: Reliable public transport and connections**

J1: Create adequate, reliable and accessible train services and facilities to accommodate current and future passengers.

J3: Improve bus and ferry frequency and ensure networks link with train services to minimise journey times.

J4: Design long-term, innovative and sustainable transport management options for population growth and expansion

**Goal K: Out and about in fresh air**

L4: Provide equitable, affordable, flexible and co-located community facilities based on community needs.

**Conclusion**

The draft Strategy sets out a 20 year vision for the Somersby to Erina Corridor and has been prepared by Central Coast Council, the Community and key Stakeholders to guide growth and investment in the six centres of Somersby, Mount Penang/Kariong, West Gosford, Gosford City Centre, East Gosford/Point Frederick and Erina.

The draft Strategy also implements the directions and actions of the NSW Government's *Central Coast Regional Plan 2036 (CCRP)*.

**Attachments**

<b>1</b>	Somersby to Erina Corridor Strategy	Provided Under Separate Cover	D13724394
<b>2</b>	Consultation Summary Report	Provided Under Separate Cover	D13724400
<b>3</b>	Council Response to Public Submissions	Provided Under Separate Cover	D13724409
<b>4</b>	Council Response to Government Agency Submissions	Provided Under Separate Cover	D13724413



**Item No:** 5.8  
**Title:** Activities of the Development Assessment & Environment and Certification Units - July to September 2019 - Quarter 1

**Department:** Environment and Planning

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13724412

Author: Michelle Ritchie, Section Manager, Business Performance and Integration

Manager: Brian Jones, Unit Manager, Environment and Compliance

Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

This report includes information and statistics regarding the operations of the Development Assessment and Environment and Certification Units which covers the submission and determination of development, construction and subdivision applications. This report provides a summary of applications for the July to September 2019 Quarter

### **Recommendation**

***That Council receive the report on Activities of the Development Assessment & Environment and Certification Units - July to September 2019 - Quarter 1.***

### **Background**

As the Central Coast community continues to grow, Council is committed to assessing development applications, which respond to the need to providing for a variety of housing choice to suit the needs and lifestyles of the community, support local jobs and services while appreciating and protecting our environmental assets.

The Central Coast Regional Plan (CCRP) provides that the population of the Central Coast will increase by approximately 75,500 people (to 415,050) by 2036. As a result there is an increased need for local housing and employment options. The CCRP establishes that the region is expected to have 36,350 more households, setting a target of 41,500 new homes by 2036. In order to meet this target, the equivalent of approximately 2,075 new homes per year will be required for the 20 year life of the plan.

Since the commencement of the CCRP in 2016, 9,761 additional dwellings have been approved, and Council is tracking well, in terms of approvals, against future housing requirements outlined in the Central Coast Regional Plan.

**5.8 Activities of the Development Assessment & Environment and Certification Units - July to September 2019 - Quarter 1 (contd)**

**Housing approvals**

During the July to September 2019 quarter, **807** development applications were determined including the approval of **451** new dwellings (including secondary dwellings, detached dwellings, dual-occupancies, senior living, multi-dwelling housing and units within residential flat buildings).

**Development Applications Determined**

<b>Type:</b>	<b>Number Determined</b>	<b>Number Approved</b>	<b>Estimated Value of Approved Development \$</b>
Residential – Single new dwelling, Residential – New Second Occupancy, Residential – Alterations and Additions Residential New Multi-Unit	513	507	\$137,951,386
Residential - Seniors Living, Residential Other	8	8	\$11,588,018
Commercial / Retail / Office / Tourist/ Community Facility	28	27	\$39,857,976
Industrial and Infrastructure	14	12	\$7,010,190
Subdivision only	21	17	\$140,000
Mixed	3	1	\$4,166,837
Other	58	58	\$8,970,182
Section 4.55	162	158	\$37,440,609
<b>Total</b>	<b>807</b>	<b>788</b>	<b>\$247,125,198</b>

**Number of outstanding Development Applications**

The total number of Development Applications outstanding at the end of the quarter was 574 with 529 applications under assessment.

**Net Median Turnaround Times**

The net determination time for development applications (including s.4.55 modifications) within the Development Assessment Unit during the July to September 2019 Quarter was 44 calendar days.

## 5.8 Activities of the Development Assessment & Environment and Certification Units - July to September 2019 - Quarter 1 (contd)

The net determination time for development applications (including s.4.55 modifications) within the Environment and Certification Unit during the July to September 2019 Quarter was 24 calendar days.

The net determination time for development applications (including s.4.55 modifications) by the Development Assessment Unit and the Environment and Certification Units combined during the July to September 2019 Quarter was 27 calendar days.

### Subdivision Lots Released

Type	Number of Lots Released
Commercial/Industrial	34
Residential	157
<b>Total</b>	<b>191</b>

\*There were 3 lots effected by boundary realignments/consolidations

### Other Approvals and Certificates

Type	Number Determined	Number Approved
Building Information Certificates	64	64
Construction Certificates issued by Council	205	205
Complying Development Certificates issued by Council	39	36

### Variations to Development Standards

Each quarter all Councils are required to report to the Department of Planning Industry & Environment the details of development applications that have been granted consent involving variation to relevant development standards.

*Gosford Local Environmental Plan 2014 (GLEP)* and *Wyong Local Environmental Plan 2013 (WLEP)* permit variations to some development standards, in order to:

- (a) To provide an appropriate degree of flexibility in applying certain development standards to particular development.
- (b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In each case, the relevant development application must also address the objectives of the development standard being varied.

*State Environmental Planning Policy No 1 (SEPP 1)* also permits variations to the development standards within *Interim Development Order Number 122 (IDO122)*, which applies to some land within the former Gosford local government area.

## **5.8 Activities of the Development Assessment & Environment and Certification Units - July to September 2019 - Quarter 1 (contd)**

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Council requires that a written request to vary a development standard be considered in each case, which must address the following matters:

- Why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- That there are sufficient environmental planning grounds to justify contravening the development standard.

A review of Council records has identified that consent was granted to 11 development applications from July to September 2019 Quarter that included a variation to a development standard within WLEP, GLEP or IDO122. A copy of the variation to development standard register for the July to September 2019 Quarter is attached.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal I: Balanced and sustainable development**

I3: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitate, green corridors, energy efficiency and stormwater management.

### **Attachments**

- 1 Development Standards Variations 1st July - 30 September 2019 D13724433

Council DA reference number	Street number	Street name	Suburb/Town	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date Determined
011.2019.00055924.001	220	Matcham RD	MATCHAM	Other	GLEP 2014	7(a) Conservation IDO 122	Clause 4.3 Height of buildings	The slope of land means it would be difficult to meet standard and there will be no impact on amenity of neighbours.	10%	COUNCIL	10/09/2019
011.2019.00056395.001	71	Barrenjoey RD	ETTALONG BEACH	Residential - Single new dwelling	GLEP 2014	R1 GENERAL RESIDENTIAL	Clause 4.4 Maximum Floor Space Ratio	Due site area only 455.2 square meters considered permissible as only 6% variation	6%	COUNCIL	03/07/2019
011.2019.00056534.001	71	Wagstaffe AVE	WAGSTAFFE	Residential - Single new dwelling	GLEP 2014	R2 LOW DENSITY RESIDENTIAL	Clause 4.4 Maximum Floor Space Ratio	Size and width of the allotment makes compliance with the numerical standard difficult	8.9% or 13.5m	COUNCIL	01/08/2019
011.2019.00056666.001	123	Albany ST	POINT FREDERICK	Residential - Alterations & Additions	GLEP 2014	R2 LOW DENSITY RESIDENTIAL	Clause 4.3 Height of buildings	The desired streetscape character is achieved, and the impact on views from properties across the road is negligible. Privacy is preserved & overshadowing kept to a minimum. The proposed addition is well set back from the road & hence will not dominate the streetscape.	9%	COUNCIL	18/07/2019
011.2019.00056707.001	24	Ogilvie ST	TERRIGAL	Residential - Single new dwelling	GLEP 2014	R2 LOW DENSITY RESIDENTIAL/E2 ENVIRONMENTAL CONSER	Clause 4.3 Height of buildings	The slope of the land make it difficult to achieved compliance and the proposal will have minimal to no impact on adjoining properties.	9.5%	COUNCIL	18/09/2019
011.2019.00056747.001	568	The Scenic RD	MACMASTERS BEACH	Residential - Alterations & Additions	GLEP 2014	R2 LOW DENSITY RESIDENTIAL	Clause 4.3 Height of buildings	Slope of the land	7%	COUNCIL	31/07/2019
011.2019.00056756.001	50	Wycombe RD	TERRIGAL	Residential - Single new dwelling	GLEP 2014	R2 LOW DENSITY RESIDENTIAL	Clause 4.3 Height of buildings	The slope of the land make it difficult to achieved compliance and the proposal will have minimal to no impact on adjoining properties.	4.9%	COUNCIL	18/09/2019
011.2019.00056835.001	34	Fairscene CR	AVOCA BEACH	Residential - Alterations & Additions	GLEP 2014	R2 LOW DENSITY RESIDENTIAL	Clause 4.3 Height of buildings	Slope of site and no negative impacts arising from the character of the area or impact on occupants of neighbouring dwellings.	1.7m or 20%	COUNCIL	17/09/2019
011.2019.00056976.001	12	Sumner CCT	TERRIGAL	Residential - Single new dwelling	GLEP 2014	R2 LOW DENSITY RESIDENTIAL	Clause 4.3 Height of buildings	-Slope of land; -Developer controls relating to roof pitch; -Consistency with adjoining development; -Driveway access design; and -Minimisation of earthworks.	The proposal seeks a maximum height of 9.252 metres in lieu of the permitted 8.5 metres, resulting in a variation of 0.752 metres or 8.9%.	COUNCIL	21/08/2019
011.2019.00057009.001	95	Chamberlain RD	WYOMING	Residential - Single new dwelling	GLEP 2014	R2 LOW DENSITY RESIDENTIAL/7(a) Conservation IDO 1	Clause 4.6 Exceptions to development standards	The desired streetscape character is achieved, and the impact on views from properties across the road is negligible. Privacy is preserved & overshadowing kept to a minimum. The proposed addition is well set back from the road & hence will not dominate the streetscape.	2%	COUNCIL	18/09/2019
011.2019.00057011.001	99	Chamberlain RD	WYOMING	Residential - Single new dwelling	GLEP 2014	R2 LOW DENSITY RESIDENTIAL	Clause 4.3 Height of buildings	The desired streetscape character is achieved, and the impact on views from properties across the road is negligible. Privacy is preserved & overshadowing kept to a minimum. The proposed addition is well set back from the road & hence will not dominate the streetscape.	2%	COUNCIL	20/09/2019

**Item No:** 6.1  
**Title:** QON - Q58/19 - Baker Park Gifted to Community  
**Department:** Innovation and Futures

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2018/00025-002 - D13711367  
Author: Simone Barwick, Property Officer Land Sales Acquisitions  
Manager: Paul Forster, Section Manager, Property and Infrastructure  
Executive: Ricardo Martello, Executive Manager Innovation and Futures

## **6.1 QON - Q58/19 - Baker Park Gifted to Community**

The following question was asked by Councillor Louise Greenaway at the Ordinary Meeting on 25 March 2019 :

*Would staff please advise how Baker Park was gifted to the community given that it doesn't appear to have been via Gersh Baker's will? i.e. was it by deed during his lifetime or by his widow on her death?*

*This question was asked under the former Code of Meeting Practice*

The Title for the land was formally transferred from the Crown to the Minister for Lands CT 5031-202 on 5 April 1939. In the Government Gazette No. 29 of Friday, 3 March 1978, the Crown vested Reserve No. 67970 (being Baker Park, about 3.964ha) to former Wyong Shire Council. The land vested in Council was consolidated with closed roads and lanes by the Registrar General and a Certificate of Title for Lot 1 DP 339528 was issued. Lot 1 DP 339528 at 22 Warner Ave, Wyong is currently known as Baker Park.

The current site is now owned by Central Coast Council.

The subject property was never owned by F G (Gersh) Baker. The name 'Baker Park' derived from the 'F Gershom Baker Memorial Oval' which was named after his death in 1948.

### **Attachments**

*Nil.*



**Item No:** 7.1  
**Title:** Questions with Notice  
**Department:** Governance

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13718166  
Author: Kylie Hottes, Councillor and Meeting Support Officer  
Manager: Sarah Georgiou, Section Manager, Councillor Support  
Executive: Dr Liz Develin, Director Governance

## **7.1 Questions with Notice**

The following question was submitted by Councillor Gale:

### **Breaches of Dog Policy**

***How many fines have been issued over the last 12 months for breaches of the dog policy for Umina Beach and Ocean Beach?***

The answer will be provided by the Director Environment and Planning on or before the 9 December 2019 Ordinary Meeting.

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The following question was submitted by Councillor Hogan:

### **Budgewoi Masterplan**

***Could staff please provide a report on the actions identified in the Budgewoi Masterplan that have been competed/on track/delayed/not commenced or on hold?***

Response provided by the Director, Environment and Planning

This is a complex question requiring research and resources to provide an appropriate response. As a result it is not possible to provide a response for this Council meeting and it is proposed to provide the response for inclusion in the Business Paper for the meeting of 10 February 2020.

The following question was submitted by Councillor Hogan:

### **Gwandalan Playground**

***Could staff please provide a progress report on the missing Gwandalan Playground project?***

The answer will be provided by the Director Environment and Planning on or before the 9 December 2019 Ordinary Meeting.

The following question was submitted by Councillor MacGregor:

**Former Tourist Information Building at Kariong**

***Is council aware of any plans for future or alternative uses for the old tourist information building on The Avenue at Kariong?***

Response provided by the Director, Environment and Planning

The former tourist information building located on the Central Coast Highway at Kariong is part of the larger Mt Penang Precinct held in the ownership of the NSW Government under the care and control of the Hunter Central Coast Regional Development Corporation.

Council officers are not aware of any specific proposal for that building.

The Hunter Central Coast Regional Development Corporation continues to progress various projects across the Mt Penang Precinct including infrastructure upgrades and analysis for options for future use of land within their control. Council is not privy to specific details.

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The following question was submitted by Councillor MacGregor:

**Central Coast Libraries**

***How many Libraries does council currently operate, does council have plans for expansion or reduction in physical library services in the next 12 months and has council considered expanding library services into community and progress halls around the CCLGA?***

The answer will be provided by the Director Connected Community and Executive Manager Innovation and Futures on or before the 9 December 2019 Ordinary Meeting.

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The following question was submitted by Councillor Greenaway:

**BioNet Atlas Database**

***Would staff please confirm the number of species of plant and animals have been atlased by staff into the BioNet Atlas Database in the last 2 years and a list of the species so atlased.***

Response provided by the Director Environment and Planning:

This is a complex question requiring research and resources to provide an appropriate response.

## **7.1 Questions with Notice (contd)**

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As a result it is not possible to provide a response for this Council meeting and it is proposed to provide the response for inclusion in the Business Paper for the meeting of 10 February 2020.

### **Attachments**

Nil



**Item No:** 8.1  
**Title:** Deferred Item - Notice of Motion - Redress Scheme  
**Department:** Councillor

9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13730860

Author: Jillian Hogan, Councillor

At its meeting held 25 November 2019, the Council resolved as follows;

1178/19 *That Council defer consideration of the following items to the 9 December 2019 Ordinary Meeting:*

<i>Item 4.4 - Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019</i>
<i>Item 4.6 - 2019 Election Commitments – Progress Update</i>
<i>Item 6.1 - Deferred Item - Notice of Motion - Redress Scheme</i>
<i>Item 6.3 - Notice of Motion - The Missing Munmorah SK8Park</i>

- 1 *That Council receive the report on Deferred Item – Redress Scheme.***
- 2 *That Council notes that every child has the right to grow up in an environment where they feel safe and secure, have access to services, clean air and water, can play, learn and grow, and where their voice is heard and matters (UNICEF).***
- 3 *That Council notes that the Australian Government expects every institution in which the sexual abuse of children occurred, to be accountable for that abuse and join the National Redress Scheme (the Scheme) and provide redress.***
- 4 *That Council notes that ‘the Scheme’, acknowledges that many children were sexually abused in Australian institutions, holds institutions accountable for this abuse, and helps people who have experienced institutional child sexual abuse gain access to counselling, a direct personal response, and a Redress payment.***
- 5 *That Council notes that applications identifying institutions that have not yet joined the National Redress Scheme will not be assessed until the relevant institution/s has joined.***
- 6 *That Council notes that we support many sporting codes that have not been named in the Royal Commission however this Notice of Motion will help to start a conversation, raise awareness and ultimately protect children.***
- 7 *That Council notes that Football NSW, Swimming Australia and Tennis NSW have been identified by the Royal Commission into Institutional Responses to Child Sexual Abuse and have not yet joined the Scheme.***

- 8** *That Council request the Chief Executive Officer write to Football NSW, Swimming Australia and Tennis NSW and encourage these organisations to lead by example and join the Redress Scheme.*

**Attachments**

- 1** OM 25 November 2019 - Item 6.1 - Deferred Item - Notice of Motion - Redress Scheme D13731352



**Item No:** 6.1  
**Title:** Deferred Item - Notice of Motion - Redress Scheme  
**Department:** Councillor

25 November 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13718774

Author: Jillian Hogan, Councillor

### Summary

At its meeting held 11 November 2019, the Council resolved as follows;

*1124/19 That Council defer consideration of this item until the 25 November 2019 Ordinary Meeting.*

Councillor Hogan has given notice that at the Ordinary Council Meeting to be held on 11 November 2019 she will move the following motion:

- 1** *That Council notes that every child has the right to grow up in an environment where they feel safe and secure, have access to services, clean air and water, can play, learn and grow, and where their voice is heard and matters (UNICEF).*
- 2** *That Council notes that the Australian Government expects every institution in which the sexual abuse of children occurred, to be accountable for that abuse and join the National Redress Scheme (the Scheme) and provide redress.*
- 3** *That Council notes that 'the Scheme', acknowledges that many children were sexually abused in Australian institutions, holds institutions accountable for this abuse, and helps people who have experienced institutional child sexual abuse gain access to counselling, a direct personal response, and a Redress payment.*
- 4** *That Council notes that applications identifying institutions that have not yet joined the National Redress Scheme will not be assessed until the relevant institution/s has joined.*
- 5** *That Council notes that we support many sporting codes that have not been named in the Royal Commission however this Notice of Motion will help to start a conversation, raise awareness and ultimately protect children.*
- 6** *That Council notes that Football NSW, Swimming Australia and Tennis NSW have been identified by the Royal Commission into Institutional Responses to Child Sexual Abuse and have not yet joined the Scheme.*

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**6.1 Deferred Item - Notice of Motion - Redress Scheme (contd)**

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- 7 That Council request the Chief Executive Officer write to Football NSW, Swimming Australia and Tennis NSW and encourage these organisations to lead by example and join the Redress Scheme.**

**Background**

The National Redress Scheme is in response to the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Australian Government expects every institution in which the sexual abuse of children occurred to be accountable for that abuse and join the National Redress Scheme (the Scheme) and provide redress. Many institutions are in the process of working to join the Scheme however there are many that have not. Institutions not actively taking steps to join the Scheme are encouraged to do so quickly. Institutions have until 30 June 2020 to join the Scheme but are expected to make every effort to join as soon as possible.

It is important that people have access to information about which institutions have joined, or have not yet joined the Scheme. The list published provides information about institutions that were named in the Royal Commission into Institutional Responses to Child Sexual Abuse that have not yet joined the Scheme and those that have <https://www.nationalredress.gov.au/institutions>. The publication of this list provides transparency for people who may be thinking about applying to the Scheme.

It is important to note that while this list covers institutions named by the Royal Commission, there are likely to be other institutions, which are not named, where abuse occurred. The Government also expects these institutions to be accountable for this abuse and join the Scheme.

**Attachments**

- 1** Notice of Motion - Redress Scheme      D13718742

**Item No:** 6.6  
**Title:** Notice of Motion - Redress Scheme  
**Department:** Councillor



11 November 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13709280

Author: Jillian Hogan, Councillor

Councillor Hogan has given notice that at the Ordinary Council Meeting to be held on 11 November 2019 she will move the following motion:

- 1 That Council notes that every child has the right to grow up in an environment where they feel safe and secure, have access to services, clean air and water, can play, learn and grow, and where their voice is heard and matters (UNICEF).**
- 2 That Council notes that the Australian Government expects every institution in which the sexual abuse of children occurred, to be accountable for that abuse and join the National Redress Scheme (the Scheme) and provide redress.**
- 3 That Council notes that 'the Scheme', acknowledges that many children were sexually abused in Australian institutions, holds institutions accountable for this abuse, and helps people who have experienced institutional child sexual abuse gain access to counselling, a direct personal response, and a Redress payment.**
- 4 That Council notes that applications identifying institutions that have not yet joined the National Redress Scheme will not be assessed until the relevant institution/s has joined.**
- 5 That Council notes that we support many sporting codes that have not been named in the Royal Commission however this Notice of Motion will help to start a conversation, raise awareness and ultimately protect children.**
- 6 That Council notes that Football NSW, Swimming Australia and Tennis NSW have been identified by the Royal Commission into Institutional Responses to Child Sexual Abuse and have not yet joined the Scheme.**
- 7 That Council request the Chief Executive Officer write to Football NSW, Swimming Australia and Tennis NSW and encourage these organisations to lead by example and join the Redress Scheme.**

#### **Background**

The National Redress Scheme is in response to the Royal Commission into Institutional Responses to Child Sexual Abuse.



**6.6 Notice of Motion - Redress Scheme (contd)**

The Australian Government expects every institution in which the sexual abuse of children occurred to be accountable for that abuse and join the National Redress Scheme (the Scheme) and provide redress. Many institutions are in the process of working to join the Scheme however there are many that have not. Institutions not actively taking steps to join the Scheme are encouraged to do so quickly. Institutions have until 30 June 2020 to join the Scheme but are expected to make every effort to join as soon as possible.

It is important that people have access to information about which institutions have joined, or have not yet joined the Scheme. The list published provides information about institutions that were named in the Royal Commission into Institutional Responses to Child Sexual Abuse that have not yet joined the Scheme and those that have <https://www.nationalredress.gov.au/institutions>. The publication of this list provides transparency for people who may be thinking about applying to the Scheme.

It is important to note that while this list covers institutions named by the Royal Commission, there are likely to be other institutions, which are not named, where abuse occurred. The Government also expects these institutions to be accountable for this abuse and join the Scheme.

**Attachments**

*Nil.*



**Item No:** 8.2  
**Title:** Deferred Item - Notice of Motion - The Missing Munmorah SK8Park  
**Department:** Councillor

9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13730864

Author: Greg Best, Councillor

At its meeting held 25 November 2019, the Council resolved as follows;

*1178/19 That Council defer consideration of the following items to the 9 December 2019 Ordinary Meeting:*

<i>Item 4.4 - Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019</i>
<i>Item 4.6 - 2019 Election Commitments – Progress Update</i>
<i>Item 6.1 - Deferred Item - Notice of Motion - Redress Scheme</i>
<i>Item 6.3 - Notice of Motion - The Missing Munmorah SK8Park</i>

- 1 That Council receive the refer Deferred Item – The Missing Munmorah SK8Park.**
- 2 That Council notes the recent Mayoral Message highlighting the construction of a \$1.9M regional state park at Lake Munmorah, to be delivered this financial year. (Provided below)**
- 3 That Council notes that this important youth project was commenced arising from a formal resolution in the then Wyong Shire Council on 13 May 2015, more than 4 years ago (Attachment 1)**
- 4 That Council also notes with great concern recent reports by the Lake Munmorah Progress Association that they have been advised by staff that this project is now again “on hold” due to site selection issues (Attachment 2).**
- 5 That Council further request the Chief Executive Officer for an urgent update/report on this conflicting situation, in the event that this project is indeed stalled the 2019 project allocation funds be preserved and reported into the 2020/2021 budget.**

#### **Attachments**

- 1 OM 25 November 2019 - Item 6.3 - Notice of Motion - The Missing Munmorah SK8Park** D13731394

**Item No:** 6.3  
**Title:** Notice of Motion - The Missing Munmorah  
SK8Park  
**Department:** Councillor

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25 November 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13719414

Author: Greg Best, Councillor

Councillor Greg Best has given notice that at the Ordinary Council Meeting to be held on 25 November 2019 he will move the following motion:

- 1 That Council notes the recent Mayoral Message highlighting the construction of a \$1.9M regional state park at Lake Munmorah, to be delivered this financial year. (Provided below)**
- 2 That Council notes that this important youth project was commenced arising from a formal resolution in the then Wyong Shire Council on 13 May 2015, more than 4 years ago (Attachment 1)**
- 3 That Council also notes with great concern recent reports by the Lake Munmorah Progress Association that they have been advised by staff that this project is now again "on hold" due to site selection issues (Attachment 2).**
- 4 That Council further request the Chief Executive Officer for an urgent update/report on this conflicting situation, in the event that this project is indeed stalled the 2019 project allocation funds be preserved and reported into the 2020/2021 budget.**

**6.3 Notice of Motion - The Missing Munmorah SK8Park (contd)**

**Central Coast Council**  
**Coast Connect Quarterly**  
 Central Coast Council Newsletter October 2019

**Mayor's message**

In the two years since the merger of the former Wyong and Gosford Councils, the new Central Coast Council has built a solid foundation. We're delivering services that the community values, putting in place bold and visionary policies, strategies and projects that will take this region forward, while we're working to bring systems and processes together at the back end and build Council's capability to deliver. I intend to keep building on this foundation over the next year.

There is lots still to do. This year we will deliver \$236million in new and upgraded roads, parks, playspaces, sporting fields, drainage, shared pathways and other essential infrastructure. This is one of the largest capital works programs ever delivered on the Central Coast. Major projects we will deliver include a \$5.6million upgrade to Adcock Park, a \$1.9million regional skate park at Lake Munmorah and \$8.7million in major road upgrades for Elocos Road Long Jetty, Lake Road Tuggerah, The Ridgeway at Lisarow, Tumba Creek Road, Tumbil Units. There are literally hundreds of projects, big and small, to be delivered right across the Coast for the benefit of everyone.

We will continue to deliver these projects hand-in-hand with our community. That is why you will be consulted every step of the way on the design and delivery of these projects. Thanks to you, we now have significant strategies in place including the Pedestrian and Mobility Plan and Bike Plan. 1300 projects will be delivered under these Plans over the next ten years. Projects that will complete the missing links around our waterways and connect our community to each other, services and places. Shared Pathways deliver huge health and economic benefits for our community and by the end of ten years you will be able to walk, push a pram, cycle or scout right around the Coast. That is a vision I want to see realised.

To get the best results, we need to continue to work collaboratively with our NSW and Commonwealth counterparts. It is making that a real point of emphasis over the next 12 months, and together with my fellow Councilors, will be a strong advocate for the Central Coast.

**Water-wise Whizzy's back**

Whizzy is back! A fun character with a serious message during last decade's Millennium Drought, Whizzy the Water Drop is back to help Central Coast residents save water as another drought dries up our dams.

Mascot Whizzy was a popular personality with young and old alike at a time when the storage in our main dam dropped as low as 10 per cent.

Now, with dam levels once again falling and Level 3 water restrictions on the horizon, Whizzy is calling on all residents to use water wisely by "being to 150". That means if each of us makes a few simple changes in the way we use water, we'll use less than 150 litres per person each day.

Central Coast residents developed great water-saving behaviours during the last drought, but after rain replenished our dams, we relaxed a bit. On average, every resident now uses about 180 litres of water every day. If we each reduce our use by the equivalent of just three buckets per day, we'll "be to 150".

It's only a small amount per person but adds up to a big amount for the Coast – the equivalent of four Olympic-sized swimming pools each day.

Whizzy has a few tips to help us save water:

- keep showers to four minutes or less – every minute in the shower uses 9-18 litres of water
- turn off the tap when brushing your teeth
- water gardens before 10am or after 4pm using a watering can or a handheld hose with a nozzle
- fix leaking taps
- check your rainwater tank is functioning properly.

To help Coast residents save water, we've launched a website full of useful tips. You can even get involved by submitting a water-saving tip. Each month we're giving away a \$50 Bunnings gift card for the best tip.

To find out how you can save water or submit a water-saving tip, visit [centralcoast.nsw.gov.au/lesswater](http://centralcoast.nsw.gov.au/lesswater)  
 Love water. Use it wisely!

**Mayor Lisa Matthews**

Wyong Office: 2 Healy St / PO Box 20 Wyong NSW 2259  
 Gosford Office: 49 Mann St / PO Box 21 Gosford NSW 2250  
 P 1300 463 954 | E [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au) | W [centralcoast.nsw.gov.au](http://centralcoast.nsw.gov.au) | ABN 73 149 644 003

**Attachments**

- |          |   |                  |
|----------|---|------------------|
| <b>1</b> | <b>Notice of Motion - Regional Rollout of council's Skate Park Facilities</b> | <b>D11910718</b> |
| <b>2</b> | <b>Lake Munmorah Progress Association memo</b>                                | <b>D13719519</b> |
| <b>3</b> | <b>Site Maps</b>  | <b>D13720581</b> |

**Attachment 1                      Notice of Motion - Regional Rollout of council's Skate Park Facilities**

13 May 2015

To the Ordinary Council Meeting

Councillor

**7.1                      Notice of Motion - Regional Rollout of Council's Skate Park Facilities**

TRIM REFERENCE: F2014/01266 - D11910718

MANAGER:

AUTHORS: Greg Best; Councillor

Adam Troy; Councillor

Councillors G Best and A Troy have given notice that at the Ordinary Council Meeting to be held on 13 May 2015 they will move the following Motion:

- “1     That Council note the recent welcomed response to Council's announcement to significantly expand its regional skate park facilities rollout.
- 2     That Council recognise the need to balance the rollout of such facilities as equitably as possible across the shire.
- 3     That Council note 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.
- 4     That Council request the General Manager to investigate and consult with the local community and key stakeholders to identify the most suitable location for this facility.
- 5     That arising from the Council's recent adoption of the skate strategy 2014, Council further request 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.”

**ORDINARY MEETING HELD ON 13 MAY 2015**

An AMENDMENT was MOVED by Councillor VINCENT:

- 1     That Council investigate the design and construction of a skate board facility in the North of the Shire on similar scale to the skate board facility proposed for Bateau Bay.
- 2     That Council consider the future funding for this facility in a 2015/16 quarterly budget review or the 2016/17 Annual Plan.
- 3     That an indicative funding allocation of 1.5 million be proposed for the design and construction of the skate board park facility.

The AMENDMENT lapsed for want of a **SECONDER**.

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

Attachment 1                      Notice of Motion - Regional Rollout of council's Skate Park Facilities

- 1/15        That Council note the recent welcomed response to Council's announcement to significantly expand its regional skate park facilities rollout.
- 2/15        That Council recognise the need to balance the rollout of such facilities as equitably as possible across the shire.
- 3/15        That Council note 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.
- 4/15        That Council request the General Manager to investigate and consult with the local community and key stakeholders to identify the most suitable location for this facility.
- 5/15        That arising from the Council's recent adoption of the skate strategy 2014, Council further request 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.

**RESOURCES**

Council recently adopted the Skate Strategy in December 2014, this identified the objectives, principles and strategic actions for the skate parks across the Shire. The current capital works program in the draft Strategic Plan identified the following allocation:

2015/16	Construction of regional level Sk8 facility at EDSACC, Bateau Bay. - \$2,250,000 Complete Lakehaven and Heador St Reserve TOUKLEY. - \$200,000
2016/17	Upgrade/renew Lake Munmorah - \$50,000
2017/18	Upgrade Berkeley Vale and Gwandalan - \$200,000
2018/19	Upgrade Ourimbah - \$50,000

Staff can deliver the report requested in item 5 within existing resources, noting that reprioritisation of projects may need to occur.

Attachment 1                      Notice of Motion - Regional Rollout of council's Skate Park Facilities**COUNCILLORS NOTE**

I have received numerous representations over the years around such facilities and indeed the provision of sporting opportunities in our shire's north, particularly for our youth. The recent opening of the LM netball courts and Council's formal resolution to further deliver netball facilities at Tunkuwallin Hall Gwandalan are excellent examples of Council working with the community to deliver much needed facilities to our shire's north.

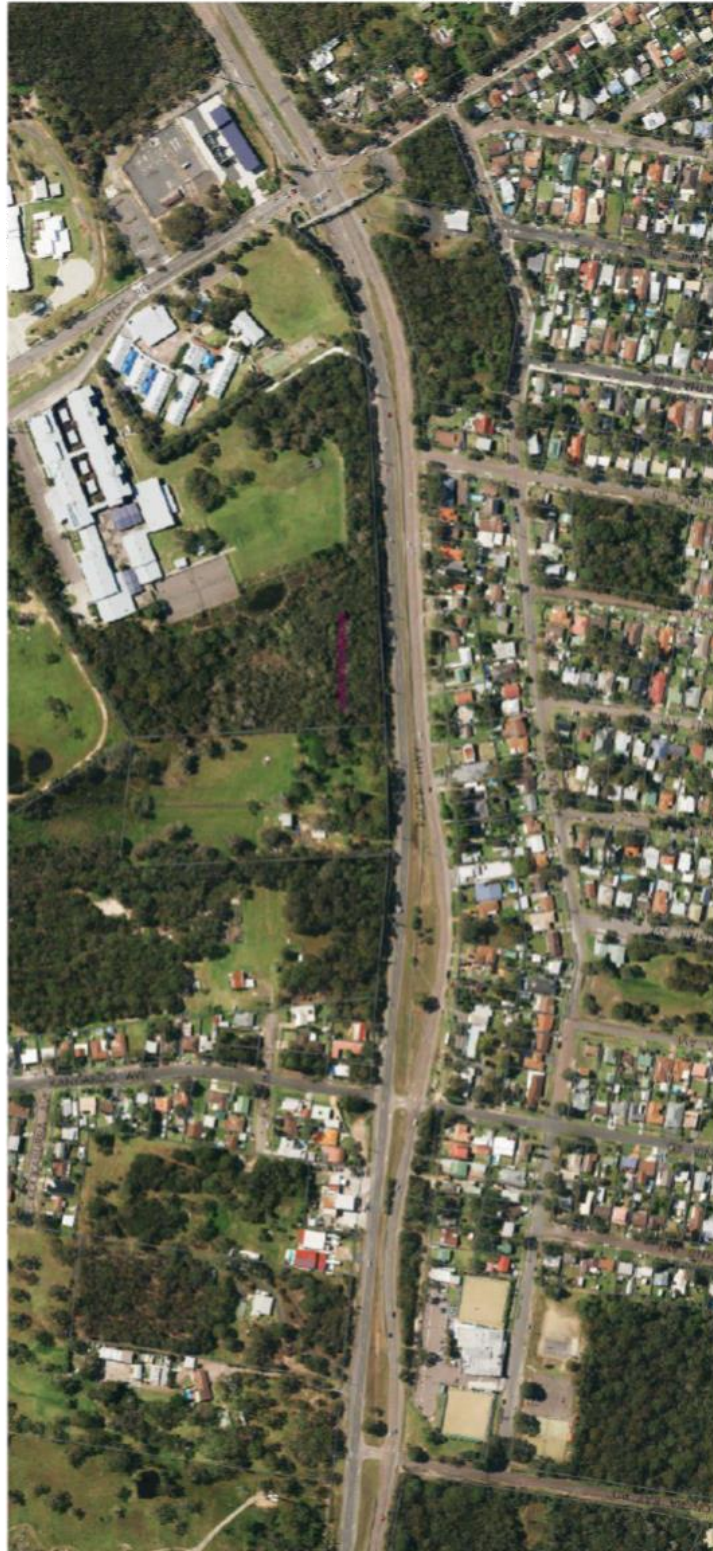
Whilst this matter has been raised by colleagues in the local media, unfortunately to date they have not chosen to bring it to the Chamber where a real difference can be made. It is with this understanding that I take this opportunity, on behalf of the local community, to formally draw to Council's attention the need to address the Lake Munmorah skate park facility as it nears the end of its asset life.

Council should rightfully be proud of the significant rollout of our skate park facilities, particularly over the last 20 years. On joining Council in 1995, there were absolutely no opportunities for our youth to enjoy formalised skating activities. In fact, Council of the day frowned on such pursuits. We have travelled a long way and now better understand the needs of our youth.

However, I am mindful of the need for us to act as equitably as possible and rollout such facilities across the shire. Understandably, Councillors will know that often there are constraints around population centres, demographics, geographics and transport corridors. These all play an important part in the selection criteria and can sometimes skew the distribution. Nevertheless, in my view it is patently obvious that we now need to address the Lake Munmorah facility and as soon as possible.

Attachment 1

Notice of Motion - Regional Rollout of council's Skate Park Facilities





**From:** SD&GM Durie [REDACTED]  
**Sent:** Thursday, 31 October 2019 10:18 PM  
**To:** Greg Best [REDACTED]  
**Subject:** Lake Munmorah Regional Skate Park

Dear Mr. Best,

Reference is made to the recent Mayor's Message where the construction of a \$1.9 million regional skate park at Lake Munmorah would be delivered this year. The Lake Munmorah Progress Association is very concerned that not one sod of soil has been turned and in fact Council staff recently advised that the project is officially "on hold". It is understood that the location of the project has posed a problem in respect of its tenure. By way of background, you will recall that this project was first initiated by yourself through a "Notice of Motion", which was unanimously resolved on the 13<sup>th</sup> May 2015. At a subsequent Council meeting on 23<sup>rd</sup> September 2015, a staff recommendation to fund the project to the value of \$1 million, was accepted. The preferred site at the time was at the corner of Colongra Bay Road and the Pacific Highway. At a subsequent meeting with former Council Director Mike Dowling, the Association was assured that this site would be accepted. However, it is understood that the Colongra Bay Road site was subsequently overlooked due to its apparent conservation value. The Progress Association continued to support the Colongra Bay Road site due to its close proximity to the existing skate park and the benefit of passive surveillance from the Bowling Club. Concern was also raised that the proposed site on Tall Timbers Road is on "Crown Land".

It would be appreciated if you would raise this issue in the Chamber and seek an assurance that funding will be carried forward, if it is not expended this financial year.

Regards Stuart Durie  
Secretary / on behalf of the Association.

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Attachment 3

Site Maps



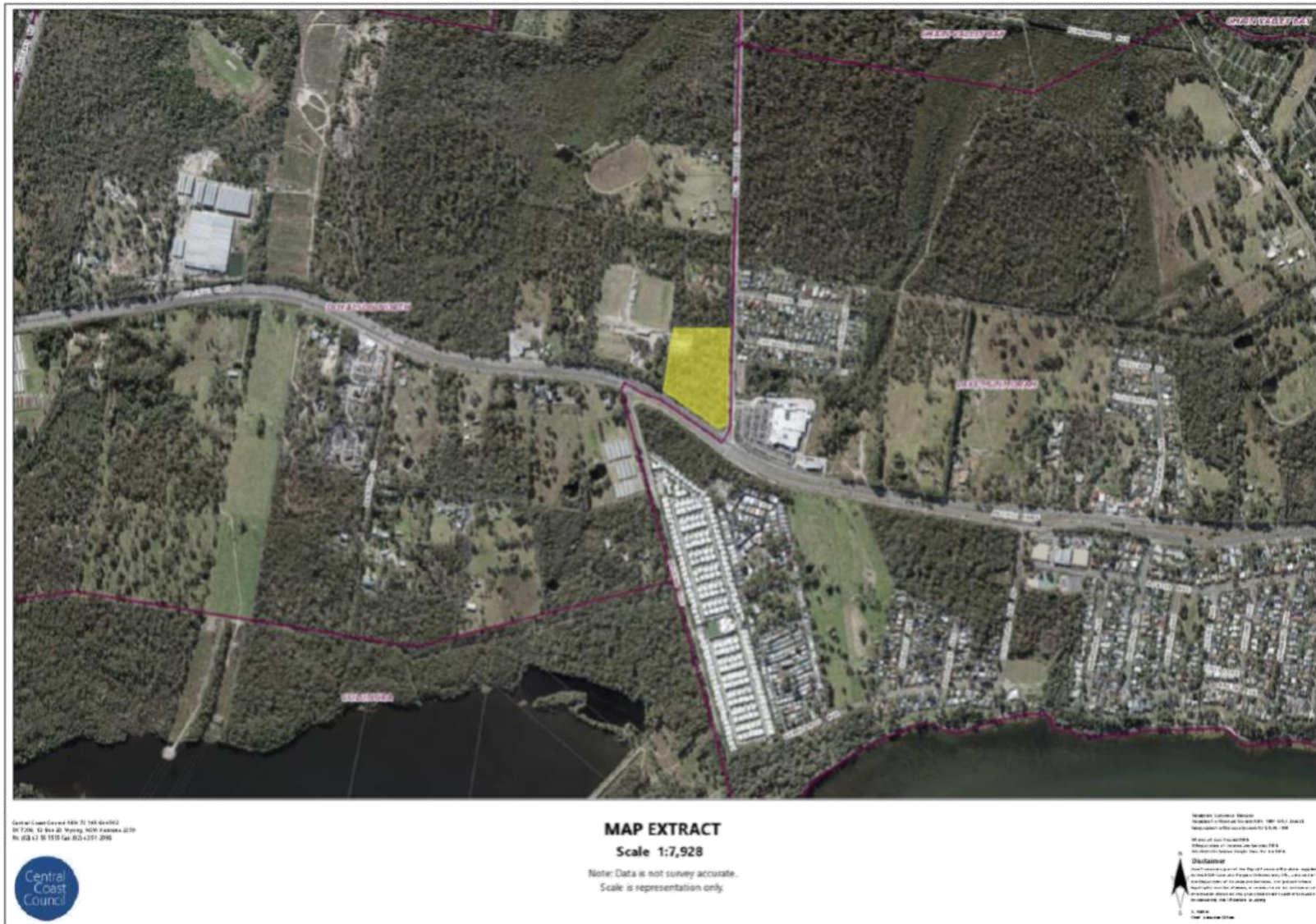
Attachment 3

Site Maps



Attachment 3

Site Maps





**Item No:** 8.3  
**Title:** Notice of Motion - Closure of the Iconic Entrance Boatshed  
**Department:** Councillor

---

9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13733151

Author: Greg Best, Councillor

Bruce McLachlan, Councillor

Greg Best has given notice that at the Ordinary Council Meeting to be held on 9 December 2019 he will move the following motion:

- 1 That Council note due to the continuing deterioration of the Tuggerah Lakes system and the choking of The Entrance Channel, the historic Entrance boat shed will close.**
- 2 That Council further notes that 2020 will mark the centenary of this local icon and may well also mark its demise.**
- 3 That Council request the Chief Executive Officer urgently investigate the situation and take whatever reasonable measures are available to avert such a closure.**

#### **Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Boatshed Image 1                                       | D13733174 |
| <b>2</b> | Boatshed Image 2                                       | D13733175 |
| <b>3</b> | Boatshed Image 3                                       | D13733178 |
| <b>4</b> | Boatshed Image 4                                       | D13733180 |
| <b>5</b> | Boatshed Image 5                                       | D13733183 |
| <b>6</b> | Boatshed Image 6                                       | D13733185 |
| <b>7</b> | Open letter to the General Manager and all Councillors | D13733847 |















**From:** Toni Moon <[REDACTED]>  
**Sent:** Wednesday, 27 November 2019 4:07 PM  
**To:** Greg Best <[REDACTED]>  
**Subject:** Re: FW: the demise of an icon

Open letter to the General Manager and all councillors.

Sent to Councillor Best for attachment to his Motion .

Councillors,

It is with a heavy heart and true sadness that I write you today.

I must now inform you, that due to the outrageous and deteriorating condition of our Lakes and indeed the channel our 100 year old historic boatshed must CLOSE .

This historic Boat Shed is the last of its kind anywhere in NSW.

We can struggle no longer, years of incompetence have taken their toll. As 2020 looming so does the terrible prospect of closure.

Quite frankly, the way this Council has chosen to 'manage' what once was a mecca for tourist and could have been a jewel in this region's crown, is in my view simply a disgrace !!.

We now find ourselves in an impossible and financially devistating situation, the flow on effects on tourism and on local business will be considerable.

Councillors in my view you have done little more than to standby and fiddle while Rome has burnt, how dare you, you have stolen our future !.

Worse still you spend hundreds of thousands of Dollars \$\$\$\$\$ on a delusional 'fake news' Lakes Festival, what a joke !! .

However I would like to take this opportunity to thank Council Officers for their understanding & can't agree more with their sobering assessment of this Council.

The public spin that this Council has embarked on around water quality MUST be exposed, and I now call on the EPA to investigate.

In Closing, "MR GENERAL MANAGER DREDGE THIS CHANNEL NOW"

Regards

Toni Moon

Proprietor, Entrance Boat Shed

██████████

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**Item No:** 8.4  
**Title:** Notice of Motion - End of Year Thank You to Staff  
**Department:** Councillor

---



9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13733156

Author: Greg Best, Councillor

Councillor Greg Best has given notice that at the Ordinary Council Meeting to be held on 9 December 2019 he will move the following motion:

- 1 That Council, as tonight's meeting draws to a close for 2019, through the Chief Executive Officer, pass on its sincere appreciation to all our staff for their outstanding efforts in what has been a challenging year.***
- 2 That Council further passes on its special thanks to Section Manager, Sarah Georgiou, and the Councillor and Meeting Support team. Merry Christmas and all the very best in 2020.***

#### **Attachments**

*Nil.*

**Item No:** 8.5  
**Title:** Notice of Motion - Central Coast Group Training Lease Briefing  
**Department:** Councillor

---



9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13734191

Author: Louise Greenaway, Councillor

Councillor Louise Greenaway has given notice that at the Ordinary Meeting to be held on Monday 9 December 2019 she will move the following motion:

- 1** *That Council requests the Chief Executive Office to arrange a briefing for councillors as soon as possible around the terms of the Central Coast Group Training Lease given that the option to purchase/ sell is exercisable as of February 2020.*
  
- 2** *That Council notes that in the event that the option is exercised, that any agreement for sale would come back to Council for determination.*

#### **Attachments**

*Nil.*

**Item No:** 8.6  
**Title:** Notice of Motion - Wallarah 2 Progress Report  
**Department:** Councillor

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13734617

Author: Troy Marquart, Councillor  
Jilly Pilon, Councillor  
Rebecca Gale, Councillor

Councillor Marquart has given notice that at the Ordinary Council Meeting to be held on 9 December 2019 he will move the following motion:

- 1 That Council notes the recent defeat of the Central Coast Water Protection Bill that was voted down in State Parliament November 21, 2019.***
- 2 That Council request the Chief Executive Officer to provide an update to Council and around the implications of the above and the overall current situation of the Wallarah 2 proposal.***

#### **Attachments**

*Nil.*



**Item No:** 8.7  
**Title:** Notice of Motion - Domestic and Family Violence  
**Department:** Councillor

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13734807

Author: Jillian Hogan, Councillor

Councillor Jillian Hogan has given notice that at the Ordinary Council Meeting to be held on 9 December 2019 she will move the following motion:

- 1 That Council acknowledges that the International Day for the elimination of Violence against Woman and the 16 days of Activism pre-existed the White Ribbon Australia organisation which has recently folded.**
- 2 That Council acknowledges that the Central Coast human services sector has marked this time for the past 16 years with a range of events and should be congratulated for championing this critical issue.**
- 3 That Council also acknowledges and recognises the work that staff have undertaken to support woman and children who are experiencing Domestic and Family Violence.**
- 4 That Council leads by example and continues with the conversations and messages and ensures staff are an active participant in the development of new initiatives going into 2020.**
- 5 That Council directs the Chief Executive Officer to provide a report on the initiatives that Council has undertaken to support woman and children in the past 12 months.**

#### **Attachments**

*Nil.*



**Item No:** 8.8  
**Title:** Notice of Motion -- Inclusion of Park on Tuggerawong Hall Site Adjacent to Tuggerawong Pathway  
**Department:** Councillor

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13734815

Author: Kyle MacGregor, Councillor

Councillor MacGregor has given notice that at the Ordinary Council Meeting to be held on 9 December 2019 he will move the following motion:

- 1 Council notes the success of the ongoing Tuggerawong Pathway project driven by the community and currently being delivered by Council.**
- 2 Council include in the upcoming operational plan a public park on the former Tuggerawong Hall Site with a view to including toilets, a water station, shade cover, BBQ(s), play equipment and car parking.**
- 3 That Council consult with the community on the scope, scale and design of the park prior to delivery of the project.**
- 4 That the appropriate budgetary allocation and any additional relevant information for the delivery of the park be discussed and finalised at the upcoming February budgetary planning session.**
- 5 That Council apply for any relevant grants that could fast-track the project or co-fund the project in conjunction with other levels of government who support the Tuggerawong Pathway Project.**

#### **Attachments**

*Nil.*



**Item No:** 8.9  
**Title:** Notice of Motion - Request from Proposals from Minister Kean  
**Department:** Councillor

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13734821

Author: Jane Smith, Councillor

Councillor Smith has given notice that at the Ordinary Council Meeting to be held on 9 December 2019 she will move the following motion:

- 1** *Note the correspondence and commend The Hon Matt Kean MP, Minister for Energy and Environment, for his recent announcement of his intention to add lands to the National Parks Estate and calling for proposals.*
- 2** *Note that staff have commenced a process of identifying potential land that could be included as part of a proposal.*
- 3** *Request the Chief Executive Officer provide all Councillors with the opportunity to contribute to the process of identifying suitable lands.*
- 4** *Request the Chief Executive Officer submit a proposal by the end of January, 2020.*

#### **Attachments**

- 1** Matt Keen MP - Mayor - Seek assistance increase Conservation value National Parks - seek land proposal



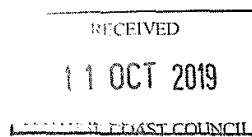
The Honourable Matt Keen MP  
Minister for Energy and Environment

MD19/3871

Clr Jane Smith  
PO Box 20  
GOSFORD NSW 2259

Email: [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au)

2 October 2019



Dear Clr Smith

Our national parks system is important to NSW because it protects some of our best natural and cultural heritage. With over 870 reserves, it is the cornerstone of biodiversity conservation. Our national parks also host more than 60 million domestic and 2.7 million international visits a year and are a major contributor to the state's economy.

Recently, I announced my intention to increase the size of the national parks system by 200,000 hectares. I am writing to request your assistance in this endeavour.

In particular, I seek your advice on land acquisition proposals that would add value to the national parks system in your electorate.

My objectives are to increase the conservation value of the national parks system and to enhance its relevance and connection to the lives of people.

I am looking for proposals that involve land in good natural condition with conservation values that are either rare, threatened or otherwise poorly represented in the national parks system.

Any proposal submitted should at a minimum:

- include information that clearly defines the land subject to the proposal (identifying specific lots in deposited plans if possible)
- describe why the land is considered to be of high conservation value
- articulate the reasons why you believe the land would be best protected and managed for conservation in the national parks system
- indicate whether the land is on the market for purchase or available for transfer
- include contact details for the land's owner(s).

Each proposal received will be managed confidentially and will be assessed to determine its suitability for potential acquisition. If found suitable, a proposal will be assigned a priority by considering its value to the national parks system and the resourcing available for potential acquisition.

Please be advised that assessment and prioritisation processes can take a while to complete, and that the National Parks and Wildlife Service (NPWS) only acquires land that is available for acquisition from willing land owners.

Proposals can be submitted at [reserve.establishment@environment.nsw.gov.au](mailto:reserve.establishment@environment.nsw.gov.au).

Further information about the NPWS acquisition program may be found on the Environment, Energy and Science website at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).

If you have any further questions please contact Richard Kingswood, Director Conservation Branch, NPWS, on 9585 6571 or at [richard.kingswood@environment.nsw.gov.au](mailto:richard.kingswood@environment.nsw.gov.au).

Yours sincerely



**Matt Keen MP**  
Minister for Energy and Environment



**Item No:** 8.10  
**Title:** Notice of Motion - Terms of Reference and Reviewers for the WAR Act Review  
**Department:** Councillor

---

9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13734823

Author: Louise Greenaway, Councillor

Councillor Louise Greenaway has given notice that at the Ordinary Meeting to be held on Monday 9 December 2019 she will move the following motion:

- 1** *That staff include any submissions made by councillors in the discussions pertaining to the development of the Terms of Reference (TOR) and nominating of Reviewers for the War Act Review.*
- 2** *That Councillors be updated about the discussions between the NSW Department of Planning, Industry & Environment and Council regarding the Review;*
- 3** *That the draft Terms of Reference (TOR) and Reviewers for the War Act Review, which has been initiated by the NSW Government, be brought to Council for resolution as soon as possible after they are provided by the NSW Government;*
- 4** *That if the NSW Government seeks an agreement to the draft Terms of Reference (TOR) and Reviewers for the War Act Review in a timeframe that precludes formal Council consideration, that the Mayor/CEO consult all Councillors and seek to gain their consensus for Council's position on the TOR and Reviewers.*

#### **Attachments**

*Nil.*



**Item No:** 9.1  
**Title:** Rescission Motion - DA/288/2018 Section 8.2  
Review of Determination Proposed Short Term  
Rental Accommodation at 18 Soldiers Point Drive,  
Norah Head  
**Department:** Councillor

---

9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13733235

Author: Jilly Pilon, Councillor  
Troy Marquart, Councillor  
Rebecca Gale, Councillor

Council, at the Ordinary Meeting held on 25 November 2019 gave consideration to a report regarding DA/288/2018 Section 8.2 Review of Determination – Proposed Short term Rental Accommodation at 18 Soldiers Point Drive, Norah Head.

At that meeting, Council resolved as follows:

- 1132/19 *That Council refuse consent for the proposed short term rental accommodation for the following reasons;*
- a *The proposed development does not comply with the objectives of the zone as it will not maintain the residential amenity of the surrounding area.*
  - b *The proposed development is not compatible with the adjacent low density residential development having regard for visual and acoustic privacy.*
  - c *The proposed short term rental accommodation is not in the public interest as it will create unacceptable impacts in relation to increased noise and loss of amenity on the adjoining properties.*

A Rescission Motion has been received from Councillor Pilon to be moved at the Ordinary Council Meeting of Council to be held on Monday, 9 December 2019, as follows:

*MOVE that the following resolution carried at the Ordinary Meeting of Council held on 25 November 2019 be rescinded:*

- 1132/19 *That Council refuse consent for the proposed short term rental accommodation for the following reasons;*
- a *The proposed development does not comply with the objectives of the zone as it will not maintain the residential amenity of the surrounding area.*

**9.1 Rescission Motion - DA/288/2018 Section 8.2 Review of Determination Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head (contd)**

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- b The proposed development is not compatible with the adjacent low density residential development having regard for visual and acoustic privacy.*
- c The proposed short term rental accommodation is not in the public interest as it will create unacceptable impacts in relation to increased noise and loss of amenity on the adjoining properties.*

Should the above Rescission Motion be carried, further notice is given that Councillor Pilon will move the following motion:

- 1 That Council grant consent for the proposed short term rental accommodation for an initial period of 9 months, subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 8.2 of the Environmental Planning and Assessment Act 1979 and other relevant issues.***
- 2 That Council advise those who made written submissions of its decision.***

**Attachments**

*Nil.*





**Item No:** 9.2  
**Title:** Rescission Motion - Deferred Item - Notice of Motion - Water Security Emergency  
**Department:** Councillor

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9 December 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-003 - D13734018

Author: Greg Best, Councillor  
Troy Marquart, Councillor  
Bruce McLachlan, Councillor  
Jilly Pilon, Councillor

Council, at the Ordinary Meeting held on 11 November 2019 gave consideration to a report regarding Deferred Item – Notice of Motion – Water Security Emergency.

At that meeting, Council resolved as follows:

- 1111/19 *That Council request the Chief Executive Officer to expedite the report around rain water tanks.*
- 1112/19 *That Council advise as to whether the storm water harvesting scheme in Terrigal is working and if not when Council can expect it will be functional.*
- 1113/19 *That Council refer the water level restriction triggers levels to the Water Advisory Committee for consideration.*

A Rescission Motion has been received from Councillor Best to be moved at the Ordinary Council Meeting of Council to be held on Monday, 9 December 2019, as follows:

*“MOVE that the following resolution carried at the Ordinary Meeting of Council held on 11 December 2019 be rescinded:*

- 1111/19 *That Council request the Chief Executive Officer to expedite the report around rain water tanks.*
- 1112/19 *That Council advise as to whether the storm water harvesting scheme in Terrigal is working and if not when Council can expect it will be functional.*
- 1113/19 *That Council refer the water level restriction triggers levels to the Water Advisory Committee for consideration.*

Should the above Rescission Motion be carried, further notice is given that Councillor Best will move the following motion:

- 1 *That Council recognises the precarious situation we now face around our dwindling water supplies.***

**9.2 Rescission Motion - Deferred Item - Notice of Motion - Water Security  
Emergency (contd)**

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- 2 That Council notes Sydney Water has recently moved to Level 2 water saving measures 'ahead' of their agreed trigger levels and the Hunter also now in restrictions for the first time in 25 years.**
- 3 That further Council understands the importance of decisive action on taking the Central Coast to Level 2 Water Restrictions thereby saving many millions of litres of water over just the Christmas Tourist Season alone.**
- 4 That Council notes many Australian towns and cities are imminently facing "zero day," running out of drinking water. It is with this understanding that Staff provide us their best analysis around how long the Central Coast can hold out on its dwindling drinking water supply (no rain).**

**Councillors Note**

Councillors I have again attached the Staff Water Restrictions Matrix assisting 'you' to make an informed decision. Please note that Level 2 will reduce water consumption by 10%. This percentage figure represents tens of millions of litres of valuable drinking water in just the next few months alone. Further it is important for our Community to understand that the Central Coast's Level 2 is no where near as restrictive as Sydney's Level 2 and still allows for the washing of cars and watering of gardens using hoses with control nozzles. Simple measures such as this with a growing population of some 350,000 Residents can make such a difference.

Councillors, with the greatest of respect, I believe the Community will judge this Council harshly if we do not show leadership on this critical issue. Quite frankly, for this Council to now repeatedly refer this issue/my Motions to, in the first instance, a Committee that was not even formed and then subsequently to refer it to a Committee that hasn't even met and mind you, this Committee is unlikely to even meet this year. Furthermore, even if it does, its findings will not be able to be reported for a Council decision until at the earliest, mid-February 2020, after millions of litres of drinking water has literally gone down the drain, courtesy of holidaying tourists. Councillors, it is self-evident that as Civic Leaders we have no choice but to act now.

**Attachments**

- 1 Water Restrictions modified after in accordance with resolution and also level 1 refined to reflect level 2 modificationsV1** **D02968729**

<b>Current Water Restriction Rules</b>						
<b>Target saving</b>	<b>Anticipated Water Wise Rules 4 %</b>	<b>Level 1 8%</b>	<b>Level 2 16%</b>	<b>Level 3 24%</b>	<b>Level 4 27%</b>	<b>Level 5 30%</b>
Lawns & Garden	<ul style="list-style-type: none"> <li>Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day</li> <li>All hand held hoses to have a trigger nozzle</li> </ul>	<ul style="list-style-type: none"> <li>No fixed hoses or sprinklers (<i>including micro spray</i>)</li> <li>Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used any day before 10am and after 4 pm to avoid heat of the day</li> <li>Watering cans may be used to water at any time on any day.</li> </ul>	<ul style="list-style-type: none"> <li>No fixed hoses or sprinklers (<i>including micro spray</i>)</li> <li>Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used for 1 hour a day on three days of the week, between the hours of 6.00 am - 9.00 am and 4.00 pm - 7.00 pm (Odd numbered homes Mon, Wed &amp; Sat, Even numbered homes Tues, Thur &amp; Sun)</li> <li>Watering cans may be used to water at any time on any day.</li> </ul>	<ul style="list-style-type: none"> <li>No fixed hoses or sprinklers (<i>including micro spray</i>)</li> <li>Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used for 1 hour a day on two days of the week, between the hours of 6.00 am - 9.00 am and 4.00 pm - 7.00 pm (Odd numbered homes Wed &amp; Sat, Even numbered homes Thur &amp; Sun)</li> <li>Watering cans may be used to water at any time on any day.</li> </ul>	<ul style="list-style-type: none"> <li>No hoses or sprinklers (<i>including micro spray</i>)</li> <li>Watering cans may be used to water at any time on any day.</li> </ul>	<ul style="list-style-type: none"> <li>All external use of town water banned</li> </ul>
Vehicle / Boat Washing**	<ul style="list-style-type: none"> <li>All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used</li> <li>Hose to flush boat engines is permitted</li> </ul>	<ul style="list-style-type: none"> <li>All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used</li> <li>Hose to flush boat engines is permitted</li> </ul>	<ul style="list-style-type: none"> <li>All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used</li> <li>Hose to flush boat engines is permitted</li> </ul>	<ul style="list-style-type: none"> <li>All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used</li> <li>Hose to flush boat engines is permitted</li> </ul>	<ul style="list-style-type: none"> <li>All road vehicles (including cars, trucks, caravans and cars in car yards) and boats may be washed with a bucket</li> <li>Boats trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used (max 5 mins).</li> <li>Hose to flush boat engines (max 5 mins)</li> </ul>	<ul style="list-style-type: none"> <li>All external use of town water banned.</li> <li>Vehicles windows can be cleaned using a bucket.</li> </ul>
Hard Surfaces	<ul style="list-style-type: none"> <li>No hosing of paths and driveways.</li> </ul>	<ul style="list-style-type: none"> <li>No hosing of paths and driveways.</li> </ul>	<ul style="list-style-type: none"> <li>No hosing of paths and driveways.</li> </ul>	<ul style="list-style-type: none"> <li>No washing or wetting of any external surface is permitted, including paths, driveways, building surface, outside furniture or structures.</li> </ul>	<ul style="list-style-type: none"> <li>No washing or wetting of any external surface is permitted, including paths, driveways, building surface, outside furniture or structures.</li> </ul>	<ul style="list-style-type: none"> <li>All external use of town water banned</li> </ul>
Private Pools	<ul style="list-style-type: none"> <li>Topping up of existing pools using a hose from the town water supply is permitted,</li> </ul>	<ul style="list-style-type: none"> <li>Topping up of existing pools using a hose from the town water supply is permitted,</li> </ul>	<ul style="list-style-type: none"> <li>Emptying and refilling of existing pools using a hose from the town water supply is not permitted,</li> <li>Topping up of existing pools using a hose from the town water supply is permitted,</li> <li>Filling of new pools from the town water supply is permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Topping or refilling of existing pools using a hose from the town water supply is not permitted. A bucket may be used or supply other than the drinking water supply system,</li> <li>Filling of new pools from the town water supply is permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Topping or refilling of existing pools using a hose from the town water supply is not permitted. A bucket may be used or supply other than the drinking water supply system,</li> <li>Filling of new pools from the town water supply is not permitted.</li> </ul>	<ul style="list-style-type: none"> <li>All external use of town water banned</li> </ul>
Bowling Greens, Golf greens & Cricket Pitches	<ul style="list-style-type: none"> <li>Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day</li> <li>All hand held hoses to have a trigger nozzle</li> </ul>	<ul style="list-style-type: none"> <li>Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -10.00 pm</li> </ul>	<ul style="list-style-type: none"> <li>Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -10.00 pm</li> </ul>	<ul style="list-style-type: none"> <li>Watering systems for a total of 1 hour per day on Monday, Wednesday and Friday between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Watering systems for a total of 1 hour per day on Monday, Wednesday and Friday between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted.</li> </ul>	<ul style="list-style-type: none"> <li>All external use of town water banned</li> </ul>
Nurseries & Commercial Gardens	<ul style="list-style-type: none"> <li>Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day</li> <li>All hand held hoses to have a trigger nozzle</li> </ul>	<ul style="list-style-type: none"> <li>Fixed watering system up to 4hr per day -6.00 -8.00 am 6.00 -8.00 pm</li> </ul>	<ul style="list-style-type: none"> <li>Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -8.00 pm</li> </ul>	<ul style="list-style-type: none"> <li>Watering systems for a total of 1 hour per day between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Watering systems for a total of 1 hour per day between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted.</li> </ul>	<ul style="list-style-type: none"> <li>All external use of town water banned</li> </ul>
Sporting Fields, School Ovals and Grassed Areas	<ul style="list-style-type: none"> <li>Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day</li> <li>All hand held hoses to have a trigger nozzle</li> </ul>	<ul style="list-style-type: none"> <li>Fixed water systems three times a week between 6.00 -10.00 pm</li> </ul>	<ul style="list-style-type: none"> <li>Fixed water systems two times a week between 6.00 -10.00 pm</li> </ul>	<ul style="list-style-type: none"> <li>All external use of town water banned.</li> </ul>	<ul style="list-style-type: none"> <li>All external use of town water banned.</li> </ul>	<ul style="list-style-type: none"> <li>All external use of town water banned.</li> </ul>
Water Cartage from Town Water Supply	<ul style="list-style-type: none"> <li>Permitted</li> </ul>	<ul style="list-style-type: none"> <li>Permitted for domestic internal Use Only</li> </ul>	<ul style="list-style-type: none"> <li>Permitted for domestic internal Use Only</li> </ul>	<ul style="list-style-type: none"> <li>Permitted for domestic internal Use Only</li> </ul>	<ul style="list-style-type: none"> <li>Permitted for domestic internal Use Only</li> </ul>	<ul style="list-style-type: none"> <li>Permitted for domestic internal Use Only</li> </ul>
Auto Flush urinals	<ul style="list-style-type: none"> <li>Timer controlled operation is not permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Timer controlled operation is not permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Timer controlled operation is not permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Timer controlled operation is not permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Timer controlled operation is not permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Timer controlled operation is not permitted.</li> </ul>
Public Beach showers, fish tables and boat ramp taps.	<ul style="list-style-type: none"> <li>Permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted.</li> </ul>
Customers with an annual demand greater than 3,500KL and hotels, motels, resorts, caravan parks and public pools	<ul style="list-style-type: none"> <li>Preparation and implementation of a Water Management Plan</li> </ul>	<ul style="list-style-type: none"> <li>Preparation and implementation of an approved Water Management Plan</li> </ul>	<ul style="list-style-type: none"> <li>Preparation and implementation of an approved Water Management Plan</li> </ul>	<ul style="list-style-type: none"> <li>Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage.</li> </ul>	<ul style="list-style-type: none"> <li>Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage.</li> </ul>	<ul style="list-style-type: none"> <li>Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage.</li> </ul>
Voluntary residential target	<ul style="list-style-type: none"> <li>150 Litres per person per day.</li> </ul>	<ul style="list-style-type: none"> <li>150 Litres per person per day.</li> </ul>	<ul style="list-style-type: none"> <li>150 Litres per person per day.</li> </ul>	<ul style="list-style-type: none"> <li>150 Litres per person per day.</li> </ul>	<ul style="list-style-type: none"> <li>150 Litres per person per day.</li> </ul>	<ul style="list-style-type: none"> <li>140 Litres per person per day.</li> </ul>