



The final stages in the \$6 million drainage upgrade for Wyong CBD are well underway.

Wyong Shire Council

Business Paper

ORDINARY COUNCIL MEETING

11 November 2015

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MEETING NOTICE

**The Ordinary Council Meeting
of Wyong Shire Council
will be held in the Council Chamber,
Wyong Civic Centre, Hely Street, Wyong on
Wednesday 11 November 2015 at 5.00 pm,
for the transaction of the business listed below:**

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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6 CONFIDENTIAL ITEMS

- 6.1 Confidential update on Warnervale Employment Zone land dealings

7 QUESTIONS ON NOTICE ASKED

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

Rob Noble
ACTING CHIEF EXECUTIVE OFFICER

1.1 Disclosures of Interest

TRIM REFERENCE: F2015/00040-02 - D12125826

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2015/00040-02 - D12125829

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

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

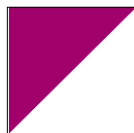
Date	Briefing	Directorate
11/11/2015	Lakeside Plaza, The Entrance Planning Proposal	Development and Building
11/11/2015	Ward Boundary Adjustment	GM Unit
11/11/2015	Skate Park	Community and Recreation Services
11/11/2015	Strategic Planning Calendar & Process	GM Unit
11/11/2015	2016/17 Environmental Strategy	Development and Building

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

- 1 Councillor proposed inspections and briefings – 11 November 2015



Proposed Briefings List



Briefing Title:	Directorate:	Proposed Date:
Lakeside Plaza, The Entrance Planning Proposal	Development and Building	11/11/2015
Ward Boundary Adjustment	GM Unit	11/11/2015
Skate Park	Community and Recreation Services	11/11/2015
Strategic Planning Calendar & Process	GM Unit	11/11/2015
2016/17 Environmental Strategy	Development and Building	11/11/2015
Development Infrastructure - Porters Creek Stormwater Diversion Project	Development and Building	25/11/2015
Tourism Update	Community and Recreation Services	25/11/2015
Central Coast Regional Plan	Development and Building	25/11/2015
Ourimbah Masterplan	Property and Economic Development	25/11/2015
Rural Land Use Review & Strategy	Development and Building	25/11/2015
Budgewoi Boardwalk	Property and Economic Development	25/11/2015
Q1 Business Report	CEO Unit	25/11/2015
Kulnura Poultry farm - 127 Springs Rd Kulnura - DA/1058/2014	Development and Building	25/11/2015
Specifications for the Domestic Waste Collection Service.	Property and Economic Development	25/11/2015

1.3 Address By Invited Speakers

TRIM REFERENCE: F2015/00040-02 - D12125831

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

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

RECOMMENDATION

That Council receive the report on Invited Speakers.

ATTACHMENTS

Nil

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2015/00040-02 - D12125834

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 28 October 2015.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 28 October 2015.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | MINUTES - Ordinary Meeting Meeting - 28 October 2015 | D12129453 |
| 2 | MINUTES - Confidential Ordinary Meeting Meeting - 28 October 2015 - | D12129450 |

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 28 OCTOBER 2015
COMMENCING AT 5.00PM**

PRESENT

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

IN ATTENDANCE

Acting Chief Executive Officer, Director Development and Building, Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, Chief Financial Officer, Manager Property Development, Manager Waterways and Asset Management, IT and Operations Manager, IT Infrastructure Administrator, Communications Coordinator and two administration staff.

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.03pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGY

There were no apologies.

Mr Greg McDonald advised that at the Stormwater NSW Conference, Council received the Highly Commended award for Wyong Shire Council Gross Pollutant Trap Capital Works Program. Mr Peter Ham presented this award to the Mayor.

At the commencement of the ordinary meeting reports were dealt with in the following order 1.1, 1.2, 1.3, 4.1, 7.2, 4.4, 4.5, 7.1 and 9.1. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

Item 4.4 - Community Initiative to Activate a Competition BMX Track at San Remo

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of Delta Electricity which lease the Extreme Sports Park to Wyong Council for a peppercorn rate and participated in consideration of this matter.

Councillor Vincent stated:

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

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

1115/15 That Council receive the report on Disclosure of Interest and note advice of disclosures.

1.2 Proposed Briefings and Inspections

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

1116/15 That Council receive the report on Proposed Briefings and Inspections.

1.3 Address By Invited Speakers

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

1117/15 That Council receive the amended report on Invited Speakers.

1118/15 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

1119/15 That Council note the external auditor, Mr Peter Buchholz (representing PricewaterhouseCoopers) will formally present the auditor's report on Council's 2014-15 financial statements on item 4.1 - Presentation of 2014-15 Annual Financial Statements.

PROCEDURAL MOTION

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

1120/15 That Council allow meeting practice to be varied.

1121/15 That Council use the exception method to deal with the balance of the Agenda.

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

1122/15 That with the exception of report numbers 4.1, 4.4, 4.5, 7.1, 7.2 and 9.1 Council adopt the recommendations contained in the remaining reports.

1.4 Confirmation of Minutes of Previous Meeting

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

1123/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on 14 October 2015.

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

1124/15 That Council consider the following matters in Confidential Session, pursuant to Sections 10A (2)(d)(ii) of the Local Government Act 1993:

9.1 - Central Coast Regional Airport & Warner Industrial Park

1125/15 That Council note its reason for considering Report No 9.1 - Central Coast Regional Airport & Warner Industrial Park, as it contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.

1126/15 That Council request the Chief Executive Officer to report on these matters in open session of Council.

2.1 Acquisition of Land at Kallaroo Road and Goorama Ave, San Remo for Road Widening

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

1127/15 That Council acquire part of Lot 48 DP 28798 at 62 Kallaroo Road, San Remo and Part of Lot 96 DP 28798 at 36 Goorama Avenue, San Remo as public road.

1128/15 That Council authorise the payment of compensation, if necessary, for the acquisition of the land in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.

1129/15 That Council proceed to compulsorily acquire the land in the event that negotiations with the property owners cannot be satisfactorily resolved.

- 1130/15 That Council authorise the Common Seal of Wyong Shire Council to be affixed to all documents relating to the acquisition and transfer of the land to Wyong Shire Council and the dedication of that land as public road and to any necessary application to the Office of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.
- 1131/15 That Council authorise the Mayor and the General Manager to execute all documents relating to the acquisition and transfer of the land and all documents relating to any application to the Office of Local Government for the compulsory acquisition of the land.

3.1 CPA/261429 - Provision of Electrical Maintenance and Repair Services

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

- 1132/15 That Council accept the tender from DNA Electrical Pty Ltd, for the estimated total amount of \$953,560.00 (excl GST) for Contract CPA/261429 – Provision of Electrical Maintenance and Repair Services.
- 1133/15 That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.

3.2 CPA/261063 - Upgrade of Sewage Pump Station WS11

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

- 1134/15 That Council accept the tender from Gongues Construction Pty Ltd, for the lump sum amount of \$2,762,000.00 (excl GST) for Contract CPA/261063 – Upgrade of Sewage Pump Station WS11.
- 1135/15 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.
- 1136/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.1 Presentation of 2014-15 Annual Financial Statements

Mr Peter Buchholz representing PricewaterhouseCoopers addressed the meeting at 5.09pm, answered questions and retired at 5.17pm.

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

- 1137/15 That Council present the audited 2014-15 financial statements in accordance with the Local Government Act 1993.
- 1138/15 That Council invite the external auditor, Mr Peter Buchholz (representing PricewaterhouseCoopers) to formally present the auditor's report on Council's 2014-15 financial statements.
- 1139/15 That Council adopt the final audited 2014-15 financial statements for Wyong Shire Council and Wyong Water.

4.2 Contract Variations and Finalisation for the period covering May to August 2015

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

- 1140/15 That Council receive the Contract Variations report for the period covering May to August 2015.
- 1141/15 That Council note the additional expenditure above resolved estimates for the following contracts that have been approved under relevant delegated authorities of staff:

Contract Title	Contract No	Adjusted Contract Value (Excl GST)	Additional Budget Approval (Excl GST)
Alison Homestead Rebuild	CPA/247310	\$1,212,893.74	\$118,250.54
Central Coast Pipes and Pumps Panel Work Package W05	CPA/242261	\$242,220.00	\$12,850.00
Design Upgrade of existing sludge process with Geotubes and decommissioning of existing sludge lagoons Toukley Treatment Plant	CPA/263783	\$174,654.00	\$25,372.00
Design Upgrade Retrofit South Tacoma Sewerage system to low pressure sewerage system	CPA/240716	\$310,363.80	\$32,831.80
Mardi Dam Fire Trails	CPA/250563	\$164,090.50	\$19,510.50
Upgrade of Sewage Pump Stations BB05 & BB06	CPA/249913	2,195,825.00	\$0 (Will be separately reported)

- 1142/15** *That Council approve the additional expenditures requested and increase the resolved contract values accordingly.*

4.3 Volunteers

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

- 1143/15** *That Council adopt the Volunteer Recognition Strategy 2015.*
- 1144/15** *That Council recognise 2016 as the year of the Volunteer for Wyong Shire Council.*

4.4 Community Initiative to Activate a Competition BMX Track at San Remo

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of Delta Electricity which lease the Extreme Sports Park to Wyong Council for a peppercorn rate and participated in consideration of this matter.

Councillor Vincent stated:

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

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

- 1145/15** *That Council encourage the community initiative to re-invent the San Remo Extreme Sports Park to become an active recreation facility.*
- 1146/15** *That Council support the current, planned redevelopment works within the current operational and capital budgets.*
- 1147/15** *That Council consider capital budget bids for future years to augment the facility based on increasing participation and needs of the facility through the normal budgetary cycle.*

4.5 Fit For the Future – IPART report and communications from the Office of Premier & Cabinet

Councillor Matthews left the meeting at 6.04pm and returned to the meeting at 6.06pm during consideration of this item.

Councillor Best left the meeting at 6.00pm and returned to the meeting at 6.06pm during consideration of this item.

Councillor Best left the meeting at 6.41pm and returned to the meeting at 6.44pm during consideration of this item.

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

1148/15 That the Council resolve that it provide the following responses to the NSW Government in respect to the final report issued by IPART concerning the NSW Government's Fit for the Future program:

- a First preferred option: that Wyong Shire Council merge with Gosford City Council to form the Greater Central Coast Council, with the Greater Central Coast local government area to comprise the current Wyong and Gosford local government areas;**
- b Second preferred option: that Wyong Shire Council merge with Gosford City Council to form the Greater Central Coast Council, with the Greater Central Coast local government area to comprise the current Wyong and Gosford local government areas as well as the township of Wyee.**

1149/15 That the Council resolve to request the NSW Minister for Planning that the Central Coast JRPP be dissolved and the proposed Greater Central Coast Council be given expanded planning powers.

1150/15 That the Council request the Acting Chief Executive Officer to negotiate with both the General Manager of Lake Macquarie City Council and the Chief Executive Officer of Gosford City Council to attempt to secure agreement from both Lake Macquarie City Council and Gosford City Council to the options set out in resolution 1 above.

1151/15 That the Council request the Acting Chief Executive Officer notify both the General Manager of Lake Macquarie City Council and the Chief Executive Officer of Gosford City Council of resolutions 1, 2 and 3 above, and that this resolution be acted on immediately.

1152/15 That the Council request the Acting Chief Executive Officer notify, by 18 November 2015, the following persons of resolutions 1, 2, 3 and 4 above, and the outcome of negotiations held pursuant to resolution 3 above:

- a The NSW Premier;**
- b The NSW Minister for Local Government;**
- c The NSW Minister for Planning; and**
- d The Chief Executive Officer of the NSW Office for Local Government.**

FOR: CRS GB BEST, DE EATON, LT TAYLOR, AT TROY AND LW WEBSTER

AGAINST: CRS B G GRAHAM, KG GREENWALD, LM MATTHEWS AND DV VINCENT

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

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

1153/15 That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of September 2015 and related job creation.

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

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

1154/15 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

5.3 Wyong Water - Works in Progress

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

1155/15 That Council receive the report on Wyong Water - Works in Progress.

5.4 Response to Motion of Urgency - RMS's Speedbump Band-Aid, Toukley

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

1156/15 That Council receive the report on Response to Motion of Urgency – RMS's Speedbump Band-Aid, Toukley.

5.5 Response to Notice of Motion - End Gridlock Pacific Highway Wyong

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

1157/15 That Council receive the report on Response to Notice of Motion - End Gridlock Pacific Highway Wyong.

5.6 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 1 October 2015

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

1158/15 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 1 October 2015.

5.7 Investment Report for September 2015

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

1159/15 That Council receive the Investment Report for September 2015.

5.8 Draft Minutes of the Audit and Risk Committee Meeting - 30 September 2015

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

1160/15 That Council receive the report on Draft Minutes of the Audit and Risk Committee Meeting - 30 September 2015.

5.9 Response to Notice of Motion - Tuggerah Station Parking and Safety Shambles

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

1161/15 That Council receive the report on Response to Notice of Motion – Tuggerah Station and Safety Shambles.

5.10 Outstanding Questions on Notice and Notices of Motion

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

1162/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

PROCEDURAL MOTION

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

- 1163/15 That Council defer Item 7.1 - Notice of Motion - Norah Head / Cabbage Tree Bay "Missing Link" to be considered in Confidential Session.**

7.2 Notice of Motion - Toukley Speed Bump Shambles

Ross Davies, local resident addressed the meeting at 5.35pm, answered questions and retired at 5.45pm.

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

- 1164/15 That Council, on behalf of the community, again call on the RMS to rip up the failed and controversial Toukley speed bumps.**
- 1165/15 That Council notes the reports that these 'safety devices' have actually caused accidents involving both pedestrians and motorists, further there is emerging anecdotal evidence that shop trade is also beginning to be affected.**
- 1166/15 That Council call on the RMS to release its 'Black Spot' funding submission, including the statistics it relied upon to convince the Federal Government to fund these controversial speed bumps."**
- 1167/15 That Council further notes that some 50 accidents have been reported in the last 6 years on this road, with only 4 actually occurring in the Toukley CBD. Further, Council notes that there are two other 40km/h speed zones in Main Road Toukley that do not rely on speed bumps for their effective management.**

CONFIDENTIAL SESSION

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

- 1168/15 That Council move into Confidential Session.**

At this stage of the meeting being 6.57pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:-

OPEN SESSION

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

1178/15 That Council move back into Open Session

Council resumed in open session at 7.45pm and the Acting Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting of council as follows:

7.1 Notice of Motion - Norah Head / Cabbage Tree Bay "Missing Link"

Stuart O'Keeffe Norah Head Boating and Recovery Club addressed the meeting at 5.30pm, answered questions and retired at 5.35pm.

1169/15 That Council notes the excellent work carried out by staff in delivering the complex engineering of the Cabbage Tree Bay (CTB) seawall and more recently the CTB ocean ramps, further it is noted both these facilities were severely tested in the April 2015 storms with no reported damage.

1170/15 That Council notes these much needed multimillion dollar Bay works have now highlighted the extremely poor condition of Mazlin Reserve Cliff Face and in particular the Norah Head Search and Rescue site, this has now become known as the "Missing Link".

1171/15 That Council recognises that both these sites are the ownership of the State Government and are their full responsibility.

1172/15 That Council seeks to work with the State Government through convening an initial meeting of all key stakeholder groups with a view to making a whole of community representation seeking upgrade funding in the 2016/17 State Budget.

1173/15 That Council notes the outstanding support Karen McNamara our Federal Member for Dobell and State Agencies provided in assisting Council and the community in delivering the much needed Cabbage Tree Bay Ocean Ramp and the bay retaining wall.

9.1 Central Coast Regional Airport Cost Benefit Analysis

1174/15 That Council receive and note the cost benefit analysis report.

1175/15 That Council resolve to remove any notations on the Section 149 Certificates for the CCRA Investigation site at Kiar Ridge.

1176/15 That Council pursues the development options for the Warner Industrial Park Part 3A consent.

1177/15 That Council endorse the Concept Masterplan for Warnervale Airport.

FOR: CRS GB BEST, DE EATON, LT TAYLOR, AT TROY AND LW WEBSTER

AGAINST: CRS B G GRAHAM, KG GREENWALD, LM MATTHEWS AND DV VINCENT

QUESTIONS ON NOTICE**Q48/15 Species Offset on a Development Site**
Councillor Ken Greenwald

"I have been asked by a ratepayer as to what happens to species such as Tetratheca Juncea on a development where an offset is traded in lieu of a protected or endangered species. Does the offset have to be directly related to the species on the development site?"

Q49/15 Gosford City Council Financial Confusion
Councillor Adam Troy

"Mr Mayor, further to Cr Best's and my formal notice of motion at Council's 14 October 2015 Ordinary Meeting around Gosford City Council's accounts that relied upon staff report 6.1 at Council's 23 September 2015 Ordinary Meeting outlining but not limited to Gosford City Council's significant reduction in cash, substantial forecast losses of \$27m and borrowings up by \$20m to a total of \$200million. Mr Mayor, you must pardon me, as I am now, along with the community are quite confused coming on the back of new Gosford City Council financial statements announcing an extraordinary profit of some \$35million, how can this be?"

THE MEETING closed at 7.48pm.

1.5 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2015/00040-02 - D12137942

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

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

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.

RECOMMENDATION

- 1 That Council consider the following matters in Confidential Session, pursuant to Sections 10A (2)(g)(ii) of the Local Government Act 1993:**

6.1 – Confidential update on Warnervale Employment Zone land dealings

- 2 That Council note its reason for considering Report No 6.1 - Confidential update on Warnervale Employment Zone land dealings, for the same reason as 6.1 and as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**
- 3 That Council request the Chief Executive Officer to report on these matters in open session of Council.**

1.5 Notice of Intention to Deal with Matters in Confidential Session (contd)

Note: Explanation - Section 10A of the Local Government Act 1993 states:

- “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,*
- 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.*
- 2(i) alleged contraventions of any code of conduct requirements applicable under section 440.”*

ATTACHMENTS

Nil

2.1 CPA/265848 - Supply and Delivery of Road Sealing Aggregate

TRIM REFERENCE: CPA/265848 - D12122390

MANAGER: Stuart Hull, Manager

AUTHOR: John McCarthy; Team Leader Procurement and Stores

SUMMARY

Evaluation and selection of tenders for Contract CPA/265848 – Supply and Delivery of Road Sealing Aggregate.

“Councillors are reminded that the name of the successful tenderer will be released after resolution of this item. This means that the contents of Attachment A cannot be disclosed during discussion in the open session of the Council meeting.”

RECOMMENDATION

- 1 That Council accepts the tender from the company nominated as Tenderer No. 1 in the attached Tender Evaluation Report for a period of three years for Contract CPA/262608 – Supply and Delivery of Road Sealing Aggregate. The estimated three year expenditure against this contract is \$588,225.00 (excl. GST) however actual expenditure may vary significantly with fluctuations in demand.**
- 2 That Council determines the Tender Evaluation Report in Attachment 1 remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer(s), which may be disclosed after Council has resolved to accept those tenders.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Reports in Attachment 1.**

BACKGROUND

Council consumes approximately 3,825 tonnes of Road Sealing Aggregate on an annual basis. The material is predominantly used in conjunction with Emulsion for sealing of road pavement surfaces for road maintenance activities.

The current incumbent contractor is Hanson Construction Materials Pty Ltd. The current contract expires at the end of December 2015 and has run for a one year term.

Roads and Drainage staff have researched and trialled different types of aggregate to identify the most suitable material that runs efficiently through their fleet of Jet Patcher trucks. A pug milled washed aggregate that meets the RTA specification 3151 was identified as the most suitable material for use, allowing Council's Jet Patcher trucks to be better maintained and utilised. It is this material that was specified for the purposes of this tender.

Tenders were invited for the supply and delivery of Road Sealing Aggregates for a period up to a maximum of three (3) years.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director, Infrastructure and Operations, before the Request for Tender was issued. The approved Contract Plan is available in TRIM.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald on the 10 September 2015 and in the Central Coast Express Advocate on the 11 September 2015.

The invitation documents called for a schedule of rates, based on the RTA specification.

Tenders closed at Council's Chambers at 2.00pm on 8 October 2015.

TENDER SUBMISSIONS

The following tenders were received and are listed in alphabetical order:

- Buttai Gravel Pty Ltd T/as Darcon Resources
- Hanson Construction Materials Pty Ltd

No late submissions were received.

TENDER EVALUATION

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment 1.

All submissions were assessed in accordance with the approved evaluation criteria being:

- Conformity to the Request for Tender documentation including lodgement of tenders by specified time;
- Materials offered are fit for purpose
- The tendered price and structure; as well as any other potential costs to Council that may be identified;
- Local Content

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the Roads and Drainage Rolling Works program.

RELEVANT LEGISLATION

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A (2)(d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

CRITICAL DATES / TIME FRAMES

It is anticipated that the contract will be awarded on 15 December 2015 to coincide with the expiry of the current contract.

RISK

This contract has been assessed as a low/business as usual risk contract. The key risks and mitigations measures have been addressed in the Contract Plan which is on the TRIM file.

REGULATORY APPROVALS

No regulatory approvals are required for this Contract.

PROCESS REVIEW

The Tender Evaluation Reports and the Evaluation Panel's recommendations have been endorsed in TRIM by the Manager, Contracts and Project Management, on behalf of the Commercial Manager, Contract and Project Management.

OPTIONS / ALTERNATIVES

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

PUBLIC CONSULTATION

No public consultation specific to this contract was necessary and none has occurred.

ATTACHMENTS

1 CPA/265848 - Tender Evaluation Report - Confidential Attachment - D12131747

3.1 Community Matching Fund and Community Benefit Grants

TRIM REFERENCE: F2008/02110 - D12087670

MANAGER: Julie Vaughan, Manager

AUTHOR: Kay Matthews; Grants Support Officer

SUMMARY

A meeting of the Wyong Shire Council Grants Advisory Group was held on 6 October 2015, to assess applications for the Community Matching Fund and Community Benefit Grants for Round 1, 2015-16. This report highlights the recommendations from the Committee.

RECOMMENDATION

- 1 That Council receive the draft minutes of the Wyong Shire Council Grants Advisory Group held on 6 October 2015.
- 2 That Council allocate \$146,235.00 from the 2015-16 Community Matching Fund program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended
Central Coast ARAFM	Yakkalla, Invitation to Community	\$10,000.00 Project has merit, community benefit and good matching component. Recommend full funding
Community Care Services – Central Coast Ltd	Beryl's Place	\$75,000.00 Project has merit, broad community benefit and strong matching component. Recommend full funding, conditional on applicant's ability to achieve any Development Application or Construction Certificate requirements prior to funds being released
Tuggerah Lake R1003002 Reserve Trust (Pioneer Dairy)	Central Coast Wetlands - Pioneer Dairy Education and Recreation Facilities	\$43,735.00 Project has merit, community benefit and strong matching component. Recommend full funding
Ngaimpe Aboriginal Corporation	Community Footy Field Upgrade	\$17,500.00 Project has merit, community benefit and strong matching component. Council to contribute \$17,50.00 towards the project, not including seating and lighting components
Total		\$146,235.00

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

Applicant	Project Name and Summary	Committee Assessment
Youthconnections.com.au	Tuggerawong Pathway	Project not recommended as currently proposed. Recommend applicant undertake relevant assessments and reapply when project viability and true costs have been determined
Ourimbah Rugby Club Inc	Razorbacks Club Facilities	Project not recommended as currently proposed. Recommend applicant reapply in a subsequent round when financial matching component to deliver entire project has been demonstrated
Berkley Vale Public School Parents and Citizens Association	Community Room	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives

- 4 That Council defer applications for the reasons indicated in the table below:

Applicant	Project Name Summary	Committee Recommendation
The Entrance North Progress Association Inc	Walter & Edith Denniss Reserve Recreation Facilities & Completion of Footpath in Hutton Road	Project has merit. Recommend applicant liaise with WSC Manager Open Space and Recreation for recreation component of project. Recommended applicant submit a new application at a later stage in regards to the footpath component of the project, in conjunction with planned road works

- 5 That Council allocate \$36,603.06 from the 2015-16 Community Benefit Grants program as follows:

<i>Applicant</i>	<i>Project Name and Summary</i>	<i>Committee Funding Recommended</i>
<i>Hellenic Community of Central Coast Inc</i>	<i>ArtVolt</i>	<i>\$2,660.00 Project has merit and meets community grants program objectives. Recommend full funding conditional on applicant liaising with Wyong Shire Council (WSC) Community Partnerships & Planning staff to ensure artworks are placed in approved and suitable locations</i>
<i>The Lakes Surf Life Saving Club Ltd</i>	<i>IRB Competition Motor</i>	<i>\$2,802.00 Project has merit and meets community grants program objectives. Recommend Council fund half, conditional on organisation being able to match that amount</i>
<i>Central Coast Hockey Inc</i>	<i>Container and Equipment</i>	<i>\$4,356.00 Project has merit and meets community grants program objectives. Recommend part fund \$4,356 for equipment only</i>
<i>The Fathers Table</i>	<i>The Fathers Table Outreach</i>	<i>\$4,730.00 Project has merit and is meeting an identified local need. Recommend part fund \$4,730.00 in-kind for rent and applicant to liaise with WSC Community Enterprise Officer to explore additional ongoing revenue streams</i>
<i>Central Coast Woodturners Cooperative Ltd</i>	<i>Audio Visual System</i>	<i>\$4,081.00 Project has merit and broader community benefit. Recommended full funding conditional on applicant making raw video footage available to Council to use on Wyong Alive TV</i>
<i>Rotary Club of Wyong Inc</i>	<i>Central Coast International Women's Day Expo</i>	<i>\$4,400.00 Project concept has merit. Recommend part fund \$4,400.00 comprising flyer design and printing (\$1,400.00 in-kind), newspaper advertising (\$1000.00 in-kind), \$1000.00 for show bags and \$1000.00 for banners, conditional on WSC support being acknowledged</i>

Central Coast Family Support Services Inc	Grandparents Raising Grandchildren Family Fun Day	\$2,460.00 Project has merit and meets an identified local need. Recommend full funding
Regional Youth Support Services Inc	Play Write Touring	\$2,602.00 Project has merit and meets community grants program objectives. Recommend part funding of \$2,602, requested amount less \$1,320 for staff. Conditional on applicant demonstrating how Wyong LGA young people will be engaged with and informed of the project prior to funds being released
Warnervale Junior Rugby League Club Inc	Canteen Warm Food Display	\$2,429.66 Project has merit and meets community grants program objectives
Wyongah Progress Association Incorporated	Refurbish Kitchen in Hall	\$2,164.00 Project has merit and meets community grants program objectives
Coastal a Cappella	Performance Costumes	\$1,500.00 Project has merit and meets community grants program objectives Part funded \$1,500 for dressmaking and labour costs
Wingers Softball Club	Equipment upgrade	\$2,418.40 Project has merit and meets community grants program objectives
Total		\$36,603.06

- 6 That Council allocate \$7,295.50 from the 2015-16 Community Benefit Grants as follows, due to the public benefit that arises:

Applicant	Project Name and Summary	Committee Funding Recommended
Central Coast Domestic Violence Committee	Reclaim the Night Central Coast 2015	\$1,400.00 <i>Project has merit and assists in raising awareness of a major local issue. Recommend full funding</i>
Young Men's Christian Association of Sydney	Fully Accessible Change room at YMCA Toukley Aquatic Centre	\$3,125.50 <i>Project has merit and meets community grants program objectives</i>
Berkeley Vale Neighbourhood Centre Association Inc	First Aid Essentials for Parents and Carers	\$2,770.00 <i>Project has merit and meets community grants program objectives. Recommend part fund \$2,770.00 (comprising \$2,450.00 cash for trainers, advertising and refreshments and \$320.00 in-kind room hire). Funding conditional on applicant detailing how attendees will be sourced prior to funds being released</i>
Total		\$7,295.50

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

Applicant	Project Name and Summary	Committee Assessment
Peggy's promise: no fur kid will go without the basics	Peggy's Play or Stay Dog Cafe	Project not recommended as currently proposed
Long Jetty Hospital Auxiliary	Long Jetty Healthcare Centre Equipment	Project not recommended as application ineligible - Guideline 2.5 Capital Expenditure
The Toukley & District Senior Citizens Club Inc	Replace Indoor Bowls Room Carpet	Project not recommended as currently proposed

St Vincent De Paul Society NSW	Louise House Community Engagement Programs	Project not recommended. Applicant has capacity to self-fund
Country Women's Association of NSW – Toukley Branch	Heating/Cooling for Premises	Project not recommended as application ineligible - Guideline 2.6 Building and building maintenance costs. Recommend applicant apply via Councillors' Community Improvement Grants
Greater Toukley Vision Inc	Anti Bullying Workshops for the Youth	Project not recommended. Concept is targeted at a limited number of participants and broader community benefit is unclear
Wadalba Jungle Buddies Playgroup	Educational Bike Track, Cubby House, Picnic Tables, Outdoor Blackboards	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Wadalba Community School P&C Association	Wadalba Markets	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
St Vincent De Paul Society NSW	Vinnie's Wyong Food Hamper Packing Facility	Project not recommended as proposal will require a Development Application to proceed
HeartKids NSW Inc	Hearts Together for Wyong	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
The Leukaemia Foundation Australia	ENRICH Program For Blood Cancers	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Catholic Care Diocese of Broken Bay	Creating Community Partnerships	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Lara Jean Association Inc	Movie Mayhem	Project not recommended as currently proposed. Insufficient information supplied to make an accurate assessment. Recommend applicant liaise with WSC Grants and Events Coordinator and reapply next

		<i>round</i>
<i>Dymocks Children's Charities Limited</i>	<i>Wyong (LGA) - Public Schools Library Regeneration</i>	<i>Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives</i>
<i>Toowoomba Bay Surf Life Saving Club</i>	<i>Surf Club Safety Programme</i>	<i>Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives</i>
<i>Tuggerah Lakes Secondary College Berkeley Vale Campus Parents & Citizens' Association</i>	<i>Football Field Drainage</i>	<i>Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives</i>
<i>Learning Links</i>	<i>Reading for Life at School</i>	<i>Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives</i>
<i>The University of Newcastle</i>	<i>UON Central Coast Oral Health Van</i>	<i>Project not recommended as currently proposed. Recommend applicant apply through WSC Sponsorship Program</i>
<i>Central Coast Community Women's Health Centre Ltd</i>	<i>Celebrating 40 Years Advancing Women's Health and Advocacy Representation Central Coast NSW</i>	<i>Project not recommended. Concept is targeted at a limited number of participants and broader community benefit is unclear</i>
<i>Camp Breakaway Inc</i>	<i>Camp Breakaway & NDIS Partnering for People with a Disability</i>	<i>Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives</i>
<i>Young Men's Christian Association of Sydney</i>	<i>Swimability</i>	<i>Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives</i>

8 That Council defer applications for the reasons indicated in the table below:

<i>Applicant</i>	<i>Project Name Summary</i>	<i>Committee Recommendation</i>
<i>Central Coast Philharmonia Inc</i>	<i>Central Coast Spectacular</i>	<i>Organisation to work with WSC Cultural Planner to clarify community benefit and links with local community groups</i>

BACKGROUND

Wyong Shire Council has committed up to \$300,000.00 towards a Community Matching Fund and \$210,000.00 towards a Community Benefit Grants fund in 2015-16. Applications are called twice per financial year, in August 2015 and February 2016.

There are nine categories in the Community Matching Fund, with one successful allocation available in each category, per round. The category types are:

Arts	Projects that contribute community art to a neighbourhood, or works to increase the participation of residents within art based programs/projects.
Celebration	Projects that allow the community to come together, celebrate and socialise. Please note that celebration projects will only be funded as one off projects.
Infrastructure	Projects that aim to upgrade, develop or improve a neighbourhood's community infrastructure. Please note these projects cannot fund the improvement of privately owned facilities.
Environmental	Projects that address environmental issues and concerns within a neighbourhood or contribute to environmental education and awareness.
Neighbourhood Safety	Projects that address community safety and security issues. These projects can also include addressing perceptions of community safety.
Community Capacity Building	Projects that create, diversify, or enhance participation in the community; or that provide benefits to address an identified community need.
Youth Engagement	Projects that focus on increasing the ability of young people to obtain skills and qualifications, or increase their active participation within the community.
Accessibility	Projects that enhance and improve access options for the community, either through transport, disability access or connectivity.
Sports Development	Projects that contribute to the development of sporting groups or are designed to enhance participation in sporting activities.

The Community Matching Fund aims to increase the active participation of community members, while enhancing local initiatives such as infrastructure development and community enterprise and engagement.

A feature of the program is that the process of bringing together a community/neighbourhood to complete a project is as important as the project itself. The development and strengthening of relationships at a local level is vital in the quest to improve the health, well-being and sustainability of a community and achieving the objectives of the Community Strategic Plan, in creating community connectedness.

The Community Matching Fund will enable community groups to realise goals and initiatives within their neighbourhoods, while not relying entirely on government funding.

Council's Community Benefit Grants are offered each year to assist community organisations and groups to contribute to meeting the objectives and targets contained in Council's [Community Strategic Plan](#), in particular to contribute to the social, sporting, cultural, economic or environmental wellbeing of the broader community.

CURRENT STATUS

The current available balance for 2015-16 for the Community Matching Fund is \$300,000.00 and \$210,000.00 for the Community Benefit Grants.

THE PROPOSAL

The Grants Advisory Group recommends accepting or declining the applications on the included tables.

Eight applications were received for the Community Matching Fund program. A total of \$146,235.00 is recommended by the Grants Advisory Group for allocation.

37 applications were received for the Community Benefit Grants program. A total of \$36,603.06 is recommended by the Grants Advisory Group for allocation.

If approved, the recommended applications will benefit the community as a whole, with the total cost of projects funded under the current round of the Community Matching Fund being \$365,261.00 and under the Community Benefit Grants being \$100,367.11.

Under Council's Policy, all proposed allocations are subject to the approval of Council as a whole. The recommendations from the Grants Advisory Group will be considered at the Ordinary Council Meeting on 11 November 2015.

OPTIONS

1. Approval of applications as submitted will provide a community benefit to residents of the Shire.
2. Non approval may result in projects not being undertaken.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Ref No</i>	<i>Key Action Objectives</i>	<i>Funding Source Description</i>	<i>Responsible Unit</i>
Improved community participation enhanced quality of life	1-001	Communities will have access to a diverse range of affordable coordinated facilities, programs services	Community Matching Fund Community Benefit Grants	Community Recreation Services

Contribution of Proposal to the Principal Activity

The Community Matching Fund and Community Benefit Grants programs exist to provide financial assistance to legally constituted not-for-profit organisations, by providing grants to projects that will contribute to meeting objectives and targets identified in Council's Management Plan and Community Strategic Plan and will demonstrably improve the social, sporting cultural, economic and/or environmental wellbeing of the Wyong Shire community.

Long Term Financial Strategy

Nil

Asset Management Strategy

Nil

Workforce Management Strategy

Nil

Link to Community Strategic Plan (2030)

The Community Strategic Plan Objective Three provides for the implementation of relevant actions from strategies (eg Positive Ageing Strategy, Learning Community Strategy, Central Coast Regional Social Enterprise Strategy, Youth Engagement Strategy, Graffiti Management Strategy and Crime Safety Plan).

Budget Impact

There is currently funding of \$300,000.00 available in the budget for the Community Matching Fund program and \$210,000.00 available for the Community Benefit Grants program.

Expenditure is approved until the end of the 2015-16 financial year. Unspent funds will lapse on 30 June 2016.

CONSULTATION

The Community Matching Fund and Community Benefit Grant opened on 10 August 2015 and closed on 28 August 2015.

The availability of grant funds is a regularly updated feature on Council's web page. The availability of the Community Matching Fund was advertised in the Central Coast Express Advocate newspaper on 13 July 2015, with further updates until the round closed. An e-mail was sent to Community & Cultural Programs databases advising of the opening and closing dates and information session dates.

Information sessions were held at the Civic Centre on 21 July 2015 two sessions, The Entrance Community Centre on 28 July 2015 and Blue Haven Community Centre on 30 July 2015. A total of 39 community members attended the sessions.

One-on-one advice sessions were also offered at the Civic Centre with three community members attending these sessions. Council also offered information and individual appointments for the time that the grants were open.

GOVERNANCE AND POLICY IMPLICATIONS

All expenditure recommended is permissible under Sections 24 and 356(1) of the Local Government Act 1993.

Applications are administered and processed via the SmartyGrants online grants management system. This system ensures maximum consistency and transparency for all applicants. Guidelines and applications are reviewed following each grant round and are amended where required, based on applicant and staff feedback.

MATERIAL RISKS AND ISSUES

Nil

CONCLUSION

The applications recommended for approval have met the required criteria for funding under the Community Matching Fund and Community Benefit Grants programs and present an opportunity for Council to assist community groups to provide valuable community and cultural projects within the Shire.

ATTACHMENTS

1 MINUTES - Wyong Shire Grants Committee Meeting - 6 October 2015 D12103156

WYONG SHIRE COUNCIL

MINUTES OF THE
WYONG SHIRE GRANTS COMMITTEE MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 06 October 2015
COMMENCING AT 3.00PM

PRESENT

Councillor D Eaton (Chairperson)
Councillor L Webster
Ms J Vaughan (Manager, Community Partnerships and Planning)

Ashlee Abbott (WSC Grants and Events Coordinator)
Kay Matthews (WSC Grants Support Officer)

The Chairperson, Councillor D Eaton, declared the meeting open at 3.10 pm and advised that the meeting was being recorded.

APOLOGIES

NIL

ABSENT

NIL

BUSINESS ARISING FROM THE MINUTES

There was no business arising from the Minutes.

DISCLOSURES OF INTEREST

1 Disclosure on Interests

RESOLVED unanimously on the motion of Ms J Vaughan and seconded by Councillor L Webster:

That the report be received and that it be noted that Cr L Webster declared a Non Pecuniary Interest – Insignificant Conflict, being that family members are active members of Central Coast Hockey Association Inc. Councillor Webster chose to remain in Chamber and participate in discussion and voting as the conflict did not influence her in carrying out her public duty.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**2 Confirmation of Minutes of Previous Meeting**

RESOLVED unanimously on the motion of Councillor L Webster and seconded by Ms J Vaughan:

That the minutes of the previous Grants Advisory Group held on 31 March 2015 be accepted.

GENERAL REPORTS**3 Community Matching Fund**

RESOLVED unanimously on the motion of Councillor L Webster and seconded by Councillor D Eaton:

3.1 That the Committee recommend Council allocate \$146,235.00 from the 2015-16 Community Matching Fund program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended
Central Coast ARAFMI	Yakkalla, Invitation to Community	\$10,000.00 Project has merit, community benefit and good matching component. Recommend full funding
Community Care Services – Central Coast Ltd	Beryl's Place	\$75,000.00 Project has merit, broad community benefit and strong matching component. Recommend full funding, conditional on applicant's ability to achieve any Development Application or Construction Certificate requirements prior to funds being released
Tuggerah Lake R1003002 Reserve Trust (Pioneer Dairy)	Central Coast Wetlands - Pioneer Dairy Education and Recreation Facilities	\$43,735.00 Project has merit, community benefit and strong matching component. Recommend full funding
Ngaimpe Aboriginal Corporation	Community Footy Field Upgrade	\$17,500.00 Project has merit, community benefit and strong matching component. Council to contribute \$17,500

		<i>towards the project, not including seating and lighting components</i>
Total		\$146,235.00

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

Applicant	Project Name and Summary	Committee Assessment
Youthconnections.com.au	Tuggerawong Pathway	<i>Project not recommended as currently proposed. Recommend applicant undertake relevant assessments and reapply when project viability and true costs have been determined</i>
Ourimbah Rugby Club Inc	Razorbacks Club Facilities	<i>Project not recommended as currently proposed. Recommend applicant reapply in a subsequent round when financial matching component to deliver entire project has been demonstrated</i>
Berkley Vale Public School Parents and Citizens Association	Community Room	<i>Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives</i>

3.3 That the Committee recommend Council defer applications for the reasons indicated in the table below:

Applicant	Project Name and Summary	Committee Assessment
The Entrance North Progress Association Inc	Walter & Edith Denniss Reserve Recreation Facilities & Completion of Footpath in Hutton Road	<i>Project has merit. Recommend applicant liaise with WSC Manager Open Space and Recreation for recreation component of project. Recommended applicant submit a new application at a later stage in regards to the footpath component of the</i>

		<i>project, in conjunction with planned road works</i>
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4 Community Benefit Grants

RESOLVED unanimously on the motion of Councillor L Webster and seconded by Councillor D Eaton:

4.1 That the Committee recommend Council allocate \$36,603.06 from the 2015-16 Community Benefit Grants program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended
Hellenic Community of Central Coast Inc	ArtVolt	\$2,660.00 <i>Project has merit and meets community grants program objectives. Recommend full funding conditional on applicant liaising with Wyong Shire Council (WSC) Community Partnerships & Planning staff to ensure artworks are placed in approved and suitable locations</i>
The Lakes Surf Life Saving Club Ltd	IRB Competition Motor	\$2,802.00 <i>Project has merit and meets community grants program objectives. Recommend Council fund half, conditional on organisation being able to match that amount</i>
Central Coast Hockey Inc	Container and Equipment	\$4,356.00 <i>Project has merit and meets community grants program objectives. Recommend part fund \$4,356 for equipment only</i>
The Fathers Table	The Fathers Table Outreach	\$4,730.00 <i>Project has merit and is meeting an identified local need. Recommend part fund \$4,730 in-kind for rent</i>

		<i>and applicant to liaise with WSC Community Enterprise Officer to explore additional ongoing revenue streams</i>
<i>Central Coast Woodturners Cooperative Ltd</i>	<i>Audio Visual System</i>	<i>\$4,081.00 Project has merit and broader community benefit. Recommended full funding conditional on applicant making raw video footage available to Council to use on Wyong Alive TV</i>
<i>Rotary Club of Wyong Inc</i>	<i>Central Coast International Women's Day Expo</i>	<i>\$4,400.00 Project concept has merit. Recommend part fund \$4,400 comprising flyer design and printing (\$1,400 in-kind), newspaper advertising (\$1000 in-kind), \$1000 for show bags and \$1000 for banners, conditional on WSC support being acknowledged</i>
<i>Central Coast Family Support Services Inc</i>	<i>Grandparents Raising Grandchildren Family Fun Day</i>	<i>\$2,460.00 Project has merit and meets an identified local need. Recommend full funding</i>
<i>Regional Youth Support Services Inc</i>	<i>Play Write Touring</i>	<i>\$2,602.00 Project has merit and meets community grants program objectives. Recommend part funding of \$2,602, requested amount less \$1,320 for staff. Conditional on applicant demonstrating how Wyong LGA young people will be engaged with and informed of the project prior to funds being released</i>
<i>Warnervale Junior Rugby League Club Inc</i>	<i>Canteen Warm Food Display</i>	<i>\$2,429.66 Project has merit and meets community grants program objectives</i>

Wyongah Progress Association Incorporated	Refurbish Kitchen in Hall	\$2,164.00 Project has merit and meets community grants program objectives
Coastal a Cappella	Performance Costumes	\$1,500.00 Project has merit and meets community grants program objectives Part funded \$1,500 for dressmaking and labour costs
Wingers Softball Club	Equipment upgrade	\$2,418.40 Project has merit and meets community grants program objectives
Total		\$36,603.06

- 4.2 That the Committee recommend that Council allocate \$7,295.50 from the 2015-16 Community Benefit Grants as follows, for applicants who have received WSC funding for a prior project within this financial year due to the public benefit that arises.

Applicant	Project Name and Summary	Committee Funding Recommended
Central Coast Domestic Violence Committee	Reclaim the Night Central Coast 2015 - yes	\$1,400.00 Project has merit and assists in raising awareness of a major local issue. Recommend full funding
Young Men's Christian Association of Sydney	Fully Accessible Changeroom at YMCA Toukley Aquatic Centre - yes	\$3,125.50 Project has merit and meets community grants program objectives
Berkeley Vale Neighbourhood Centre Association Inc	First Aid Essentials for Parents and Carers	\$2,770.00 Project has merit and meets community grants program objectives. Recommend part fund \$2,770 (comprising \$2,450 cash for trainers, advertising and refreshments and \$320 in-kind room hire). Funding conditional on applicant detailing how attendees will be sourced prior to funds being released

Total		\$7,295.50
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4.3 That the Committee recommend Council decline applications for the reasons indicated in the table below and the applicants be advised and where relevant, directed to alternate funding programs:

Applicant	Project Name and Summary	Committee Assessment
Peggy's promise: no fur kid will go without the basics	Peggy's Play or Stay Dog Cafe	Project not recommended as currently proposed
Long Jetty Hospital Auxiliary	Long Jetty Healthcare Centre Equipment	Project not recommended as application ineligible - Guideline 2.5 Capital Expenditure
The Toukley & District Senior Citizens Club Inc	Replace Indoor Bowls Room Carpet	Project not recommended as currently proposed
St Vincent De Paul Society NSW	Louise House Community Engagement Programs	Project not recommended. Applicant has capacity to self-fund
Country Women's Association of NSW – Toukley Branch	Heating/Cooling for Premises	Project not recommended as application ineligible - Guideline 2.6 Building and building maintenance costs. Recommend applicant apply via Councillors' Community Improvement Grants
Greater Toukley Vision Inc	Anti Bullying Workshops for the Youth	Project not recommended. Concept is targeted at a limited number of participants and broader community benefit is unclear
Wadalba Jungle Buddies Playgroup	Educational Bike Track, Cubby House, Picnic Tables, Outdoor Blackboards	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Wadalba Community School P&C Association	Wadalba Markets	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives

St Vincent De Paul Society NSW	Vinnie's Wyong Food Hamper Packing Facility	Project not recommended as proposal will require a Development Application to proceed
HeartKids NSW Inc	Hearts Together for Wyong	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
The Leukaemia Foundation Australia	ENRICH Program For Blood Cancers	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Catholic Care Diocese of Broken Bay	Creating Community Partnerships	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Lara Jean Association Inc	Movie Mayhem	Project not recommended as currently proposed. Insufficient information supplied to make an accurate assessment. Recommend applicant liaise with WSC Grants and Events Coordinator and reapply next round
Dymocks Children's Charities Limited	Wyong (LGA) - Public Schools Library Regeneration	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Toowoona Bay Surf Life Saving Club	Surf Club Safety Programme	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Tuggerah Lakes Secondary College Berkeley Vale Campus Parents & Citizens' Association	Football Field Drainage	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Learning Links	Reading for Life at School	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
The University of Newcastle	UON Central Coast Oral Health Van	Project not recommended as currently proposed. Recommend applicant apply through WSC

		Sponsorship Program
Central Coast Community Women's Health Centre Ltd	Celebrating 40 Years Advancing Women's Health and Advocacy Representation Central Coast NSW	Project not recommended. Concept is targeted at a limited number of participants and broader community benefit is unclear
Camp Breakaway Inc	Camp Breakaway & NDIS Partnering for People with a Disability	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Young Men's Christian Association of Sydney	Swimability	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives

4.4 That the Committee recommend Council defer applications for the reasons indicated in the table below:

Applicant	Project Name and Summary	Committee Assessment
Central Coast Philharmonia Inc	Central Coast Spectacular	Organisation to work with WSC Cultural Planner to clarify community benefit and links with local community groups

THE MEETING terminated at 4.15pm .

3.2 Public Exhibition of Rustrum Planning Proposal

TRIM REFERENCE: RZ/6/2014 - D12099866

MANAGER: Tanya O'Brien, Manager

AUTHOR: Peter Kavanagh; Senior Planner

SUMMARY

A planning proposal has been prepared for land at 216 – 224 Main Road and 21 Rowland Terrace Toukley, known as the Rustrum Site. The Planning Proposal seeks to rezone part of the land (to be transferred to Council) to RE1 Public Recreation, and to rezone the remaining portion to B4 Mixed Use.

This report details the results of community and public authority consultation in relation to the Public Exhibition of the Planning Proposal, the draft VPA, the draft Masterplan and draft Development Control Plan (DCP). This report recommends Council endorse the DCP and Masterplan, proceed to amend Wyong Local Environmental Plan (WLEP) 2013 and that the Acting Chief Executive Officer (CEO) execute the VPA prior to the rezoning being finalised.

Applicant	ADWJohnson P/L
Owners	Rustrum P/L
Proposal No	RZ/6/2014
Description of Land	Lots 2, 3, & 4, DP 406181, Lot 2, DP 213097, Lot 5, DP 514932, and Lot 91, DP 565884 (216 – 224 Main Road and 21 Rowland Terrace), Toukley, known as the Rustrum Site.
Current Zoning	SP3 – Tourist and RE1 – Public Recreation
Proposed Zonings	B4 – Mixed Use and RE1 – Public Recreation
Existing Use	Vacant Land, and Public Park (Toukley Gardens)

RECOMMENDATION

- 1 That Council request the Acting Chief Executive Officer to exercise the Written Authorisation to Exercise Delegation for RZ/6/2014, being the rezoning and amendment of controls affecting Lots 2, 3, & 4, DP 406181, Lot 2, DP 213097, Lot 5, DP 514932, and Lot 91, DP 565884 (216 – 224 Main Road and 21 Rowland Terrace, Toukley), and proceed with the steps for drafting and making of Amendment No. 16 to the Wyong Local Environmental Plan 2013.***
- 2 That Council request the Acting Chief Executive Officer to exercise Council's previous Delegation to the General Manager to execute all documentation in relation to the finalisation of the draft Voluntary Planning Agreement endorsed by the landowner on 12 August, 2015, prior to the finalisation of the rezoning.***
- 3 That Council adopt the Draft Rustrum Key Site Masterplan.***
- 4 That Council adopt the Draft Development Control Plan (DCP) 2013 Chapter 6.26: Toukley – Rustrum Key Site and give appropriate public notice that the draft DCP as amended will come into effect on the date nominated in that notice.***

- 5 *That Council forward a copy of the amended Wyong DCP 2013 to the Secretary of the Department of Planning and Environment within 28 days of the DCP becoming effective.*
- 6 *That Council advise all those who made submissions of Council's decision.*

BACKGROUND

Council has been assessing an application to rezone land at 216 – 224 Main Road and 21 Rowland Terrace, Toukley, to enable a mixed use development comprising a multi-storey residential apartment and tourist apartment building, with ground floor commercial, retail and restaurant uses.

Council at its meeting held 23 July 2014 unanimously resolved:

- “677/14 *That Council delete the requirement for the provision of public foreshore access contained in Wyong DCP 2013 Chapter 6.1 Section 3.16(m), subject to the execution of a Voluntary Planning Agreement in accordance with the ‘significant public benefit’ offer contained in the letter submitted by ADW Johnson dated 28 May 2014.*
- 678/14 *That Council advise the proponent to submit a Planning Proposal to address the current permissibility issue in respect of permanent residential dwellings, by way of a change in zone or an additional permitted use.*
- 679/14 *That Council authorise the General Manager to assess the adequacy of the Planning Proposal submitted in accordance with Recommendation No. 2 above and submit it to the Department of Planning and Environment seeking a Gateway determination.”*

On 2 December 2014, the General Manager endorsed the following Recommendations on behalf of Council and utilising the authorisation given via resolution 679/2014:

- “1 *That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, WLEP pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979.*
- 2 *That Council forward the Planning Proposal to the Department of Planning and Environment (DP&E) accompanied by a request for a “Gateway Determination”, pursuant to Section 56 of the EP & A Act, 1979.*
- 3 *That Council require, subject to the “Gateway Determination” that the landowner enter into a Funding Agreement with Council in accordance with Council’s Planning Proposal Procedure to recover the costs involved in further progressing the proposal.*
- 4 *That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.*

- 5 *That Council enter into a Voluntary Planning Agreement (VPA) which will provide for contributions by the landowner toward the provision of public benefit works in the immediate locality, such as park embellishments and pedestrian footpath and cycleway connections, to the value of 1.5 times the applicable contributions applying to the development under Section 94 of the EP&A Act, 1979.*
- 6 *That Council authorise the General Manager (or delegate) to negotiate and execute all documentation in relation to the finalization of the VPA.*
- 7 *That Council require, subject to the “Gateway Determination” that the landowner in conjunction with Council prepare appropriate Development Control Plan provisions and amend Section 94 Contributions Plans (if required) to support the development of the land subject to this Planning Proposal.*
- 8 *That the Foreshore Building Line be removed.*
- 9 *That Council undertake community and government agency consultation, in accordance with the requirements attached to the “Gateway Determination”, including the exhibition of the draft Voluntary Planning Agreement and draft Development Control Plan.*
- 10 *That Council consider a further report on the results of the community and agency consultation.”*

Subsequently a gateway determination and delegation to determine the application was sought and was issued by the NSW Department of Planning and Environment (DP&E) on 10 February 2015. The gateway determination supported the progression of the planning proposal which included agency and community consultation. The determination listed agencies to be consulted based on potential traffic generation and existing environmental constraints on the land, such as underlying mineral resources, foreshore access and flood prone land. Council has prepared, consulted and exhibited the Planning Proposal, in conjunction with the draft Voluntary Planning Agreement, the draft Masterplan and draft Development Control Plan.

The Site

The subject site is located immediately west of the Toukley Town Centre and has frontages to Main Road and Lake Budgewoi. The land is predominantly cleared and vacant. The Beachcomber Hotel/Motel is located on the western boundary. Toukley Gardens are located to the east of the site on Main Road, with single dwellings located to the northeast within Rowland Terrace and Peel Street. Directly east of the site and Toukley Gardens is the Toukley Motor Inn and the Toukley Ambulance Station. On the southern side of Main Road is a mix of existing commercial/retail businesses and one single residence.

The Rustrum site was identified as a “key site” in recognition of the opportunity to amalgamate several lots within a single ownership, enabling a significant development to stimulate the local economy and create employment opportunities in the short term, while providing significant ongoing public benefit to the local community.



Figure 1: Contextual Locality Plan



Figure 2: Site Aerial, indicating land affected by this Planning Proposal outlined in red

THE PROPOSAL

Zoning

The land affected by this Planning Proposal is currently zoned SP3 – Tourist (see Figure 3). Lot 5 DP5124932 (part of Toukley Gardens) is currently owned by Council and Lot 91, DP 565884 is currently owned by Rustrum Pty. Ltd.

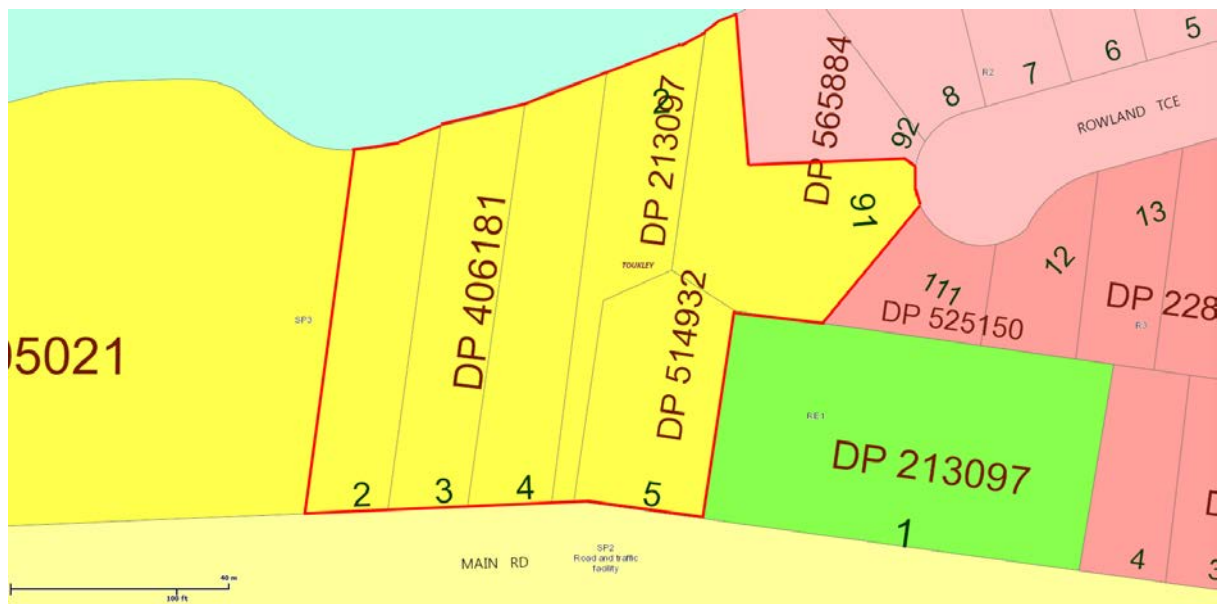


Figure 3: Existing Zoning of lands, showing lands affected by this Rezoning outlined in red

The zoning of the land is to be adjusted to conform with the new lot boundaries (see discussion on Land Swap Proposal below), to provide a B4 Mixed Use zoning for the development site and an RE1 Public Recreation zoning for the land to be added to Toukley Gardens, as shown in Figure 4 below.

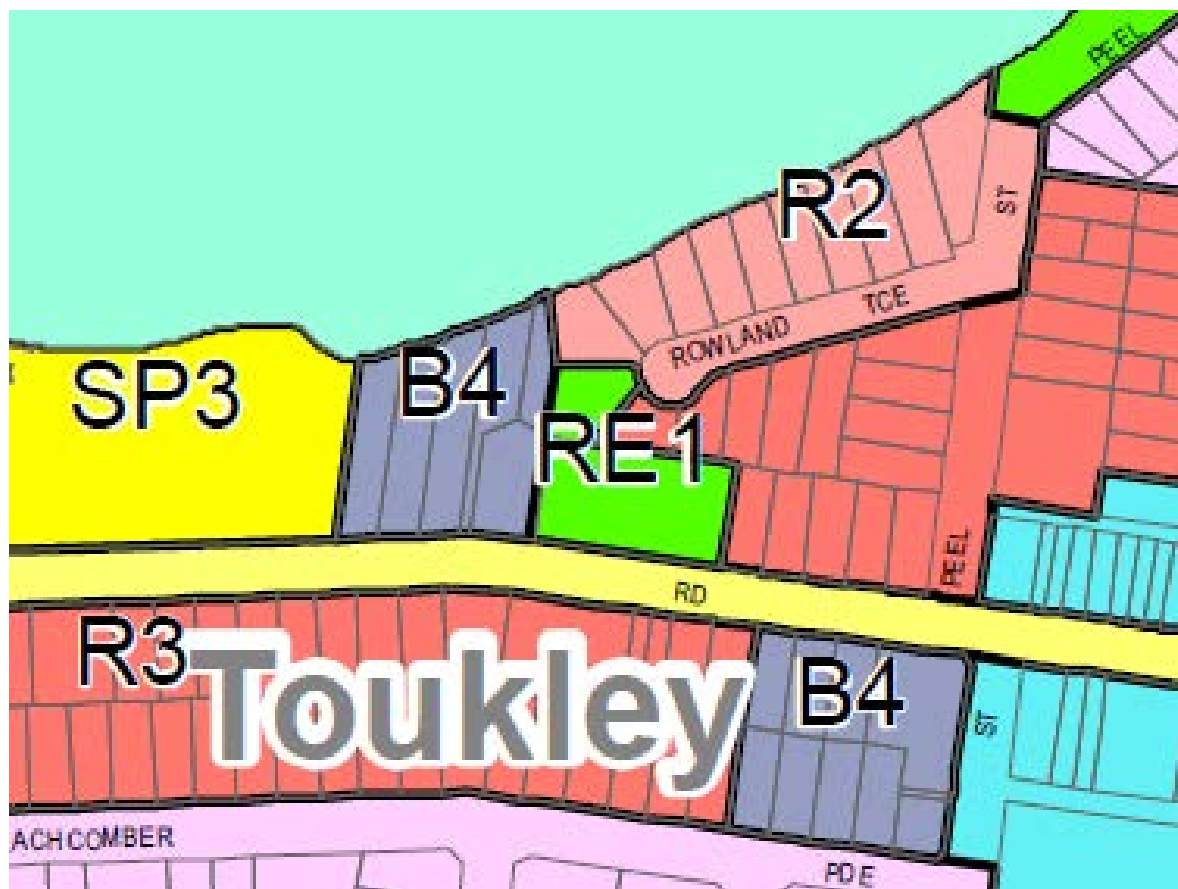


Figure 4: Proposed Zonings

The Concept

The landowner proposes is to develop a mixed use residential flat building and tourist apartment complex, with ground floor commercial floor space on the land. A variety of 1, 2 and 3 bedroom apartment configurations is possible, however, the current concept provides for 118 units, with nominally 40% for tourist accommodation and located adjacent to the adjoining Beachcomber Hotel site, while 60% of apartments would be for permanent accommodation. The building would include ground floor commercial floorspace adjoining Toukley Gardens (to the East), and below ground carparking and service areas.

The building would have an elevation of ten (10) storeys when viewed from the Main Road frontage, with architectural articulation and plant above. The maximum height proposed is 36 metres above existing ground level at a point on the north-west corner of the building. A swimming pool, kiosk and landscaped areas are proposed on the podium (above the basement carpark) on the lakeside of the structure. Foreshore improvements are to include the restoration of a sandy beach and foreshore vegetation, and a new jetty.

Artist's Impressions of the elevations of the Concept Building are shown in Figures 5, 6 and 7, following.



Figure 5: Concept Design, viewed from Lake Budgewoi Foreshore



Figure 6: Concept Design, viewed from Main Road, looking East



Figure 7: Concept Design, viewed from Toukley Gardens in Main Road, looking West

In order to facilitate the Concept proposed, the permissible height is to be increased from 25.0m to permit a maximum of 36.0m, and the Floor Space Ratio is to be increased from 1.5:1 to 1.7:1. Recognising that a 20% Floor Space Ratio bonus is available to the site under Clause 4.4(2B) of the WLEP 2013 (due to the amalgamation of sites), this will permit the desired 2.0:1 Floor Space Ratio which is sought for the proposed “Iconic Development” of the site. The height has been determined in response to the desire to maintain a small building footprint, in order to preserve views across the site to Lake Budgewoi from Main Road, and in particular from Toukley Gardens. The increased height will enable reduction of the bulk and mass of the structure, however, inevitably increases its height in order to attain a structure that is economically feasible.

These amendments are made by adopting alternative LEP mapping layers (refer Attachments 1 - 5) defining the boundaries of the Key Site, the maximum Height, maximum Floor Space Ratio and by deleting the site from the Foreshore Area map. There are no Instrument (text) amendments required to the WLEP 2013.

Land Swap Proposal

Council has initiated a land swap which involves an equal swap of 855.2 m² of Council land for 855.2 m² of land owned by the applicant, to create proposed Lot 911 (to be rezoned RE1 and owned by Council) and proposed Lot 912 (to be zoned B4 and owned by the applicant). Development Consent for the subdivision has been issued by Council. The benefit of the land swap for Rustrum Pty Ltd is a more regularly shaped development site, which enables a more legible concept design for the site. Council's parkland will have the same land area as the existing Toukley Gardens park, will include land closer to the waterfront, have a greater level of viewing access to the lake from this location and will provide physical access to Rowland Terrace. The boundaries of the existing, and the adjusted, park and development site are shown in Figures 8 and 9 below.



Figure 8: Existing Ownership Pattern



Figure 9: Post Subdivision Land Swap

Voluntary Planning Agreement

The applicant (through the exhibited draft Voluntary Planning Agreement) has identified the “significant public benefit” offer in conjunction with the proposed “Iconic Development” of this Key Site. The VPA would be executed by Council and Rustrum Pty. Ltd., prior to the finalisation of the rezoning. The offer includes delivery through works or cash contributions (1.5 x applicable Section 94 Contributions) toward:

- premium upgrade improvements to Toukley Gardens (adjoining);
- an on-road and off-road shared pathway connection extending from Toukley Gardens, along Rowland Terrace and Peel Street to Osborne Park; and
- Facilities upgraded at Osborne Park in accordance with the Osborne Park Concept Masterplan, prepared in 2009 (refer Figure 10).



Figure 10: Osborne Park Concept Masterplan, 2009

The commitments within the VPA will enable Council to implement strategic improvements identified under the Toukley Planning Strategy and the Toukley Town Centre Public Domain Masterplan. These include establishing the Toukley Gardens park as an ‘entry arrival node’ to the town centre and utilising the opportunity to improve the park outlook, connections to the foreshore and northern residential areas, and the installation of appropriate public art and recreational facilities.

Foreshore Access

The applicant seeks removal of the Foreshore Building Line control. This was endorsed by The General Manager's determination on 2 December 2014 following consideration of the following:

- steep terrain making public access problematic;
- recognition of the lack of continuous public access available to the waterfront in the locality - all lots fronting Lake Budgewoi to either side of the site have title to the High Water Mark;
- there is no Foreshore Building Line or defined “Foreshore Area” restriction over the adjoining Beachcomber Hotel/Motel site; and
- the applicant's commitment to provide alternative foreshore access via the planned shared pathway to the Lake foreshore at nearby Osborne Park (through the VPA).

The removal of this provision for a site to be developed with tourist accommodation, residential apartments, commercial and retail facilities is therefore considered to be consistent. The site specific DCP (WDCP 2013 - Chapter 6.26: Toukley – Rustrum Key Site) contains provisions requiring the development to ‘step down’ toward the foreshore in sympathy with the topography of the area.

Draft Rustrum Site Masterplan

The development of a site specific masterplan is a requirement for all Key Sites under Wyong DCP 2013: Chapter 6.1 – Key Sites. The draft Masterplan (refer Attachment 6) developed and exhibited for the Rustrum site consolidates the policies, constraints and controls that will guide design excellence on the site and the provision of significant net community benefit via a Voluntary Planning Agreement. The vision within the Masterplan is expressed through a number of stated Aims, including:

- *to ensure that site constraints are recognised and managed appropriately and that opportunities are taken up;*
- *to ensure that design excellence is achieved on the site and that future building(s) contribute positively to Toukley;*
- *to ensure the built form will integrate the building with the adjoining public domain; improve views toward Toukley Gardens Park which is the local entry/ arrival node, and take advantage of the foreshore location; and*
- *to ensure the development contributes to the public domain in accordance with Council’s significant public benefit policy for key sites.*

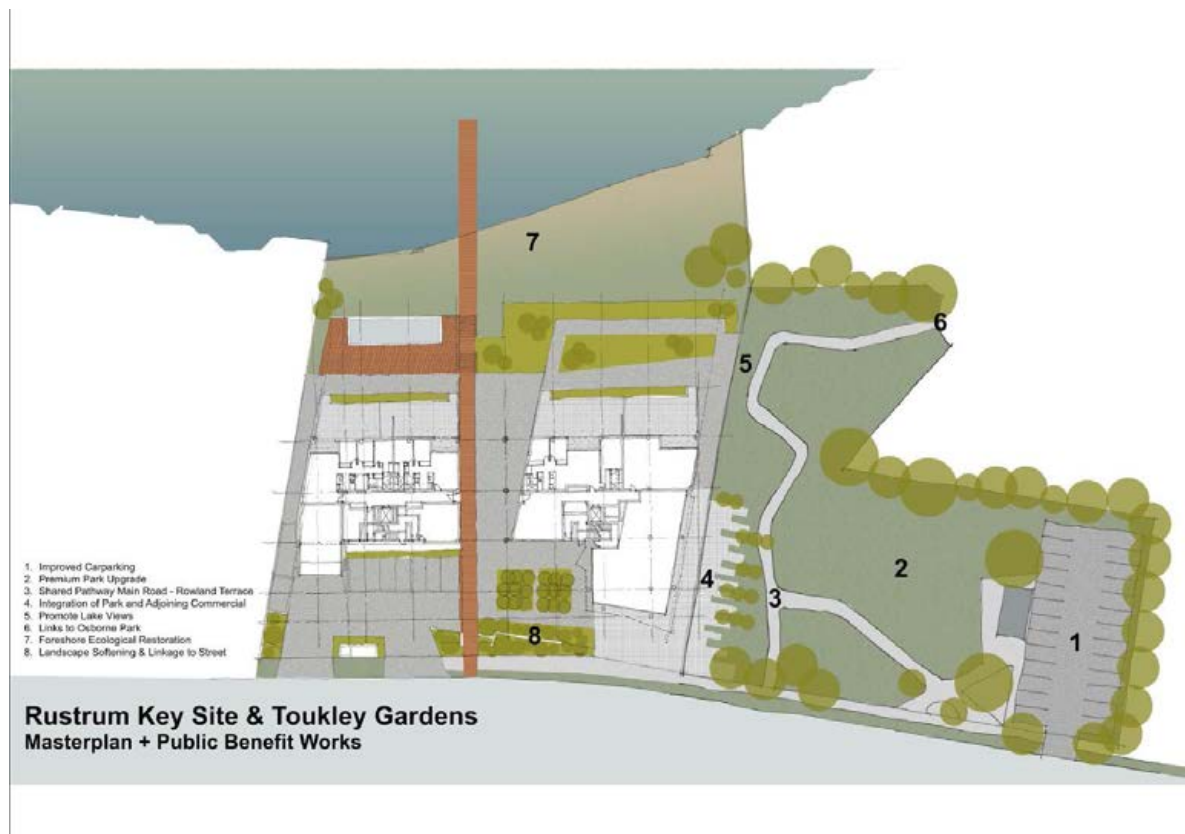


Figure 11: Masterplan Principles: Development Site and Toukley Gardens

Draft Development Control Plan 2013 – Chapter 6.26: Toukley – Rustrum Key Site

The development of a site specific development control plan chapter is a requirement for all Key Sites under Wyong DCP 2013: Chapter 6.1 – Key Sites. The Draft Chapter 6.26 developed and exhibited (refer Attachment 7), consolidates Council's requirements for future development of the site, aiming to:

- encourage site consolidation and redevelopment of the land;
- allow for higher density development in a manner which minimises impacts on the locality;
- provide a high quality lakeside development that improves the streetscape and respects the sensitive lakeside location; and
- ensure that the DCP and the resulting development are consistent with the Key Site planning process, in particular the matters identified within Clause 7.11 of the WLEP 2013.

The DCP controls address the following matters:

- “Iconic Development” requirements;
- Built form;

- Building materials and finishes;
- Design of building elements;
- Public domain;
- Landscape;
- Amenity;
- Access and parking;
- Sustainability and green building solutions

CONSULTATION

Agency Consultation

The gateway determination issued on 10 February 2015 required the proposal to be referred to the following NSW Agencies for comment:

- Office of Environment and Heritage
- NSW Trade and Investment – Resources and Energy
- Transport for NSW – Roads and Maritime Services
- Mine Subsidence Board

Some concerns were raised but no objection to the proposal was received from the Government Agencies. The following table provides a summary of the agency concerns and Council's actions to ensure the progression of the proposal.

Consultation with the following agencies was conducted, in accordance with the requirements of the Gateway Determination:

Agency	Date	Response	Action Taken
Mine Subsidence Board	23/6/2015	No objection is raised to development to 10 – 12 storeys, subject to any structures being built to accommodate Subsidence parameters.	Requirements for a future DA have been conveyed to Applicant.
NSW Department of Industry – Division of Resources and Energy	22/7/2015	The Planning Proposal will not impact on the potential for future extraction of coal beneath this site and GSNSW has no further resource issues to raise regarding the proposal. The subject area falls within the Swansea North Entrance Mine Subsidence District, and the Mine Subsidence Board will need to be consulted on any future building guidelines.	Noted.
Office of Environment & Heritage (Water Floodplains & Coast)	13/7/2015	It is noted that no Aboriginal cultural heritage assessment has been included as part of this proposal. Due to the sites proximity to the Budgewoi Lake foreshore there is the potential for Aboriginal cultural heritage items to be present. OEH requires that a Due Diligence Archaeological Assessment be conducted in accordance with the 'Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW' (available on OEH website). This assessment should be undertaken and be made available to Council to be included when the Planning Proposal is placed on formal Public Exhibition. Concerns are raised relating to the proposal to remove the Foreshore Building Line and Foreshore Area controls from the WLEP 2013. OEH	An Aboriginal Heritage Due Diligence Report in accordance with OEH requirements has now been provided, dated 30 July 2015. It addresses the small developed and managed area of park proposed to be added to the Rustrum site, and finds no Aboriginal objects or areas of potential archaeological deposit. The report also relies on previous detailed archaeological assessment work undertaken over the Rustrum site (dated March, 2009), including the potentially sensitive foreshore, which found no likely impacts. Controls are retained within Wyong LEP 2013 (Cl. (Clauses 5.5, 5.7, 7.1, 7.2, & 7.11) and setbacks established through the site specific DCP. There is no opportunity for foreshore access in this

Agency	Date	Response	Action Taken
		considers there is insufficient justification provided within the documentation for the removal of these controls.	location. The development will provide opportunities for embellishment of public access to alternative foreshore areas. The masterplan and DCP incorporates controls to protect this space.
Roads and Maritime Services	16/7/2015	Requesting that a Traffic Impact Study is to be undertaken and specifying items to be addressed by that study.	It was unclear whether the RMS had reviewed the submitted TIS, so it was again referred for comment. Their revised response raised no objections and identified likely requirements to be considered with any future Development Application.

Table 1: Agency Consultation List

Public Consultation

The Planning Proposal and other relevant supporting documentation was exhibited between Wednesday, 19 August 2015 and Friday, 18 September 2015 at:

- Council's Civic Centre, Hely Street, Wyong;
- Toukley Library, Cnr Main Road and Victoria Avenue, Toukley; and
- Council's website

Public notices of the exhibition were placed in the Express Advocate on two occasions. In addition letters outlining the proposal were forwarded to adjoining and nearby landowners.

16 submissions were received. Four (4) in support of the proposal, one (1) offering 'in-principle' support (however requesting revision of the proposed planning controls), and twelve (11) raising objection (refer Attachment 8).

The primary issues raised in opposition to the proposal included:

- Excessive height (increase from 16m to 36m maximum limit);
- Overdevelopment of small site - excessive residential density;
- Not in conformity with Toukley Strategy;
- High rise at The Entrance is OK, not Toukley;
- Out of scale, bulk and character with Toukley area;
- Overlooking;
- Fencing or landscaping should not obscure existing views for adjoining residents;
- Potential construction impacts on adjoining dwellings;
- Traffic infrastructure will not cope;
- Will there be sufficient parking?; will it be on site?;
- Main Road already congested with no ability to widen - dangerous for elderly residents of Toukley (high % of population);

- Adjustment of the Toukley Gardens and its connection to Rowland Terrace will result in increased kerbside parking in Rowland Terrace;
- Impact on sensitive coastal location (Budgewoi Lake foreshore);
- Building too close to waterfront – dominate foreshore;
- Scenic impact - visible from Budgewoi to The Entrance and Tuggerawong;
- Noise impacts from patrons and cars;
- Proposal will compound undesirable social impacts from the Beachcomber Hotel/Motel (alcohol fuelled violence and destruction of property), and funnel noisy undesirable patrons through Rowland Terrace at late hours;
- Access to Osborne Park is via Peel Street, and along existing pathways on Main Road and Peel Street – the proposal will introduce unnecessary impacts on residents of Rowland Terrace;
- Questioning why Council is prepared to change so many planning guidelines for this developer; and
- Devaluation of adjoining properties.

Comment:

The primary issues of contention are in relation to the proposed height of the development in relation to the “village” character of Toukley, and the connection of Main Road to Rowland Terrace through the alteration of Toukley Gardens.

It is noted that surrounding development is predominantly single and two storey, including the Beachcomber Hotel/Motel site (to the west), which has a 2 storey elevation to Main Road and a 4 storey elevation to Budgewoi Lake, due to the topography. The WLEP 2013 was prepared having regard to the outcomes of the exhibited Toukley Planning Strategy (adopted 27 October 2010), which forecast and recommended the connection of Toukley Gardens to Rowland Terrace, to promote views to the lake and better access to lakefront public reserves. The WLEP 2013 currently permits 3-4 storey development on adjacent lands to the east, and 4 storey development on the south side of Main Road.

Notwithstanding, the Key Site provisions are designed to attract an “iconic development” of the site. Council needs to determine whether the quality of the proposed 10 storey development and the public benefit offer made, warrant such a significant departure from the controls developed through the Toukley Strategy, as currently reflected in the WLEP 2013.

1 Excessive Height

The planning proposal requests a maximum height of 36m which is to enable a building equivalent to 10 storeys when viewed from Main Road. It is acknowledged that this is substantially higher than the existing development within Toukley however it is noted that Council’s vision expressed by the Toukley Strategy and the WLEP provisions provides for increasing development density and heights. These provisions seek to promote the Toukley as a highly desirable, urban environment which capitalises on the key advantages including lifestyle, tourism and lakeside location.

The site is currently nominated as a key site under the WLEP 2013, which provides for a bonus height provision of 25m. The additional height of 11m or 3 storeys sought through this rezoning is therefore considered acceptable and in line with the adopted strategy for Toukley.

2 Overdevelopment of site

Increased density of residential development surrounding Toukley Gardens (through the development of residential flat buildings of varying scale) is in keeping with the adopted Toukley Strategy and will enliven the area, and reinforces the sense of “arrival” to Toukley town centre. The height has been determined in response to the desire to maintain a small building footprint which will in turn preserve views across the site to Lake Budgewoi from Main Road, and in particular from Toukley Gardens. The increased height will enable development of a tall slender building and reduction of the perceived bulk and mass of the structure. Consideration of the amenity of the adjoining lands in terms of noise, privacy, overlooking, shadow impacts, FSR, density, and parking provision are required through the Masterplan and DCP provisions will be further addressed in the assessment of the Development Application against the relevant LEP and DCP controls..

3 Traffic and parking

The Traffic Impact Study and Transportation Management Plan submitted with the proposal indicate that, with appropriate works, the site operation and likely impacts on traffic using Main Road can be appropriately managed. Main Road has sufficient capacity for the anticipated vehicle trips generated. Additionally Main Road is serviced with a bus route connecting to other centres, employment areas and train stations.

4 Visual Impact

The development is intended to be “Iconic” in nature, and will be visible from many locations around the Tuggerah Lakes. With regard to building design, the WLEP 2013, Cl.7.11 (Key Sites) provides “design excellence” provisions to ensure that a development incorporating a high standard of architectural design, materials, façade treatments, green building solutions and landscaping that recognises the site’s prominent location, in particular its streetscape presentation to Main Road. Any future Development Application submission will be required to address each of these matters in addition to the Apartment Design Guide (SEPP 65) and the new DCP chapter. The potential for view impacts can be more accurately determined, assessed and if necessary, modifications to the development implemented, through the assessment of any development application for the site.

5 Noise

Whilst the potential for noise from the development has been raised, it is considered that a café/restaurant RFB and or tourist usage is unlikely to raise major noise issues, or issues which are unable to be managed effectively. It is noted that the predominant concerns raised by the community are in relation to existing issues in the locality. Any development on this site will need to consider the impact of existing noise sources on the development and future inhabitants these considerations may impact on design and layout choices for any future development.

6 Social

The proposal is supported by an offer by the developer to provide a range of local upgrade works. These works are calculated to be 1.5 x the S94 contribution payable for the future development and are to be secured through a VPA. The range of works include:

- Premium upgrade of Toukely Gardens to provide a highly accessible and attractive passive recreation space for the local community.
- Additional pedestrian and cycle paths connecting existing paths in the town to the lake Budgewoi foreshore.
- A range of upgrade works to increase the use of and embellish Osborne Park in accordance with the adopted Osborne Park Masterplan.

Details of the submissions received including relevant comments on the issues raised are appended to this report (refer Attachment 8).

Beachcomber Hotel/Motel Site:

A submission was received on behalf of the owners of the adjoining Beachcomber Hotel/Motel indicating 'in-principle' support for the development potentially contributing to the renewal of the Toukley town centre, however advising:

- The proposal is likely to impact the future redevelopment potential of the Beachcomber Hotel/Motel site. The landowner is seeking a similar rezoning to allow for the redevelopment of the site for commercial and higher density residential uses;
- If both rezoning proposals proceed, there will be a better land use relationship, otherwise additional residents adjacent to the pub will lead to increased social and amenity conflicts;
- The Draft DCP should be amended to include a minimum 9m setback to the western boundary to ensure that any new residential development on the Rustrum site does not constrain future potential residential development on the land at 200 Main Road. This will equitably allow for a 9m boundary setback on each site (providing a building separation of at least 18m), given it is envisaged that buildings on both sites may be up to 10 storeys in height. A minimum setback of 9m to the western boundary will also ensure that overshadowing impacts of any future buildings on both sites are minimised.
- The siting of any future development on the Rustrum site (particularly given the proposed 36m building height), may impact on north-easterly views from the Beachcomber site. It is therefore requested that the built form controls in the draft DCP in relation to the siting of any future buildings on the Rustrum site be amended to allow for view sharing and require that views currently enjoyed by the Beachcomber Hotel or a potential future redevelopment of the Beachcomber site to the lake are not affected.

Comment:

It is noted that the requirements of the Apartment Design Guide (SEPP 65) will apply to that part of any new development on the Rustrum site which includes a “residential flat building” as defined by the SEPP. Design considerations are to be detailed further at the Development Application stage. The concept drawings provided to date lack articulation, particularly on the western façade, however these matters are best addressed through detailed design at the DA stage.

With regard to building design, the WLEP 2013, Cl.7.11 (Key Sites) provides “design excellence” provisions to ensure that a development incorporating a high standard of architectural design, materials, façade treatments, green building solutions and landscaping that recognises the site’s prominent location, in particular its streetscape presentation to Main Road. Any future Development Application submission will be required to address each of these matters in addition to SEPP 65 and the DCP.

View sharing is a guiding principle in the s.79C assessment of any DA particularly those in coastal, lakeside or scenic protection areas.

The DCP establishes a suitable set of requirements to reasonably address development of the key site. The DCP does establish extensive setbacks from the lake – no development within 15m of the foreshore and only 2 storey development within 25m of the foreshore. This maintains view lines from dwellings in Rowland Terrace toward the lake and from the Beachcomber site.

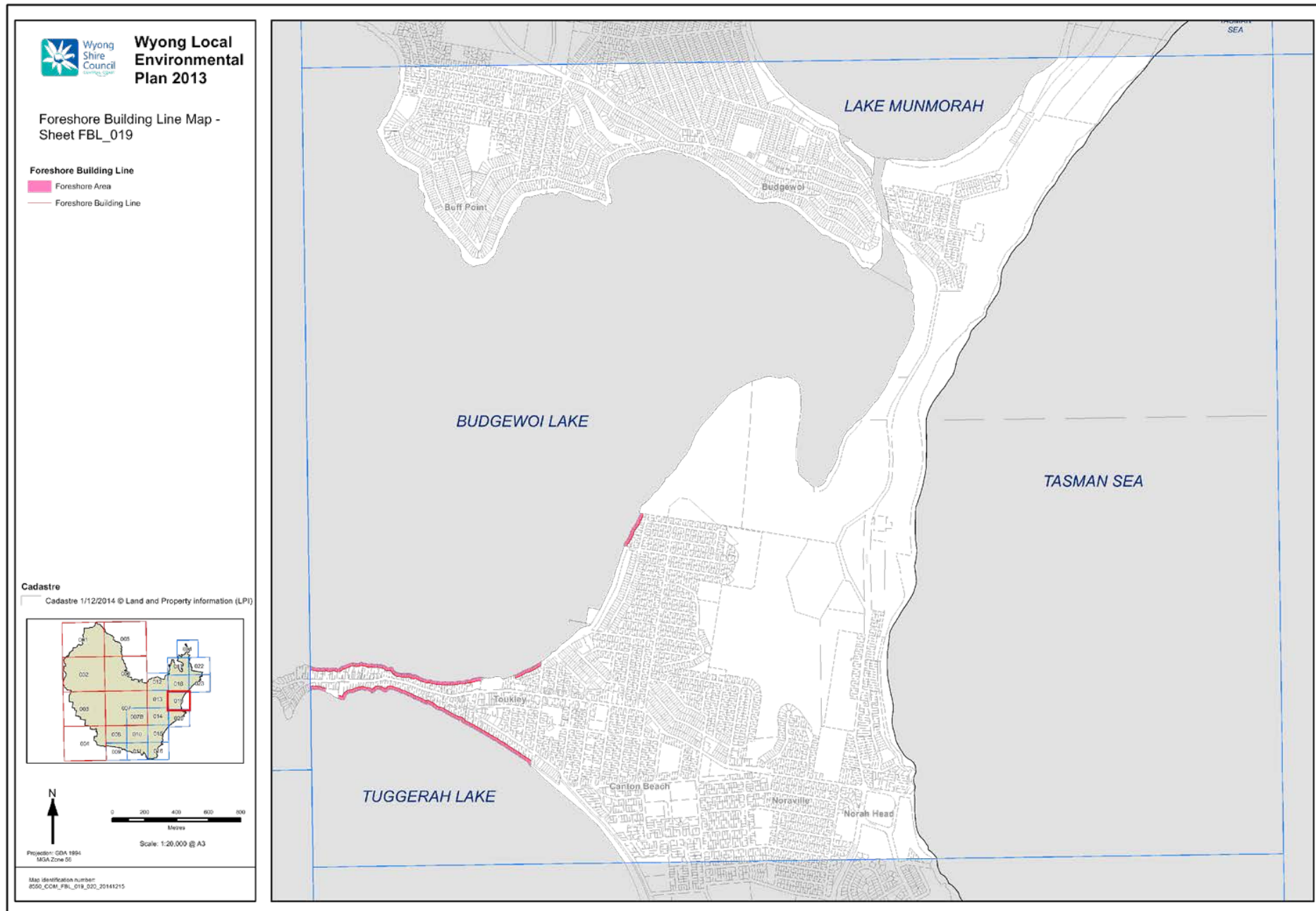
CONCLUSION

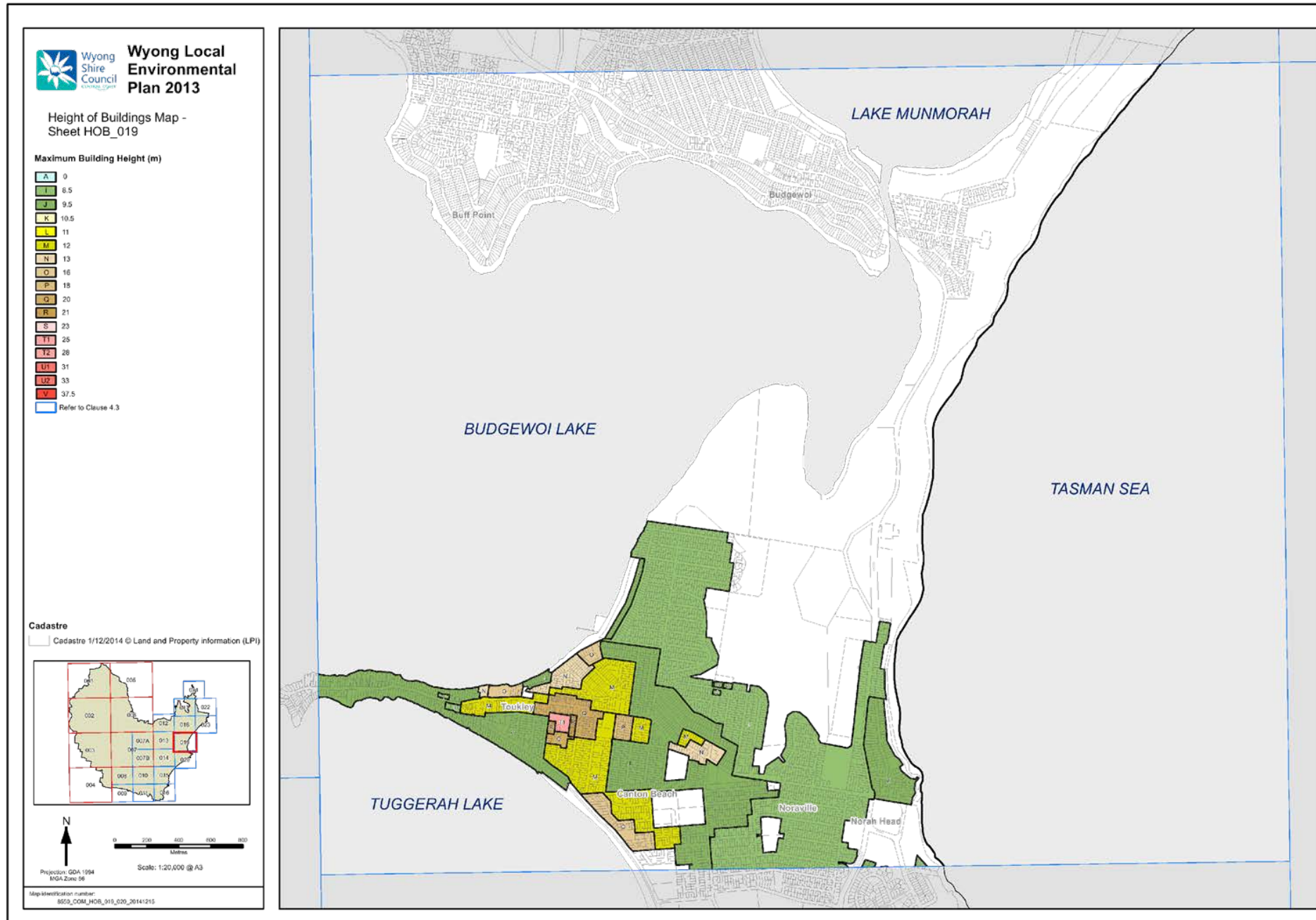
The proposed amendment to WLEP 2013 for the rezoning of the subject site to enable the concept “Iconic Development” has been considered and feedback from the community and public authorities has been sought and considered.

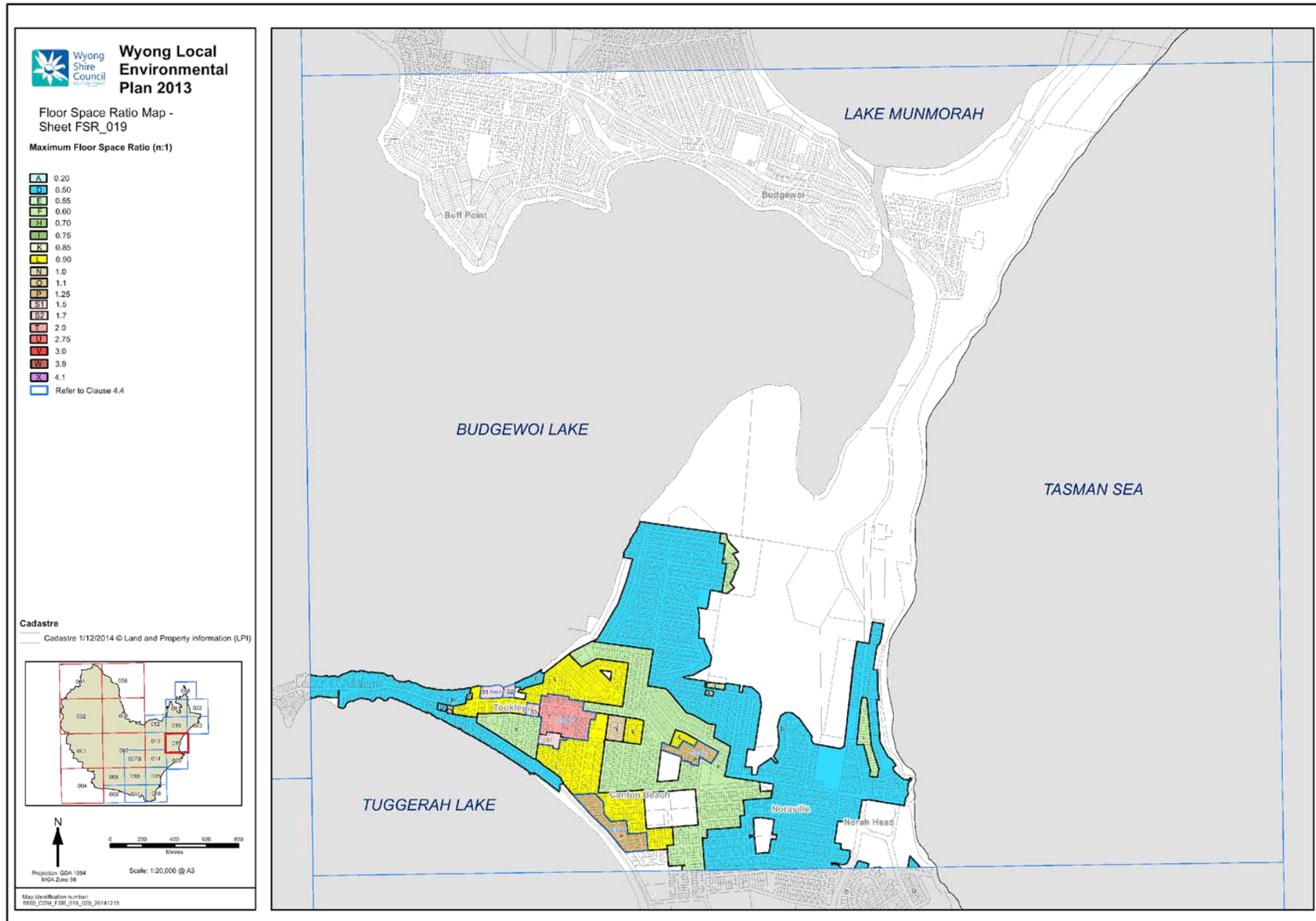
The subject land is considered suitable for the proposed rezoning and therefore it is recommended that Council proceed with the execution of the Voluntary Planning Agreement, the making of WLEP 2013 Amendment No.16 and the adoption of the Site Masterplan and DCP 2013 Chapter 6.26: Toukley – Rustrum Key Site.

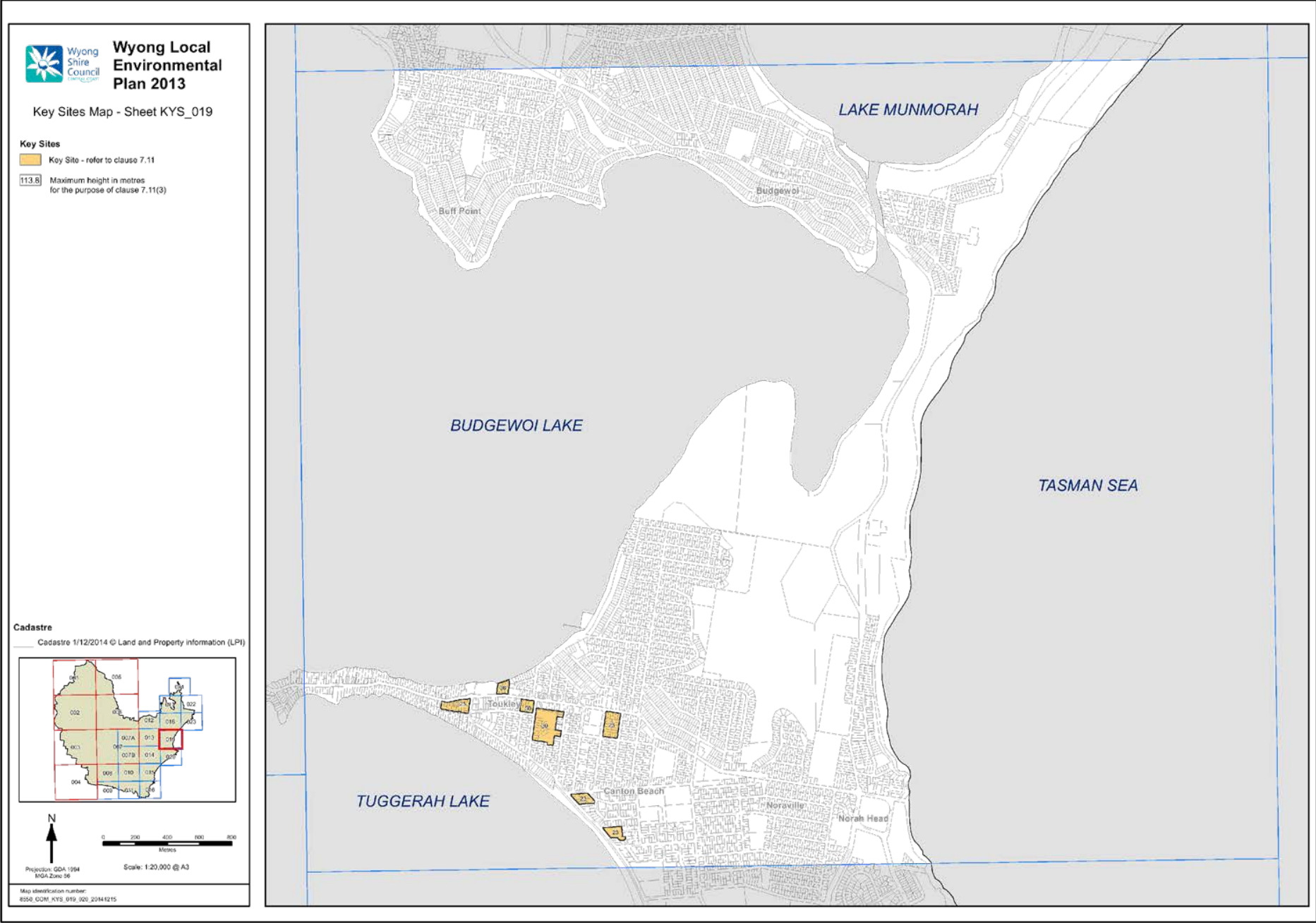
ATTACHMENTS

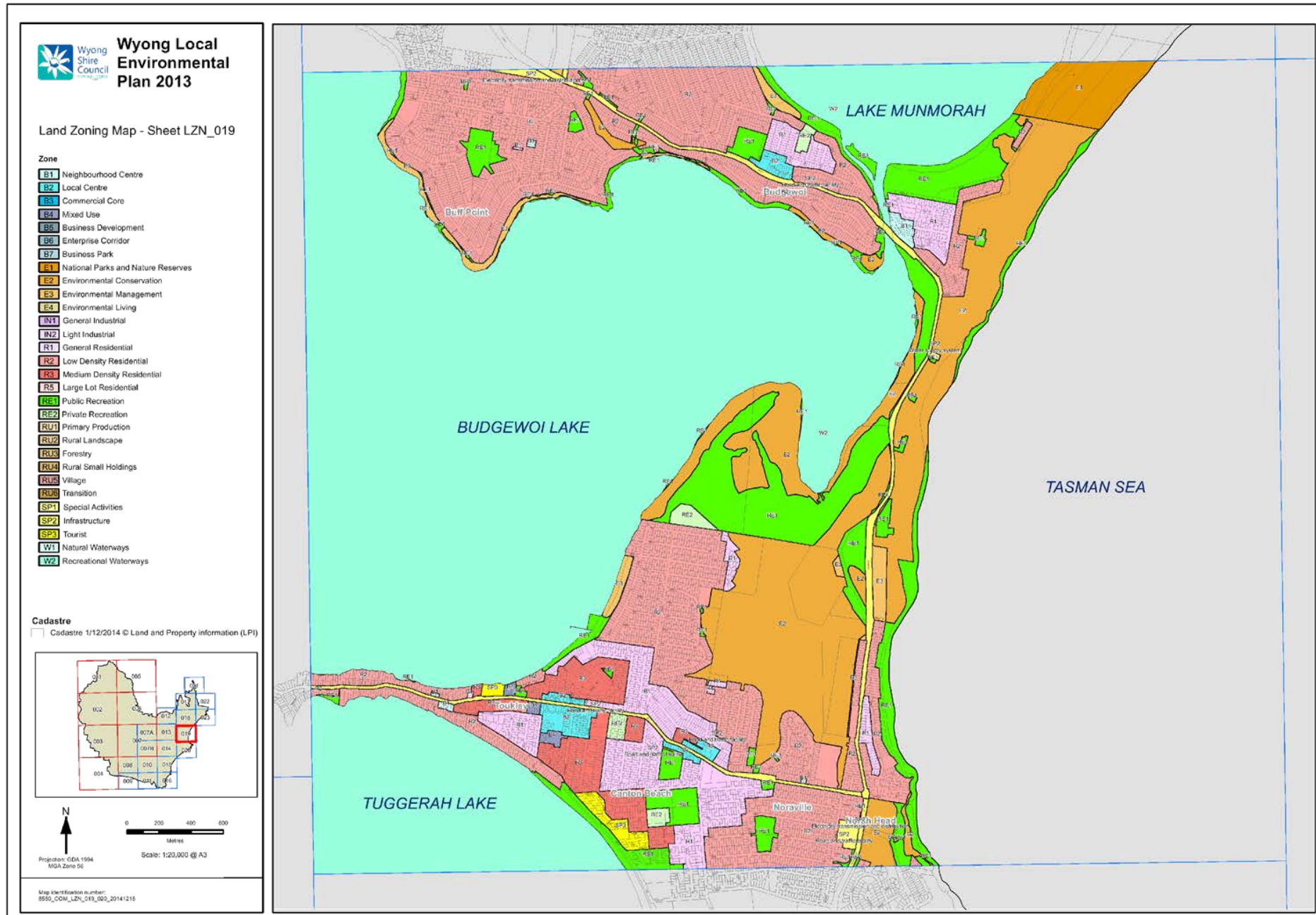
1	Attachment 1 - FBL Map	D12124313
2	Attachment 2 - HOB Map	D12124318
3	Attachment 3 - FSR Map	D12124324
4	Attachment 4 - KYS Map	D12124327
5	Attachment 5 - LZN Map	D12124331
6	Attachment 6 - Draft Masterplan Rustrum Key Site	D12124335
7	Attachment 7 - Draft DCP 2013 Chapter 6.26 Rustrum Key Site	D12124338
8	Attachment 8 - RZ-8-2014 - Submissions Lodged During Public Exhibition	D12124343











RUSTRUM KEY SITE MASTERPLAN

Rustrum Key Site Masterplan

216 - 224 Main Road, Toukley



RUSTRUM KEY SITE MASTERPLAN

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RUSTRUM KEY SITE MASTERPLAN

1.0 INTRODUCTION

Purpose of the Masterplan

A masterplan is a requirement for all Key Sites under Wyong DCP 2013: Chapter 6.1 – Key Sites.

The masterplan consolidates the policies, constraints and controls that will guide design excellence in the development of the Rustrum key site.



Figure 1: Key Site location in Toukley

Scope of the Masterplan

The minimum scope to be addressed within this masterplan is set out in Chapter 6.1 of Wyong Development Control Plan (WDCP) 2013. Also specified within the Chapter are general and site specific requirements for the Rustrum Key Site.

Wyong Council Key Site Program Objectives

The WDCP 2013 identifies overall goals for Iconic Development of the identified key sites:

- To contribute to a more sustainable community, economy and environment through the Iconic Development of Key Sites within Wyong Shire that can leverage significant public benefit through provision of new and/or improved facilities and infrastructure; and
- To facilitate Iconic Development which shall:

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- Demonstrate design excellence and green building design;
- Demonstrate significant net community benefit including economic, social, environmental and cultural benefits;
- Demonstrate how the development will add to the sustainable employment base and economy of Wyong Shire; and
- Have a significant capital investment; and/or
- Be a strategic investment which will be a catalyst for further significant investment in the region.

General Key Site Objectives - WDCP 2013: Chapter 6.1 – Key Site

The objectives of this Chapter are:

- *To provide appropriate controls and incentives to attract investment within Wyong Shire on the specified Key Sites;*
- *To ensure development promotes design excellence through high quality, visually attractive architectural design, consistent with the principles of ecologically sustainable development;*
- *To incorporate a well-designed, safe and active public domain within the development concept to contribute to the wellbeing of the community;*
- *To promote the integration of economic, social and ecological sustainability principles into development to encourage vibrant and liveable communities and ensure the future health of the local environment;*
- *To engage and inform the community on future development opportunities and challenges for each Key Site;*
- *To facilitate the orderly and economic development of the land with increased density of land use and other developer bonuses;*
- *To promote employment generation within Wyong Shire through an improvement of the built environment and public domain;*
- *To encourage development that is easily accessible by walking, cycling and public transport, that contributes to the efficiency of these modes and facilitates the use of transport modes other than the private car;*
- *To ensure that the land is adequately serviced;*

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- To integrate a range of recreation, sporting, cultural, leisure and social activities within high quality spaces and places; and
- To ensure that any development on the land complies with Safer by Design principles, together with principles of water sensitive urban design and energy efficient design.

Specific Rustrum Key Site Requirements from WDCP 2013

DCP 2013 – Chapter 6.1 – Key Sites identifies the following major development issues for the Rustrum Key site. These issues are addressed by this Masterplan as well as within Chapter 6.26: Toukley – Rustrum Key Site:

- Building design is to incorporate a high standard of architecture, urban design and landscaping that recognises the site's prominent location in particular streetscape presentation to Main Road and Lake Budgewoi. A coastal design theme is to be adopted;
- Development is to be "broken up" into discrete elements that do not form a long continuous edge along the foreshore;
- Development of the site is to consider and minimise impacts upon the nearby residential properties and Toukley Gardens with regard to bulk, scale and overshadowing;
- Development shall protect the existing landscape character of the area, including mature trees along the foreshore. Significant vegetation along the foreshore is to be maintained and supplemented to 'soften' the development;
- A tree assessment report addressing significant trees on the site is to be prepared. This is to accompany a landscape plan to be developed with the Masterplan;
- The Traffic Impact Study (TIS) is to demonstrate consultation with the Roads and Maritime Services (RMS) regarding traffic, demand, operation and impacts including access and carparking on Main Road;
- Development options should explore land swap opportunities with Council to enable location of a park closer to the foreshore, to integrate the park with the northern residential area;
- Social Impact Assessment (SIA) of the proposal is to be provided in terms of future residents on the site and existing residents of surrounding properties. Consideration of matters such as noise and potential anti-social behaviour from nearby premises and impacts of potential connection through to Rowland Terrace shall be outlined and addressed;

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- The development shall improve the park outlook and connections to the foreshore and Rowland Terrace;
- Address flooding constraints consistent with Council's Tuggerah Lakes Floodplain Risk Management Study and Plan;
- Development is to be located and designed with appropriate mitigating and adaptive measures against the anticipated impacts of climate change. Such measures are to be consistent with Federal, State and Local Government Policies on climate change and sea level rise. Specifically:
 - NSW Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010) by Department of Planning and Infrastructure (DP&I); and
 - Flood Risk Management Guide: Incorporating Sea Level Rise Benchmarks in Flood Risk Assessments (August 2010) by Department of Environment, Climate Change and Water (DECCW).
- All new development shall include an appropriate sea level rise allowance in the Flood Planning Level.
- Streetscape improvements shall develop and enhance a sense of connection to the Town Centre.
- A shared pathway connection from Main Road through Toukley Gardens and 21 Rowland Terrace is to be provided and connect to the existing pathway at the intersection of Main Road and Peel Street.

Role of the Master Plan in the Key Site process

Design excellence is to be achieved via a framework that incorporates an interlinked range of design and assessment documents.

Document	Role in Key Site process
Key Sites Policy(WSC105)	Overall policy framework for Iconic Development of the Key Sites
Site Specific Master Plan	Set the design policy framework for the site
Site Specific DCP Chapter	Set site specific development controls in line with the Masterplan framework
WDCP 2013	Provide general development controls
WLEP 2013 & SEPPs	Statutory development controls establishing permissibility
Development Application	Final design in compliance with the masterplan and other planning controls, having regard to the site constraints, amenity and environmental considerations

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The Rustrum Key Site Planning Process

The Rustrum Key site development process has a significant number of planning requirements and steps. The land swap (refer Figures 2 & 3), required to regularise the shape of the development site and provide a public park which connects Main Road to Rowland Terrace and the Budgewoi Lake foreshore, adds complexity through the subdivision required and the consequent WLEP 2013 amendments needed to adjust the key site boundaries.

**Figure 2: Existing Ownership Pattern****Figure 3: Post Subdivision Land Swap**

The following steps have been completed:

- Land swap subdivision approved by Council, 23 January 2014 (DA/829/2013).
- Site concept agreed in principle with Council (via Council resolution based on the concept presented to Council's Ordinary Meeting of 30 June 2014).
- Significant public benefit offer considered by Council 30 June 2014, to be confirmed/delivered via the Development Application.
- Planning proposal lodged with Council to cover land swap outcomes and adjust key site controls, September 2014 (amended May, 2015).

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- Draft Voluntary Planning Agreement developed and offered to Wyong Shire Council.



Figure 4: The Rustrum key site once the land swap is completed (red boundary).

2.0 SITE CONTEXT

Aim: The key site development will respond to the site context in keeping with Councils goals of attracting investment, ensuring design excellence and creating high quality



spaces and places.

Figure 5: The Rustrum Key Site Foreshore to Lake Budgewoi.

Development undertaken through the Key Site process is required to demonstrate significant net community benefit.

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The Rustrum Site proposal has capacity to demonstrate this via iconic design, delivery of open space, pedestrian and cycle facilities, retail space and strong relationship to the Toukley Gardens Park, which is a nominated arrival node for Toukley.

Future Character

- The Key Sites program will advance the future character of Toukley by allowing development of significant architectural merit and of a greater scale on the site.
- There are seven key sites in Toukley, some of which provide for heights more than double that currently allowed on neighbouring sites.
- Toukley is identified as a Town Centre in the Central Coast Regional Strategy.
- The Toukley Planning Strategy (TPS) has the objective of achieving the land swap for the park and creating a shared pathway link between Main Road and Rowland Terrace.
- The TPS also identifies a need for streetscape improvements, with the adjoining Toukley Gardens Park fulfilling the function of an 'arrival node' to the Town Centre.

Social Character

The Wyong Community Plan 2008-2013 gives key social indications for Wyong and Toukley being:

- An ageing population.
- A lower income profile than NSW as a whole.
- A higher unemployment rate than NSW as a whole.
- Significant youth unemployment.
- A standard of living satisfaction rating greater than 80%.
- A satisfaction with current accommodation rating of 93%

Locality and Policy Issues

- The site adjoins Toukley Gardens Park, which is nominated as an Entry / Arrival Node to the Toukley Town Centre (refer Figure 6) in the Toukley Town Centre Public Domain Masterplan (TTCPDM).
- Coastal risks of climate change and flooding (DCP 2013) are to be considered.
- State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development and the Apartment Design Guide apply.
- Maintain natural foreshore areas consistent with the Tuggerah Lakes Estuary Management Plan 2006
- Increased housing availability is an objective of the Wyong Residential Development Strategy 2002.
- The provisions of Local Environmental Plan 2013 and Development Control Plan 2013 apply.
- The Incentive Policy for Iconic Development on Key Sites applies.
- It is desirable for the land swap to create an open space, pedestrian and cycleway connection between Main Road and Rowland Terrace.

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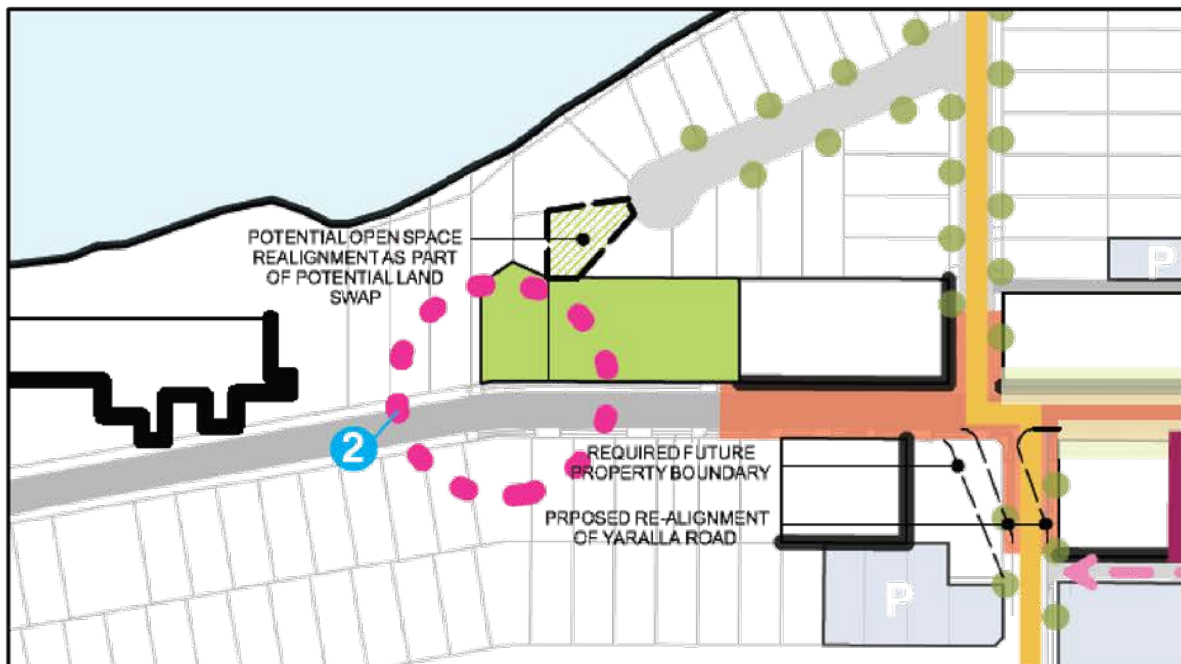


Figure 6: Extract of Toukley Town Centre Public Domain Masterplan, identifying the land swap and Toukley Gardens Park as an entry and arrival node to the Toukley Town Centre.

Economic Issues

Key site development is proposed to act as a catalyst for further investment.

- The key sites program is to encourage investment in Wyong Shire.
- The key site seeks to promote establishment of a market for higher density development in Toukley, given the following:
 - New development in Toukley is a significant financial risk by way of volume and likely sale prices (Toukley Economic Viability Analysis 2007).
 - The Wyong Retail Centres Strategy (p. 85) encourages higher density residential development in the town centre and its fringes.

3.0 SITE CONSTRAINTS AND OPPORTUNITIES

Aim: To ensure that site constraints are recognised and managed appropriately and that opportunities are taken up.

Site Constraints

1. Foreshore vegetation and acid sulphate soils.
2. Flooding and climate change.
3. Adjoining Beachcomber Hotel.

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4. Adjoining dwelling.
5. Future park.
6. Current park.
7. Main Road traffic, egress and ingress, and amenity of residential sites opposite.

Generally the site slopes and drains towards the lake.



Figure 7: Site Constraints.

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Figure 8: Current Land Uses Surrounding the Rustrum Key Site.



Figure 9: Future Land Use (Rustrum Key Site edged red).

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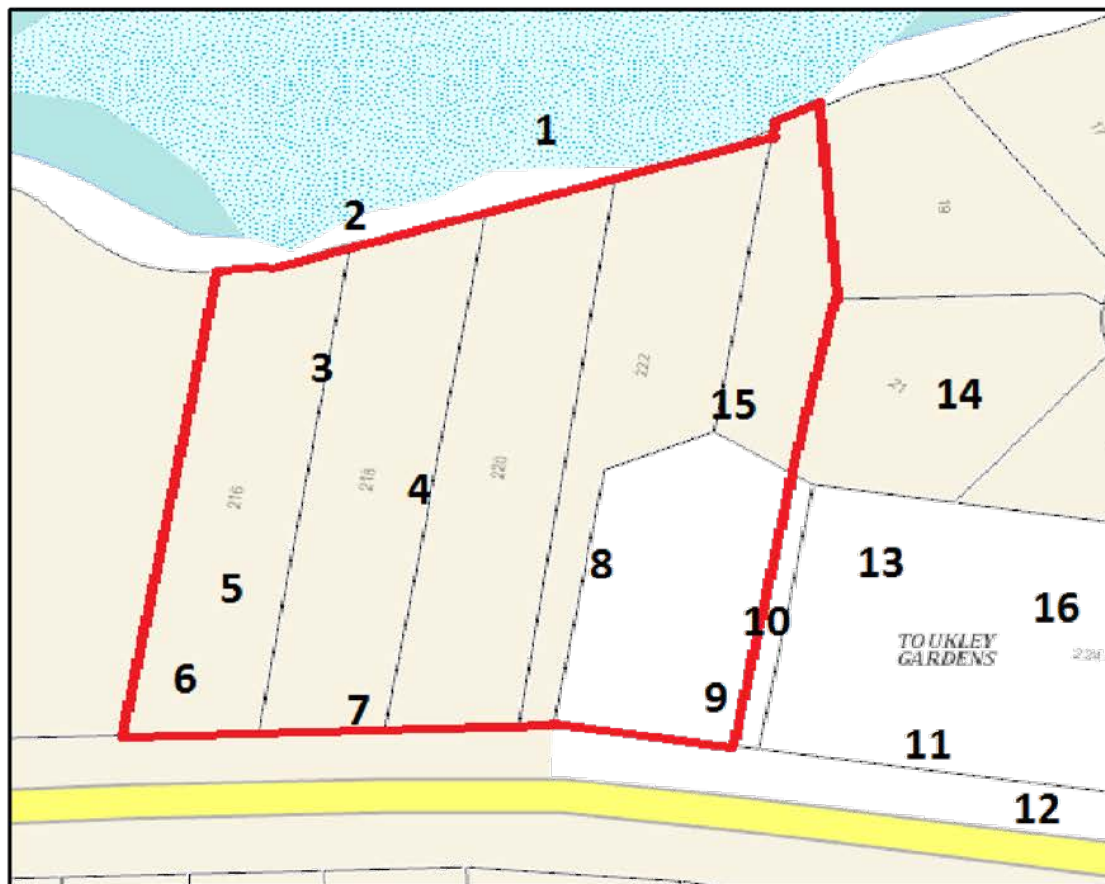


Figure 10: Design Opportunities.

Design Opportunities

1. Capture sea breezes.
2. Restore foreshore ecology. Create a visually connected foreshore.
3. Utilise the Northerly aspect.
4. Potential views to north, east and south.
5. Provide basement car parking.
6. Complement adjoining hotel/motel.
7. Provide visual interest at street level as part of a well resolved architectural design.
8. Locate commercial uses next to Toukley Gardens Park at street/ ground level.
9. Create active ground floor areas.
10. Integrate the development with Toukley Gardens.
11. Improve park amenity and park use through provision of quality landscaped space and facilities.
12. Create iconic street views of building to enhance the adjoining Toukley Entry /Arrival node.
13. Enhance views of lake from public areas.
14. Connect Rowland Terrace and Main Road via an open space and pedestrian/cycleway connection.
15. Provide residential surveillance of park for increased safety.

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16. Provide shared path links and improved lighting to existing car parking.

4.0 DESIGN EXCELLENCE

Aim: To ensure that design excellence is achieved on the site and that future building(s) contribute positively to Toukley.

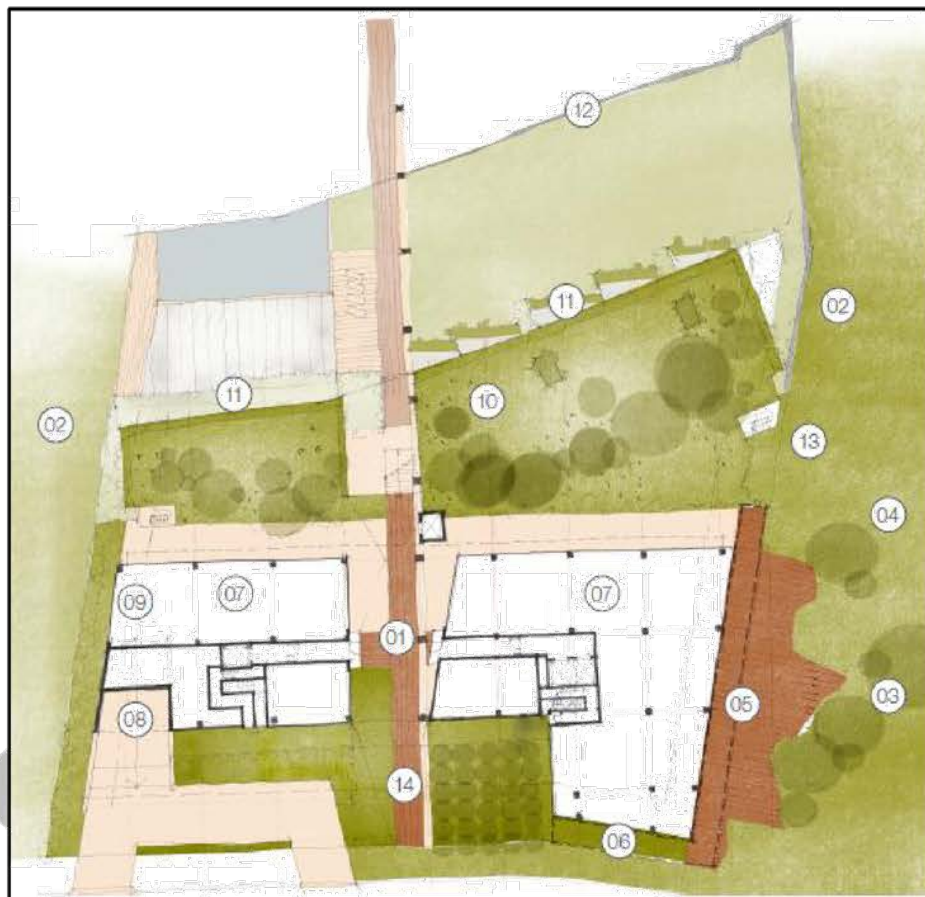


Figure 11: Design Excellence Principles.

The site design principles to promote excellence of design include:

1. Provide high architectural design quality through strongly varying building elements which contribute to an iconic appearance. Visually link Main Road to the water through the development.
2. Minimise impacts upon adjoining and nearby dwellings.
3. Link the site to the adjoining Toukley Gardens Park through design and pedestrian pathways.
4. Upgrade Toukley Gardens Park to be a well landscaped and visually prominent parkland that fulfils the role of Toukley arrival node.
5. Integrate the building frontage and the park through design.

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6. Provide an iconic streetscape address.
7. Minimise the footprint of the building tower to promote water views.
8. Locate the underground carpark/basement and vehicle access for minimal impacts.
9. Compliment the adjoining Hotel /Motel and design cognisant of noise, lighting and amenity of the area.
10. Promote views to lake and provide attractive public green spaces.
11. Limit bulk and scale fronting the lake and park frontages.
12. Restore and improve foreshore vegetation.
13. Maintain and improve water views from Toukley Gardens Park.
14. Provide a landscaped forecourt, to provide a softening of the street frontage.

5.0 BUILT FORM

Aim: The built form will integrate the building with the adjoining public domain. Council's intention is to improve views toward Toukley Gardens Park, which is the local entry/ arrival node, and take advantage of the foreshore location.



Figure 12: Example Building Form for the Rustrum Site.

The built form requirements are (see above):

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1. Provide iconic building views from Main Road consistent with the Toukley Entry/Arrival node.
2. Integrate ground floor commercial with adjoining park and provide for active ground level uses.
3. Provide strong visual interest at street level.
4. Complement adjoining Beachcomber Hotel/Motel.
5. Provide separate tourist and residential accesses.
6. Locate residential uses to benefit from easterly views to park and northerly aspect to lake.
7. Provide strongly varying building elements to contribute to iconic appearance.
8. Maximise north facing apartments for amenity and solar efficiency.
9. Maximise views to Lake Budgewoi from Main Road and park.
10. Consider the highly visually prominent location and provide for modern design which reflects the coastal location.

6.0 DENSITY

Aim: To achieve a density consistent with the desired future character of the site and which promotes housing choice.

Density refers to the number of residential and tourist apartments that can be accommodated on the site. The key site provisions can enable a higher density than for surrounding sites.

The masterplan requirements for density are:

1. Provide for higher density living where the development:
 - is consistent with the key site aims and demonstrates design excellence.
 - is consistent with the desired future character of Toukley.
 - is serviced by essential infrastructure and public amenity.
 - compliments Toukley Town Centre and contributes positively to delivering a high amenity location.

7.0 SCALE

Aim: To establish an expected building scale which will deliver an iconic development in a prominent location.

- Development of the site is governed by maximum Height and Floor Space Ratio (FSR) controls under the WLEP 2013. Building setbacks, bulk, scale, shadow impacts and residential amenity are guided by State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development and the Apartment Design Guide, and DCP 2013: Chapter 2.4 Multiple Dwelling Residential Development.

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It is noted that in order to utilise the key site provisions the design is to demonstrate design excellence by exceeding these standards. The building design within this set of controls also needs to respond to the matters listed below:

Site Scale Considerations

1. Foreshore setbacks and coastal environment.
2. Setback to adjoining dwellings.
3. Setback to park.
4. Low podium to allow lake views across the site from the park.
5. Minimise building frontage to park.
6. Minimise overshadowing of dwellings and other sites in the locality.
7. Minimise shadow impacts to sites on opposite side of Main Road.
8. Provision for access and ancillary structures.
9. Setback to adjoining hotel.
10. Provision for plant and roof features within architecture.
11. Avoidance of shadowing and overlooking impacts.
12. Providing an iconic architectural appearance to Main Road.
13. Minimise tower frontage to park while retaining surveillance capacity.
14. Deliver public amenity to the adjoining foreshore and park.
15. Maximise public water views.

8.0 LANDSCAPE

Aim: To enhance natural environmental performance and create amenity spaces for resident and commercial use.

Masterplan Requirements:

1. Provide landscaping consistent with the highly prominent location.
2. Enhance the public domain.
3. Soften building forms at street level.
4. Restore foreshore ecological function consistent with Tuggerah Lakes Estuary Management Plan.
5. Minimise hard surfaces.
6. Complement local character with appropriate plantings.
7. Integrate with the adjoining park (refer Figure 16).
8. Provide amenity and passive recreation areas for residents.
9. Maintain and enhance street tree plantings.
10. Facilitate Crime Prevention Through Environmental Design (CPTED) principles.

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Figure 13: Example Podium Landscaping.

9.0 AMENITY

Aim: Provide a high level of amenity for occupants/ visitors of the development and the adjoining public domain.

The requirements for the primary aspects of amenity are addressed below:

Safety and Security

1. Provide clean sight lines between public and private spaces.
2. Clearly identify entrances and exits.
3. Address entrances to the street.
4. Provide casual surveillance for public and communal open spaces.
5. Minimise opportunities for concealment
6. Control access by providing direct access from car parks to lobbies and apartments.
7. Maximise integration of public domain and ground floor commercial uses.

Acoustic Privacy

1. Ensure a high level of amenity by protecting acoustic privacy.
2. Arrange apartments to minimise noise transfer.
3. Use urban design measures to minimise conflicts between noise, outlook and views.
4. Incorporate design measures to mitigate existing sources of noise.
5. Give consideration to noise sources in the locality including the Beachcomber Hotel/Motel

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Sunshine/Daylight

1. Ensure direct daylight access to all habitable rooms
2. Ensure direct sunlight to communal open space.
3. Optimise number of apartments receiving direct sunlight access.
4. Design for shading and glare control.

Natural Ventilation

1. Provide all apartments with direct access to fresh air.
2. Orient apartments to receive prevailing breezes.
3. Design building and individual apartments to promote natural cross ventilation.
4. Co-ordinate design to achieve energy efficiency and incorporate energy efficient elements.

Energy Efficiency

1. Deliver building(s) which incorporate energy efficient and passive heating and cooling features to promote liveability.

10.0 SOCIAL DIMENSIONS

Aim: Development that responds to the social context, needs and opportunities for the local community.

Masterplan requirements:

1. Promote ground floor activities and 24 hr surveillance of park.
2. Provide lights to all public areas.
3. Apply Crime Protection through Environment Design principles to provide a safe environment.
4. Encourage activity and enhance the adjoining park.
5. Encourage commercial uses that complement the adjoining park.
6. Clearly identify those parts of the site where public access is allowed.
7. Deliver public benefit to provide local community improvements consistent with the requirements for Toukley identified in DCP 2013: Chapter 6.1 – Key Sites.
8. Provide communal areas within the development to promote opportunities for interaction.

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Figure 14: Indication of proposed enhancement of Toukley Gardens Park with views to the lake.

11.0 AESTHETICS

Aim: Development that responds to the context and environment and contributes positively to the future character of the area.

Masterplan requirements:

1. Enhance the Entry/Arrival node
2. Deliver design excellence.
3. Deliver landscape excellence
4. Integrate building(s) with the adjoining park.
5. Enhancement of the foreshore, adjoining park and streetscape.
6. Maximise public water views.
7. Appropriate building materials for a coastal location
8. Integrate opportunities for public art

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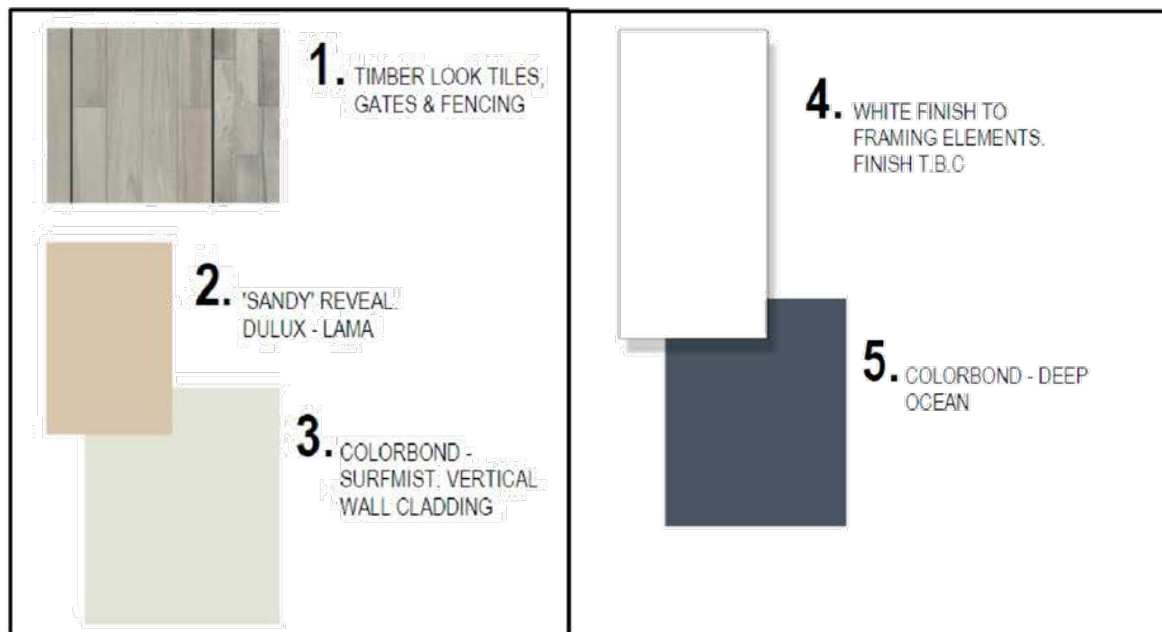


Figure 15: Examples of suitable coastal building materials and colours.

12.0 GREEN BUILDING DESIGN

Aim: To achieve ecologically sustainable development through superior outcomes in key areas.

Any proposal for the site is required to demonstrate that the development is sustainable.

Energy Efficiency Options

1. Maximise solar access for apartments and open space areas.
2. Encourage walking and cycling to minimise vehicle use.
3. Reduce reliance on artificial lighting through managing solar gain.
4. Provide awnings and colonnades at street level to provide pedestrian protection.
5. Install water and energy efficient appliances.
6. Aim to exceed BASIX and Section J BCA efficiency requirements.
7. Maximise cross flow natural ventilation.
8. Utilise mechanisms to manage shading of harsh summer sun.

Transport Options

1. Contribute to a walkable neighbourhood.
2. Encourage walking and cycling.
3. Create and extend pedestrian and cycle links.
4. Provide parking and storage for motor cycles and bikes as well as cars.
5. Develop a Transport Management Plan for the development.

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Stormwater Management Options

1. Apply water sensitive urban design principles to site water management.
2. Management of water quality discharges to Lake Budgewoi.
3. Minimise areas of hard pavement.
4. Provide onsite retention and water quality treatment of stormwater.
5. Ensure site discharges do not disturb lake sediments and ecology.

Ongoing Building and Site Management Options

1. Incorporate water harvesting and reuse as appropriate.
2. Foreshore and vegetation management.
3. Activate street level with café/restaurant
4. Provide garden maintenance and storage area.
5. Select appropriate landscape and irrigation systems.
6. Locate waste storage areas away from the front of the buildings.

13.0 EMPLOYMENT

Aim: The provision of ongoing sustainable employment

Masterplan Requirements:

1. Provide street level commercial opportunities.
2. Maximise access to the commercial floor space for residents and visitors.
3. Integrate the development with the adjoining park to maximise the commercial opportunities associated with park use.
4. Complement the park, lake views and site amenity by encouraging a café or restaurant to establish.
5. Support the existing Toukley town centre retail.
6. Provide any tourist and visitor accommodation at a sustainable scale.

14.0 TRANSPORT

Aim: To ensure the development provides for all forms of transport in a safe, efficient and convenient manner.

Masterplan Requirements:

1. Provide motor cycle parking and bike storage as well as car parking.
2. Provide disabled parking.
3. Provide good connections to the public domain and street.

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4. Promote pedestrian and cycling use through provision of shared paths to key destinations such as open space, the lake and town centre, considering desire lines.
5. Avoid conflicts between pedestrians and vehicle ingress /egress and deliveries.
6. Provide delivery and pick up/drop off areas.
7. Prepare a Transport Management Plan for the operation of the development.
8. Establish the shared pathway link between Main Road and Rowland Terrace.
9. Design for garbage collection in accordance with Council's requirements.

15.0 PUBLIC DOMAIN AND SIGNIFICANT PUBLIC BENEFIT

Aim: To ensure the development contributes to the public domain in accordance with Council's significant public benefit policy for key sites

Masterplan requirements:

1. Undertake the land swap with Council to provide access to Rowland Terrace.
2. Provide significant public benefit in accordance with Council Policy WSC105.
3. Detail proposed works to be provided within a Public Domain Improvement Plan.
4. Provide a building design that enhances the Entry/Arrival node of the adjoining park.

Priority Works identified by Council for Toukley in Wyong DCP 2013 and suitable for public benefit works are:

- a) *Embellish the Village Green.*
- b) *Improvements to enhance Toukley Gardens (e.g. landscaping, street furniture, appropriate public art, embellishment of rotunda).*
- c) *Upgrade or relocate the existing skate park.*
- d) *Embellishment of the Lake foreshore and existing facilities along the foreshore. The Tuggerah Lakes Estuary Management Plan (EMP) and associated implementation documents should be referenced for further guidance.*
- e) *Provision of new, or upgrade or relocate existing, recreational facilities (e.g. aquatic centre, gym and/or meeting spaces).*
- f) *Upgrade existing community facilities and/or collocate into a community learning centre by combining elements such as the community hall, neighbourhood centre, library and childcare services.*
- g) *Provision of new, or enhancement of existing, pedestrian and cycleway connections between existing and future commercial, community and recreation facilities such*

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as the Town Centre, Toukley Library/Community Hall, Toukley RSL, Ray-Heador Streets Community and Recreation Facilities, Canton Beach foreshore, Toukley Gardens and Peel Street foreshore.

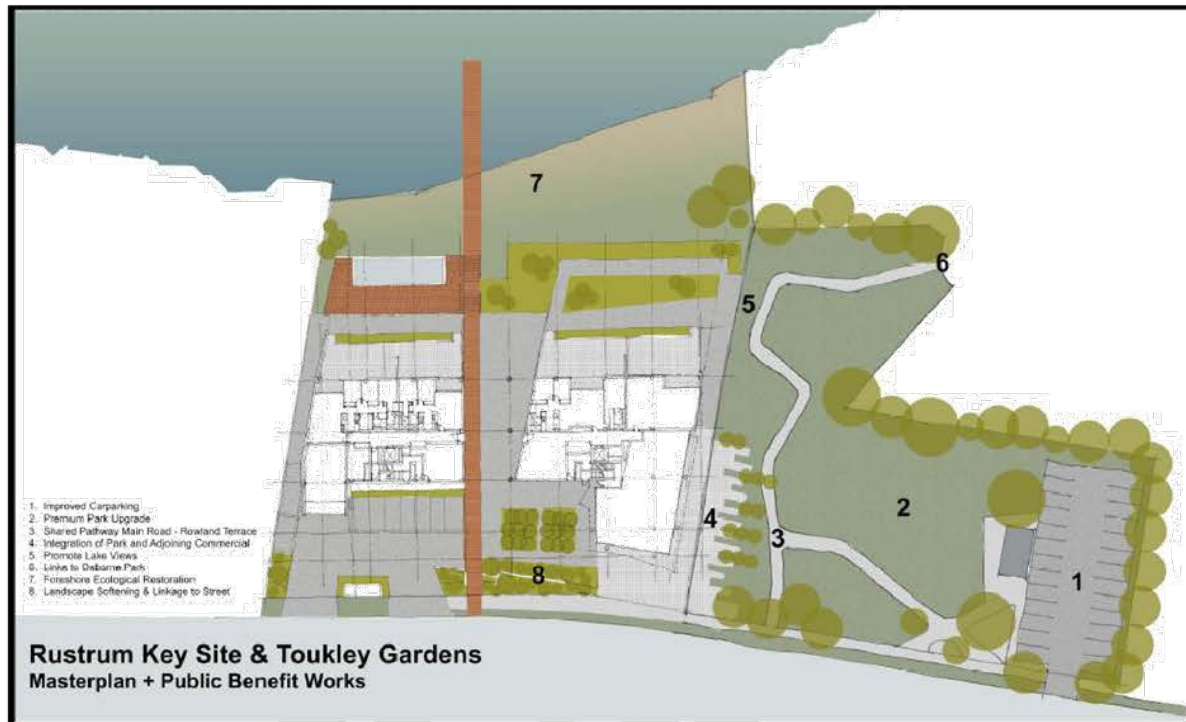


Figure 16: Preliminary landscape masterplan showing linkage of the development and the adjoining park and the creation of the Main Road to Rowland Terrace shared pathway link.

Public benefit and landscape works are generally as indicated above in Figure 16. The identified features are:

1. Improved car parking
2. Premium park upgrade
3. Shared pathway Main Road to Rowland Terrace
4. Integration of park and adjoining commercial
5. Promote lake views
6. Links to Osborne Park
7. Foreshore ecological restoration
8. Landscape softening and linkage to street.

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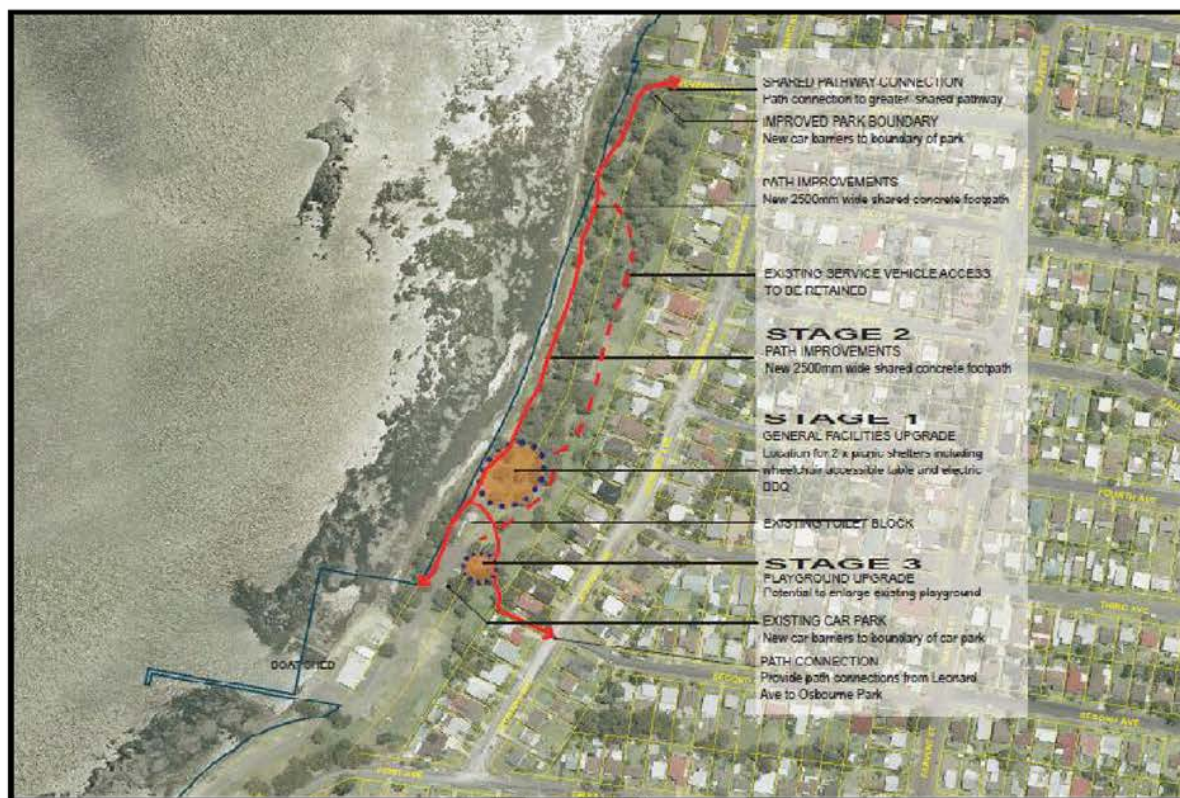


Figure 17: Wyong Council Landscape Masterplan for Osborne Park upgrade

Works for Osborne Park that will be part of the significant public benefit are as identified in Figure 17. The works identified in this master plan are:

- Shared pathway connections
- General facilities upgrade being two new shelters and electric BBQ
- Playground upgrade.

CHAPTER 6.26 TOUKLEY – RUSTRUM KEY SITE

1.0 INTRODUCTION

1.1 Citation

This Development Control Plan is "Development Control Plan Chapter 6.26 – "Toukley - Rustrum Key Site".

1.2 Application of this Plan

This Plan is prepared and approved pursuant to s.74C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. This Development Control Plan (DCP) Chapter applies to land identified by Clause 7.11 & Map KYS-019 of Wyong Local Environmental Plan (WLEP) 2013 (see **Figure 1**).

1.3 Purpose of this Plan

The purpose of this Plan is to provide guidance for the iconic development of this Key Site.

1.4 Aims and Objectives

- To ensure the objectives and requirements of Clause 7.11 of the WLEP 2013 are met by development on the site.
- To ensure the development accommodates a mix of residential, commercial, and retail use.
- To ensure that the development shall have an appropriate scale, texture and materiality that is sympathetic to the character of Toukley
- To ensure the iconic development of the site improves the public domain function and local amenity and connectivity.
- To ensure that the development provide a strong entry /arrival node for the Toukley Town Centre.
- To ensure that the development exhibits design excellence, including a high standard of architectural design, materials, façade treatments, interior design and landscape treatments.

1.5 Relationship to other Plans

Wyong Local Environmental Plan (WLEP) 2013 applies to the site. Section 74C of the Environmental Planning and Assessment Act 1979 and Regulations require this development control plan chapter to be consistent with that Plan.

In the event of an inconsistency between this development control plan chapter and the provisions of the WLEP 2013, the latter shall apply.

This development control plan chapter should be read in conjunction with other chapters of Development Control Plan 2013 – Development Controls for Wyong Shire and policies (including relevant Section 94 and 94A plans) which may apply to the site, in particular:

- Chapter 2.4 – Multiple Dwelling Residential Development
- Chapter 2.6 – Signage.
- Chapter 2.11 – Parking and Access.
- Chapter 2.15 – Public Art.
- Chapter 3.1 – Site Waste Management.
- Chapter 3.6 – Tree and Vegetation Management.
- Chapter 5.1 – Retail Centres.
- Chapter 5.4 – Greater Toukley
- Chapter 6.1 – Key Sites
- Wyong Civil Works Design Guidelines and Construction Specification.

The provisions of this development control plan chapter shall prevail where there is any inconsistency between this development control plan chapter and other development control plan chapters.

1.6 How to use this Plan

Section 1 – Introduction: Use this part to identify the nature and extent of this development control plan chapter.

Section 2 –Iconic Development of the ‘Key’ Site: Use this part to identify the site specific issues to be addressed as they pertain to the Site.

1.7 Variations to this Plan

If, in the opinion of Council, the proposed development satisfactorily complies with the aims and objectives of this Plan, variations to the requirements may be considered.

Where variations are proposed, the development application (DA) shall indicate:

- a The requirement and extent of the variation proposed; and
- b Benefits resulting from the proposed variations which could not be otherwise achieved through compliance with the requirement.

2.0 ICONIC DEVELOPMENT OF THE “RUSTRUM KEY SITE”.

OBJECTIVES

- To encourage site consolidation and redevelopment of the land.
- To allow for higher density development in a manner which minimises impacts on the locality
- To provide a high quality lakeside development that improves the streetscape and respects the sensitive lakeside location.
- To ensure that the DCP and the resulting development are consistent with the Key Site planning process, in particular the matters identified within Clause 7.11 of the WLEP 2013.

GENERAL REQUIREMENTS

- a The development is to demonstrate achievement of the objectives and requirements detailed by matters listed within Clause 7.11 of the WLEP 2013.
- b The building design is to exemplify design excellence, incorporating a high standard of architectural design, materials, façade treatments, green building solutions and landscaping that recognises the site’s prominent location, in particular streetscape presentation to Main Road, Toukley Gardens and the foreshore to Budgewoi Lake.
- c Development of the site is to minimise impacts upon the nearby residential properties and Toukley Gardens with regard to bulk, scale and overshadowing, overlooking and design.
- d A tree assessment report addressing significant trees to be retained on the site is to be prepared. This is to accompany a landscape plan to be developed with any DA for the development of the site.
- e The development is to provide for an appropriate response to the environmental constraints of the site, including addressing the potential for disturbance and remediation of acid sulfate soils, and/or any identified site contamination.
- f The Traffic Impact Study (TIS) is to address the matters identified in Appendix A of Chapter 2.11 - Parking and Access, including traffic, parking demand, operation and impacts, including access from Main Road.
- g The Development Application should address land swap opportunities with Council to enable reconfiguration of the park to overlook the foreshore and to connect the park with Rowland Terrace. (A subdivision facilitating the land swap was approved by Council on 23 January 2014, under DA/829/2013) The DA should include provision for a shared pathway linking Main Road and Rowland Terrace.

- h A Social Impact Assessment (SIA) of the proposal is to be provided with the DA, addressing potential social impacts of the proposal in respect of future residents on the site and existing residents of surrounding properties. Consideration of matters such as noise and potential anti-social behaviour from nearby premises and impacts of potential connection through to Rowland Terrace shall be outlined and addressed.
- i The development shall improve the park outlook over Budgewoi Lake and the connection to the Budgewoi Lake foreshore via Rowland Terrace.
- j The proposed development shall address flooding constraints consistent with Council's Tuggerah Lakes Floodplain Risk Management Study and Plan.
- k In addition to the elements listed in Clause 7.11 of the WLEP 2013, the development shall also meet or surpass the quality standards identified within the requirements of the relevant State Environmental Planning Policies (SEPP's), including:
 - *SEPP 65 – Design Quality of Residential Apartment Development* and the related *Apartment Design Guide*;
 - *SEPP (BASIX) 2004*; and
 - *SEPP 71 – Coastal Protection*.
- l The design is to clearly demonstrate architectural merit and iconic status. The Statement of Environmental Effects (SEE) is to clearly demonstrate how public benefit is delivered through the development.
- m Development is to be located and designed with appropriate mitigating and adaptive measures against the anticipated impacts of climate change. Such measures are to be consistent with Federal, State and Local Government Policies on climate change and sea level rise. Specifically:
 - NSW Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010) by Department of Planning and Infrastructure (DoPI); and
 - Flood Risk Management Guide: Incorporating Sea Level Rise Benchmarks in Flood Risk Assessments (August 2010) by Department of Environment, Climate Change and Water (DECCW).
- n All new development shall include an appropriate sea level rise allowance in the Flood Planning Level.
- o The design of the development is to incorporate Crime Prevention through Environmental Design (CPTED) principles, including measures to address the surrounding public open space areas.
- p The development shall enhance the entry-arrival node identified by Council (the adjoining Toukley Gardens) in the Toukley Town Centre Public Domain Masterplan.

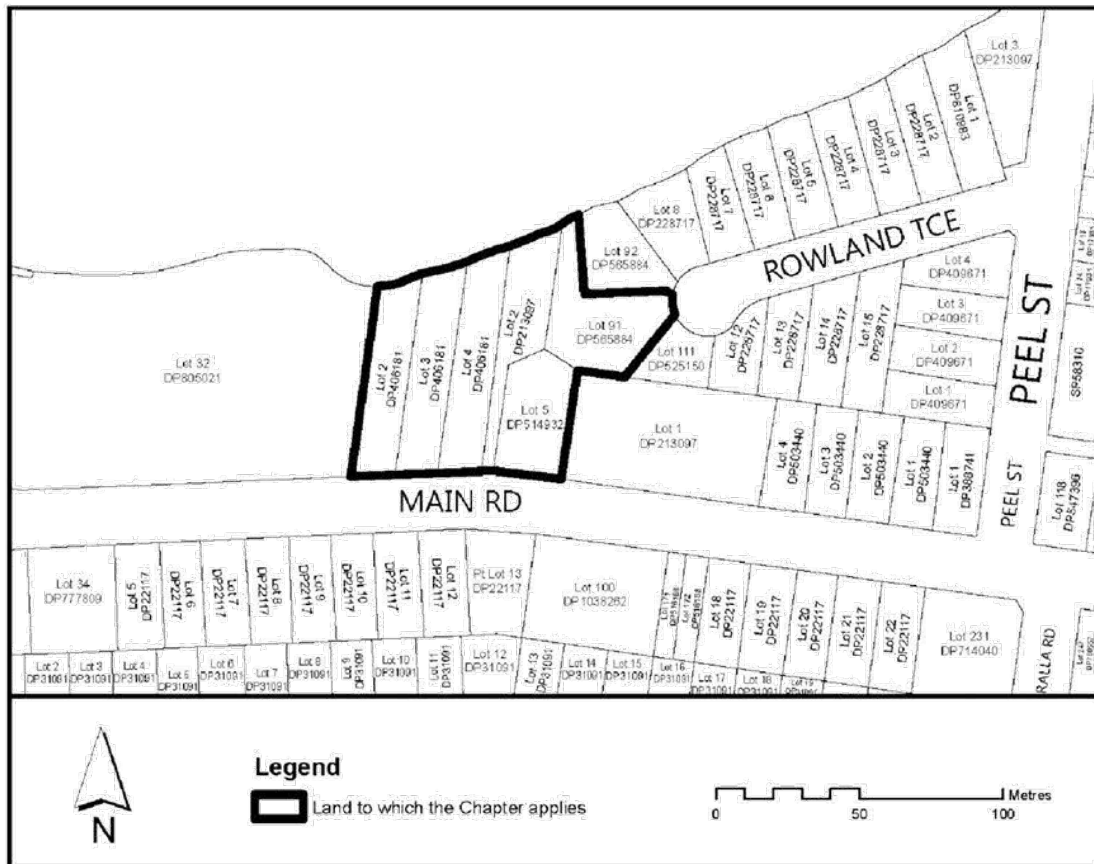


Figure 1: The Rustrum Key Site

2.1 Building Form

OBJECTIVES

- To provide for a building of high architectural quality, displaying design excellence and innovative green building solutions in an iconic form.
- To provide lake views from Main Road and the adjoining park.
- To provide building form and landscape design that will allow the objectives and requirements of *SEPP 65 – Design Quality of Residential Apartment Development* and the related *Apartment Design Guide* and the iconic design requirements of clause 7.11 WLEP 2013 to be met or surpassed.
- To provide for a building form within a landscaped setting that has adequate setbacks from the lakefront, the street and adequate separation from existing and future buildings.
- To ensure that the existing development potential of lands on the southern side of Main Road are not unreasonably compromised through overshadowing or overlooking.

REQUIREMENTS

- a In accordance with Clause 7.11 and Map KYS_019 of the WLEP 2013, the maximum building height for this consolidated Key Site is 36 metres, subject to achieving the objectives and requirements of this chapter.
- b Clause 4.4 and Map FSR 019 of the WLEP 2013, permit a building on this site with a maximum floor space ratio (FSR) of 1.7:1. In addition, Clause 4.4 (2B) provides the potential for increased FSR, based on the area of the consolidated site, and subject to achieving the objectives and requirements of this chapter.
- c The building) is to have adequate separation to existing and future buildings and the street, and will ensure that an appropriate degree of solar access is retained for surrounding development, in accordance with the requirements of *SEPP 65 – Design Quality of Residential Apartment Development* and section 3F of the related *Apartment Design Guide*.
- d In addition to building separations and setbacks in accordance with the Apartment Design Guide, specific matters to be addressed are:
 - i. Southern Façade Setback to Main Road – minimum of 7.5m to the predominant wall of the building but an average of 10.0m, to allow expression of iconic form.
 - ii. Eastern Façade Setback to Toukley Gardens - The objective is to integrate ground floor uses with the adjoining park, Toukley Gardens, and reduce the bulk of the development as viewed from the park. It is anticipated that the development will propose an articulated façade along the eastern boundary. Lightweight structures such as awnings, pergolas and landscape elements and the underground carpark/basement may have a zero setback to the park frontage. The predominant building wall must achieve a minimum average boundary setback of 4.5m, with a minimum setback of 2.5m applying to any portion of the building.
 - iii. Northern Residential Façade Setback to Northern Site Boundary – 25m minimum to provide a view corridor from Toukley Gardens and Main Road to the lake.
 - iv. Northern Non-residential Façade Setback to Northern Site boundary – 15m average to maintain consistency of setback with adjoining sites. The northern Non-residential Façade is to visually integrate with the foreshore by way of landscaping and architectural variation, and other than minor and ancillary structures is limited in height to generally no more than 6m above natural ground level.
 - v. Minor and single storey ancillary structures may be considered between the Northern Non-residential Façade and the northern site boundary.
- e The building form will maintain an appropriate relationship with the public domain and streetscape. Street front elements are to respond to the character of existing main street development, with ground level shopfronts protected by awnings and accessible from the adjoining park and Main Road frontage, and with commercial and residential uses above.

- f The building is to achieve a high standard of design excellence as required by clause 7.11 of WLEP 2013 in addition to meeting the objectives and requirements of *SEPP 65 – Design Quality of Residential Apartment Development* and the related *Apartment Design Guide*.

2.2 Building Materials and Finishes

OBJECTIVES

- To ensure that the development on the site has high quality appearance.
- To ensure that the materials and finishes have regard to the existing coastal context and reflect the desire to create an identifiable 'coastal' character

REQUIREMENTS

- a The building design is to exemplify design excellence, incorporating a high standard of architectural design, appropriate and durable materials, detailed façade treatments, green building solutions and landscaping that recognises the site's prominent coastal location and climate, in particular streetscape presentation to Main Road, Toukley Gardens and the foreshore to Budgewoi Lake (see example at Figures 5, 6 and 7).
- b Building and landscape materials are to be fit for purpose and reflect the desired high quality urban character of the area, be appropriate for climatic conditions and the marine environment and be of high specification to ensure long term quality and sustainability of the development;
- c Materials to be used may include:
 - i. Heavy materials for the base structure: concrete, masonry, render.
 - ii. Lightweight materials for the top of the building to allow flexibility in roof form: steel, aluminium and other metallic materials.
 - iii. Lightweight screening elements to provide enhanced privacy to the occupants of the development as well as to adjoining residential properties.
 - iv. Materials that minimise reflective glare and provide a modern appearance.

2.3 Design of building elements

OBJECTIVES

- To ensure that the elevations and roof treatment of the building(s) have a high quality and iconic appearance and have regard to the character of the surrounding area.
- To ensure a positive relationship to the landscaped park setting, foreshore and Main Road.

REQUIREMENTS

- a Development is to be designed having regard to the urban coastal context and the desired future character of the area.

- b Development of the site is to minimise impacts upon the nearby residential properties and Toukley Gardens with regard to bulk, scale and overshadowing, amenity, overlooking and design elements.
- c Building and landscape elements, including balconies, entries, rooflines and screening are to contribute to the character of the streetscape through distinctive and attractive façade treatments and detailing.
- d The development shall enhance opportunities for passive visual surveillance of the public domain, enhance residential amenity and make a positive contribution to place identity.



Figure 5: Indicative Use of Materials and Design to produce an iconic development of urban coastal character



Figure 6: Indicative Use of Materials and Design to produce an iconic development of urban coastal character



Figure 7: Indicative Use of Materials and Design to produce an iconic development of urban coastal character

2.4 Public Domain

OBJECTIVES

- To ensure that the public domain components of the development contribute to an activated, human scale environment and are clearly expressed as public spaces.
- To ensure that the access, streetscape elements and landscaping support the pedestrian, cyclist and vehicular movement system in and adjacent to the development.
- To promote views from Main Road through the site and through Toukley Gardens to Budgewoi Lake and the foreshore area.
- To recognise the prominence of the development when viewed from the lake and foreshore area and ensure that the development steps toward the foreshore to reflect the natural terrain.
- To integrate with Council's public domain improvements within Toukley Town Centre, Toukley Gardens and Osborne Park.
- To ensure that uses and frontages of buildings adjacent to the park contribute to the activation of the public domain, to serve the local community and tourists alike.
- To ensure that design of apartments and balconies maximise passive surveillance of the public domain and reinforces the activation of the street environment.
- To ensure that façade articulation and elements within the building setback areas facilitate an active street environment and modern attractive and interesting building design.

REQUIREMENTS

- a The ground floor to Main Road and Toukley Gardens is to accommodate active uses including shops, cafes and restaurants, with appropriately defined access to commercial and residential uses above.

- b Outdoor eating areas associated with restaurants may be provided within the public domain subject to Council's requirements.
- c The development shall use landscaping that will assist in the integration of buildings and related structures into the streetscape at street level, including the park to the east and the foreshore to the north.
- d The building form will step down the site to decrease the bulk and scale toward the Budgewoi Lake foreshore to reflect the natural contours of the locality, returning to single storey toward the Foreshore.
- e Restoration of the foreshore ecology, through the maintenance of the natural foreshore and the retention and supplementing of natural foreshore vegetation is to be demonstrated as part of any development of the site.
- f Sightlines shall be maintained through the site and through Toukley Gardens toward Budgewoi Lake and the foreshore area.
- g The design of apartments and balconies shall maximise passive surveillance of the public domain and reinforce the activation of the street environment.

2.5 Landscape

OBJECTIVES

- To provide for softening of development and enhancement of the urban environment.
- To provide for landscaped areas on the site that will enhance communal open space on the site.
- To embellish the public domain adjacent to the site that is of high quality and will contribute to the overall objective of providing focal points of activity at a designated arrival node for Toukley Town Centre.
- To embellish the public domain of Toukley Gardens to a high quality so that it will provide a focal point for public activity and contribute toward creating a positive arrival node for Toukley Town Centre.
- To promote ecologically sound management of the Budgewoi Lake foreshore.

REQUIREMENTS

- a A suitably qualified landscape design consultant is to undertake the design and construction of landscaping for the development, details to be lodged as part of any Development Application for the site.
- b The landscape design for the development should:
 - i. Provide appropriate shade to promote use of passive space using trees or structures;
 - ii. Provide accessible routes within the site and between buildings, and links to the public domain;

- iii. Contribute to streetscape character and the amenity of the locality by using planting, fencing, lighting and other landscape elements appropriate to the scale of the development;
 - iv. Visually soften the bulk of the development for the person on the street, within Toukley Gardens and within the foreshore area;
 - v. Visually soften hardstand areas associated with carparking, through provision of quality advanced shade tree planting and other landscaping;
 - vi. At least 20% of the communal recreation area on the site shall be 'soft' landscaping, including a mixture of trees, shrubs and ground covers appropriate to the intended use of the area; and
 - vii. At least 30% of soft landscaping areas shall be deep soil planting.
- c. A landscape design plan is also required for Toukley Gardens and for Osborne Park. The Osborne Park works would be based upon the *Osborne Reserve, Toukley – Park Upgrade Concept Masterplan, WSC, 2009*, and as detailed within the Voluntary Planning Agreement.
- d. Landscaping of the Budgewoi Lake foreshore is to be in accordance with the principles and requirements of the Tuggerah Lakes Estuary Management Plan.

2.6 Amenity

OBJECTIVES

- To ensure a level of design excellence in creating amenity for the residents and other users of the site and surrounding areas.
- To ensure that the use of the property and all associated ancillary activities does not adversely impact on the amenity of the surrounding area in relation to traffic generation, off-site parking, excessive noise, odour or light spill, visual impacts and disturbance from servicing requirements and staff and visitor movements.

REQUIREMENTS

- a. In addition to the provisions of Clause 7.11 of the WLEP 2013, the development shall provide a level of design excellence which meets or surpasses the residential amenity requirements of *SEPP 65 – Design Quality of Residential Apartment Development* and the related *Apartment Design Guide*.
- b. The development shall provide non-residential uses, particularly uses such as cafes, restaurants and retail development, that can add to the vitality of the area both day and night.
- c. Non-residential spaces should also be designed to take advantage of the foreshore location and where possible, provide for views to the water.
- d. Any tourist accommodation and non-residential uses should have separate pedestrian entries to the residential component and be designed to ensure that an appropriate level of safety and amenity (particularly acoustic amenity) is provided to residents.

- e The development shall provide for appropriate acoustic separation of uses and a high level of acoustic amenity for residents.

2.7 Access and Parking

OBJECTIVES

- To ensure that pedestrian and vehicular access and egress points comply with the relevant standards and are located to reduce potential for conflict, particularly in the areas where active non-residential frontages are proposed.
- To ensure that non-residential areas have adequate loading/unloading facilities.
- To ensure that after taking into account traffic generated by the development, the level of service on the surrounding road network remains at an acceptable level.
- To minimise traffic impacts whilst ensuring that there is adequate parking on site to meet the needs of the proposal, particularly resident parking.
- To ensure that residential and non-residential parking and access is appropriately delineated and managed to minimise conflict.
- To ensure that adequate drop off and pick up areas are available to all users.
- To reduce private vehicle usage and encourage the use of active transport (such as walking and cycling) and public transport.

REQUIREMENTS

- a A Traffic Impact Study (TIS) is to be submitted with the Development Application and is to address the matters identified in Appendix A of DCP 2013: Chapter 2.11 - Parking and Access, including traffic, parking demand, operation and impacts, as well as access requirements from Main Road.
- b The preferred location for passenger vehicle and service vehicle access is close to the western boundary of the site off Main Road.
 - i. The TIS shall identify:
 - ii. How the use of public transport will be encouraged.
 - iii. What facilities will be required to safely control the movement of pedestrians, motorised scooters, and cyclists in and around the site. A shared pathway plan shall demonstrate the linkages.
 - iv. How cycling will be encouraged, including bicycle parking and storage facilities.
- c The development will require the design and construction of a suitably screened bin storage area that integrates with the overall development and landscape plan. The provision of a waste collection room and /or space within the site, having adequate space to accommodate a collection vehicle will require turning circles which comply with the turning circle for garbage trucks in Wyong Shire. Turning circle templates are to be provided to demonstrate compliance.

- d Waste management systems for residential development are to be provided consistent with Council's Waste Control Guidelines, 2009. Details of waste recycling arrangements must also be included in the Waste Management Plan submitted with the Development Application.

2.8 Sustainability and Green Building Solutions

OBJECTIVES

- To achieve green building solutions which provide for the principles of ecologically sustainable development on the site.
- To incorporate green building solutions that adopt design, construction and operational practices that minimise use of natural resources, incorporate measures for waste minimisation and recycling, and significantly mitigate the unreasonable adverse impacts of the development on the environment and its occupants.

REQUIREMENTS

- a In accordance with the provisions of Clause 7.11 of the WLEP 2013, the development shall meet or surpass the standards identified within the requirements of *SEPP 65 – Design Quality of Residential Apartment Development* and the related *Apartment Design Guide*;
- b The development shall meet or surpass the requirements of Section J1 and J2 of the BCA.
- c The development shall meet or surpass the performance requirements of SEPP BASIX, 2004.
- d The development shall provide for passive solar management.
- e The development shall provide through design, construction and operational solutions, elements that significantly reduce or eliminate the negative impacts on the environment and shall include strategies for addressing the following matters:
 - i. energy efficiency,
 - ii. greenhouse gas emission abatement,
 - iii. water conservation,
 - iv. waste avoidance, separation, reuse and recycling,
 - v. pollution prevention,
 - vi. enhanced biodiversity,
 - vii. reduced natural resource consumption,
 - viii. productive and healthier environments, and
 - ix. flexible and adaptable spaces.

RZ/6/2014 - SUBMISSIONS LODGED DURING PUBLIC EXHIBITION**Total Submissions: 16: - Support: 4; "In-principle Support": 1; Objection: 11.**

Document No. (TRIM Reference)	Issue	Comment
D12069554	<ul style="list-style-type: none"> • Support • Exactly what is needed to kick-start the redevelopment of Toukley and its economy. • The area has stagnated for years • Desperately needs revitalisation • Only improve Toukley as a place to live, work and shop. 	<ul style="list-style-type: none"> • The development is intended to address the objectives of Council's Key Sites provisions, as a catalyst to revitalisation of the town centre and the local economy. • The development will provide a ground floor café/restaurant and commercial/retail premises, adding to the variety of option for shopping and entertainment in Toukley.
D12074670	<ul style="list-style-type: none"> • 10 storeys is too big and too high for the Toukley village • This development will destroy the area – Toukley is low scale. There is nothing like this in Toukley and it shouldn't be approved – a compromise should be worked out • One road in and out – traffic chaos – dangerous for elderly 	<ul style="list-style-type: none"> • Surrounding development is predominantly single and two storey, including the Beachcomber Hotel/Motel site (to the west), which has a 2 storey elevation to Main Road and a 4 storey elevation to Budgewoi Lake, due to the topography. WLEP 2013 currently permits 3-4 storey development on adjacent lands to the east, and 4 storey development on the south side of Main Road. Notwithstanding, the Key Site provisions (permitting 8 storeys) are designed to attract an "iconic development" of the site. The issue to be resolved is whether the quality of the proposed 10 storey 118 unit development and the public benefit offer made, warrant such a significant departure (an increase of 2 storeys and an additional 0.2:1 FSR) from the controls developed through the Toukley Strategy and the Key Sites process, as currently reflected in the WLEP 2013. • The Traffic Impact Study and Transportation Management Plan submitted with the proposal indicate that, with appropriate works, the site operation and likely impacts on traffic using Main Road can be appropriately managed.

D12076870	<ul style="list-style-type: none"> • Ridiculous/wrong – destroy village character and atmosphere of Toukley • Excessive 10 storey height in a low density area • Traffic impacts on Main Road – traffic nightmare – additional dangers for the elderly populating the area • High rise is OK at The Entrance, not Toukley 	<ul style="list-style-type: none"> • See comments regarding height, density and traffic above.
D12077358	<ul style="list-style-type: none"> • Adjoins site – enjoys lakefront views – objects to fencing or landscaping which may obscure views • Development not welcomed – excessive size and numbers of residents • How will potential damage from construction to his residence be addressed? • Would like to purchase part of the site as a buffer to the development 	<ul style="list-style-type: none"> • The concept design, together with the controls within the draft DCP, are considered to preserve views currently available. The development footprint presented is set further back from the Lake in the north-east corner of the site than the writers' dwelling house. The view impacts can be more accurately determined, assessed and if necessary, modifications to the development implemented, through the assessment of any development application for the site. Similarly, the control of any potential damage to the residence can be addressed via appropriate development conditions. • Any proposal to purchase a land buffer would need to be addressed with Rustrum P/L.
D12077419	<ul style="list-style-type: none"> • 10 storeys is too big and too high for the Toukley village • Development of that scale will destroy the character of the area - Nothing like this in Toukley and it shouldn't be approved. Toukley is not considered to be the place for high-rise units. • One road in and out of Toukley – development of this scale will cause traffic chaos – dangerous for elderly 	<ul style="list-style-type: none"> • See comments regarding height, density and traffic above. • The writer believes that the additional traffic generated will make the area unsafe for the elderly. The Traffic Impact Study and Transportation Management Plan submitted with the proposal indicate that, with appropriate works, the site operation and likely impacts on traffic using Main Road can be appropriately managed. There is no evidence to substantiate the writers' claim.

D12082739	<ul style="list-style-type: none"> • Objecting to the height of this massive proposal on this tiny block so close to the waterfront • Main Road is already congested, with no way of widening • Main Road could not sustain the amount of traffic this would bring to the area • Road infrastructure will not cope • Accepting that some development is appropriate to enliven Toukley, but believes that this development will destroy it 	<ul style="list-style-type: none"> • See comments regarding height, density and traffic above. • Existing road, water, sewer and telecommunications infrastructure is capable of being upgraded to service the development.
D12086038	<ul style="list-style-type: none"> • A much needed boost for Toukley, which is starved of any quality development • The design is aesthetically pleasing, setting a high precedent. • Immediate employment during construction with full-time jobs once completed • Osborne Park is currently an eyesore (the writer is referring to Toukley Gardens). It is a great idea to have this beautiful building with café for parents, while the kids play in the park • Should be supported by Council and the Community – will lead to rejuvenation it vitally needs 	<ul style="list-style-type: none"> • There have been few new developments in the Toukley Town Centre in recent years. • This development is intended to address the objectives of Council's Key Sites provisions, as a catalyst to revitalisation of the town centre and the local economy. • The development has the potential to create a significant number of new job opportunities during construction and ongoing operation. • The beautification of this area of open space will attract higher usage and enliven the entry to the Town centre.
D12087394	<ul style="list-style-type: none"> • Proposal supported in principle, however is likely to impact the future redevelopment potential of the Beachcomber Hotel/Motel site. • If both rezoning proposals proceed, there will be a better land use relationship, otherwise additional residents adjacent to the pub will lead to increased social and amenity conflicts • Draft DCP controls: Setbacks and Views: <ul style="list-style-type: none"> • the requirements of the Apartment Design Guide will apply to new development on the Rustrum site. In particular, it is noted that the draft DCP specifies building setbacks to the southern, northern and eastern boundaries. 	<ul style="list-style-type: none"> • It is noted that the requirements of the Apartment Design Guide (SEPP 65) will apply to that part of any new development on the Rustrum site which includes a "residential flat building" as defined by the SEPP. These requirements do not apply to any part of the building which includes "serviced apartments". The Rustrum concept drawings identify that the proposed units adjacent to the western site boundary are to be "serviced apartments". Therefore the position of the western wall in relation to the boundary is not governed by the 18m building separation requirement referred to in the Apartment Design Guide, only by the requirements for fire separation (minimum of 3m) under the Building Code of Australia (BCA).

	<ul style="list-style-type: none"> • It is requested that the draft DCP be amended to include a minimum 9m setback to the western boundary to ensure that any new residential development on the Rustrum site does not constrain future potential residential development on the land at 200 Main Road. This will equitably allow for a 9m boundary setback on each site (providing a building separation of at least 18m), given it is envisaged that buildings on both sites may be up to 10 storeys in height. A minimum setback of 9m to the western boundary will also ensure that overshadowing impacts of any future buildings on both sites are minimised. • The Planning Proposal seeks to delete the Foreshore Building Line. Whilst there are proposed setbacks from the northern boundary (Budgewoi Lake) of between 15m and 25m, our client is concerned that the siting of any future development on the Rustrum site, particularly given the proposed 36m building height, may impact on north-easterly views from the Beachcomber site. It is therefore requested that the built form controls in the draft DCP in relation to the siting of any future buildings on the Rustrum site be amended to allow for view sharing and require that views currently enjoyed by the Beachcomber Hotel or a potential future redevelopment of the Beachcomber site to the lake are not affected. 	<ul style="list-style-type: none"> • The draft DCP therefore does not provide a minimum setback requirement to this boundary, and relies upon the “design excellence” provisions within Clause 7.11 of the WLEP 2013 (Key Sites) to provide for a development incorporating a high standard of architectural design, materials, façade treatments, green building solutions and landscaping that recognises the site’s prominent location, in particular its streetscape presentation to Main Road. In this regard, the concept drawings provide for an uninterrupted blank wall (10 storeys high) to this western elevation (refer Figure 6), which is considered to present poorly to persons arriving to Toukley Town Centre from the west. Any future Development Application submission will be required to address the design treatment of this elevation. • The writer has requested that the built form controls in the draft DCP be amended to allow for view sharing, i.e., to require that views to the lake currently enjoyed by the Beachcomber Hotel (or a potential future redevelopment of the Beachcomber site) are not affected. The initial concept submitted with the rezoning application was for a 9 Storey building with 2 levels of units providing a ‘face’ to the podium at the lakefront. The revised concept deletes the lakeside units and proposes a 10 storey tower set on the basement carpark (podium). • Whilst view sharing would be a guiding principle in the s.79C assessment of any DA for the Rustrum site, it is not considered possible to specify such controls in the DCP in any more detail without the submission of a detailed concept proposal from the owners of the Beachcomber site upon which such controls would be based. It is considered that based on the concept drawings discussed to date regarding the Beachcomber site, adequate opportunities for view sharing will be available.
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D12087403	<ul style="list-style-type: none"> • Objecting to the height of this massive proposal on this tiny block so close to the waterfront • Main Road is already congested, with no way of widening • Main Road could not sustain the amount of traffic this would bring to the area • Infrastructure will not cope • Enliven Toukley but do not destroy it 	<ul style="list-style-type: none"> • See comments regarding height, density, traffic and infrastructure above.
D12087417	<ul style="list-style-type: none"> • Objecting to this overdevelopment of the site, on the following grounds: <ul style="list-style-type: none"> • Increase in traffic generation along Main Road as well as the local streets, including Rowland terrace, which is currently a cul-de-sac; • The impact the adjustment to the Council Park may have on the local street, Rowland Terrace, with an anticipated increase in kerb side parking and the effects this may have on the adjoining homes; • Increase in density of the site and the effects this will have on the amenity of the area; • Impact on the sensitive coastal location due to the amendment of the current foreshore building line; • Introduction of a residential flat building to an area that is predominantly single residential dwellings; • An immense departure from the current maximum building height which we understand is currently 16 metres; • The proposed increase in the floor space ratio is a concern as is the number of proposed residential units and whether the proposal provides adequate on-site parking; and • The inevitable change to the scale, bulk and character of the local Toukley area. 	<ul style="list-style-type: none"> • See comments regarding height, density and traffic above. • It is anticipated that the improvements to Toukley Gardens will include a new pedestrian/cycleway connection, as well as upgraded amenities and car parking facilities (approx. 15 spaces currently available, accessed from Main Road). There is unlikely to be a significant increased demand for parking within Rowland Terrace. • Increased density of residential development surrounding Toukley Gardens (through the development of residential flat buildings of varying scale) is in keeping with the adopted Toukley Strategy and will enliven the area, making better use of this "arrival node" to Toukley town centre. • Consideration of the amenity of the adjoining lands in terms of noise, privacy, overlooking, shadow impacts, FSR, density, and parking provision are required through the Masterplan and DCP provisions, and are to be addressed in the assessment of the Development Application for the final project. • The rezoning will permit a development of significant height for this locality. However, this height has been determined in response to the desire to maintain a small building footprint, in order to preserve views across the site to Lake Budgewoi from Main Road, and in particular from Toukley Gardens. This reduces the bulk and mass of the structure, however, inevitably increases its height in order to attain a structure which will bring a reasonable return on investment.

		<ul style="list-style-type: none"> Currently a 20m Foreshore Building Line applies. The removal of the FBL was endorsed by Council due to the steep terrain making public access problematic, the applicant's commitment to provide alternative foreshore access via the planned shared pathway to the Lake foreshore at nearby Osborne Park (through the VPA), and in recognition of the lack of continuous public access available to the waterfront in the locality - all lots fronting Lake Budgewoi to either side of the site have title to the High Water Mark. Further, there is no Foreshore Building Line or defined "Foreshore Area" restriction over the adjoining Beachcomber Hotel/Motel site. The removal of this provision for a site to be developed with tourist accommodation, residential apartments, commercial and retail facilities is therefore considered to be consistent. The site specific DCP Chapter contains provisions requiring the development to 'step down' toward the foreshore in sympathy with the topography of the area. It is also noted that the concept development is sited further from the foreshore than existing dwellings in the locality.
D12087443	<ul style="list-style-type: none"> Objection to the proposal: Council has chosen to ignore the social impacts of the adjacent Beachcomber Hotel on neighbouring residents, particularly within Rowland Terrace These complaints are documented in extensive Police Reports pertaining to alcohol fuelled violence and wilful destruction of property in the area Residents of Rowland Terrace who will be severely adversely impacted have been ignored by Council The pathway to and within Rowland Terrace will be further opportunity for alcohol fuelled violence and wilful destruction of property 	<ul style="list-style-type: none"> See comments regarding height, density and traffic above. Whilst these concerns are noted, this proposal does not involve the Beachcomber site, or have any bearing on the management of its patrons. Council has not ignored local residents. Opportunity has been made available for residents of Rowland Terrace and other lands surrounding the site to express any concerns relating to the proposal. Individual letters were forwarded to landowners in Main Road, Peel St, and Rowland Terrace; two newspaper advertisements appeared in The Express Advocate; and 24 hr access was available to material on Council's website for 30 days. This exhibition failed to draw any significant level of concern from the local community.

	<ul style="list-style-type: none"> • Currently there is a perfectly good, policed footpath on the Main Road for the 200m to Peel Street and no footpath along Rowland Terrace and none proposed. • Why is Council prepared to spend ratepayers funds and change all building guidelines for this developer? <ul style="list-style-type: none"> • Why delete Foreshore Building Line? • Why allow increased height? • Why increase allowable Floor Space Ratio? • Properties will be devalued • Out of character – not “iconic” • Lack of community involvement in the process • Lack of real information • Social impact on community 	<ul style="list-style-type: none"> • There is a footpath along Main Road and a short length returns to Peel St. The “land swap” and pedestrian/cycleway connection through Toukley Gardens to Rowland Terrace was identified and encouraged through the exhibited and adopted Toukley Strategy. • Refer comments above.
D12088142	<ul style="list-style-type: none"> • Longtime resident - Unsuitable development. Objecting on the grounds of: • Height: <ul style="list-style-type: none"> • Excessive height – eyesore from anywhere around Toukley and surrounding suburbs • Does not conform with Toukley Strategy • Only building in the Shire built so close to the waterfront – not even at The Entrance are the buildings so close • Dominate the foreshore of Budgewoi Lake – visible from Tuggerawong, The Entrance, etc., not fitting in with surroundings • Too high considering the width of the site – “top heavy” overdevelopment of the site • Intimidating for neighbouring residents – unable to use private yards, and pools etc. 	<ul style="list-style-type: none"> • See comments regarding height, density and traffic above. • Height: <ul style="list-style-type: none"> • There are various views in relation to the proposed height of the development. The proposed height has been determined in response to the desire to maintain a small building footprint, in order to preserve views across the site to Lake Budgewoi from Main Road, and in particular from Toukley Gardens. This reduces the bulk and mass of the structure, however, inevitably increases its height in order to attain a structure which will bring a reasonable return on investment. • Does not conform with the Toukley Strategy, but is in line with Council’s Key Site program. • The development is set behind existing dwellings near the waterfront and is limited to two storeys in this area. • The excellence of the design will be assessed in any future DA submission, which would also address the potential for overlooking and privacy.

	<ul style="list-style-type: none"> • Realigning the Park: <ul style="list-style-type: none"> • Reasons given (open access to Rowland Terrace and Osborne Park) are misleading – Osborne Park is accessed off Peel Street, not Rowland Terrace – it is 200m away from the intersection of Rowland Terrace with Peel Street. No greater access by using Rowland Terrace that people do not already have by using Peel Street as Peel Street intersects Main Road now. It would not provide any greater access for the residents of this development as it is the same access from the development to the park using either route. • Noise/social misbehaviour: <ul style="list-style-type: none"> • My property is on Peel Street between Rowland Terrace and the Budgewoi Lake. The social problems that result from patrons leaving the Beachcomber Hotel on a Thursday, Friday and Saturday night and passing past my property are not pleasant to live with. I am concerned that adding a commercial portion to this development will only increase the occurrence of these behaviours. 	<ul style="list-style-type: none"> • The development will contribute toward a premium upgrade for Toukley Gardens, and provide an alternative access pathway connection to Osborne Park. This will provide better connectedness and a more pleasant pedestrian/cycle option. • Whilst these concerns are noted, this proposal does not involve the Beachcomber site, or have any bearing on the management of its patrons.
D12088148	<ul style="list-style-type: none"> • Longtime resident - Unsuitable development. Objecting on the grounds of: • Height: <ul style="list-style-type: none"> • The height of the project should be no higher than the Development plan for Toukley, or the height of the adjacent Beachcomber Hotel. The loss of privacy to the residents of Toukley on either side of the Main Road when using their pools, front and back yards, is of great concern to us. Waterfront residential properties in this area have height restrictions imposed on them why doesn't this development which is mainly residential also? 	<ul style="list-style-type: none"> • See comments regarding height, density and traffic above. • The proposed height does not conform with the Toukley Strategy, but is in line with Council's Key Site program. • The proposed height has been determined in response to the desire to maintain a small building footprint, in order to preserve views across the site to Lake Budgewoi from Main Road, and in particular from Toukley Gardens. This reduces the bulk and mass of the structure, however, inevitably increases its height in order to attain a structure which will bring a reasonable return on investment. • The development is set behind existing dwellings near

	<ul style="list-style-type: none"> • Off street parking: <ul style="list-style-type: none"> • for the residents and patrons for the various businesses on the lower floors and guest parking facilities for the residents and the builders of the unit project where will the overflow go? On the plan we saw they are to go underground, how far underground can they go? • Noise: <ul style="list-style-type: none"> • Noise control is next on our agenda. Our concern is for late night noise such as loud music, bad language, drunken abuse, and noisy vehicles which the local residents are subjected to now from patrons leaving the nearby hotel will be greatly increased> How will the Council control this situation for nearby residents? • Land Exchange: <ul style="list-style-type: none"> • The suggestion the council and the developer have of exchanging an area of Toukley Gardens and land owned by the developer gives a false impression that this will be the only entry to Osborne Park. The closest entry to Osborne Park from the development is via Peel Street, some distance from Rowland Terrace. We feel having the park beside the development adds street appeal and makes the units more appealing for sale to the public only, it doesn't improve access to the park. • Appearance: <ul style="list-style-type: none"> • The aspect of this development from the surrounding areas e.g. Budgewoi, Buff Point, Charmhaven etc is not within the tranquil setting of the area. 	<p>the waterfront and is limited to two storeys in this area.</p> <ul style="list-style-type: none"> • The adequacy of car parking provision and the excellence of the design will be assessed in any future DA submission, which would also address the potential for overlooking and privacy. • Whilst these concerns are noted, this proposal does not involve the Beachcomber site, or have any bearing on the management of its patrons. • Osborne Park is accessed directly from Peel Street. The development will contribute toward a premium upgrade for Toukley Gardens as well as the upgrading of facilities at Osborne Park and will provide an alternative access pathway connection to Osborne Park from Main Road. This will provide better connectedness and a more pleasant pedestrian/cycle option. The upgrading of these public assets will provide recreational benefits and lead to increased utilisation of lakefront open space areas. • The architectural design, materials, façade treatments, green building solutions and landscaping excellence of the design will be assessed in any future DA submission, and must meet the standards detailed within the WLEP 2013, the Masterplan and site specific DCP Chapter 6.26.
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D12088312	<ul style="list-style-type: none"> • The proposal for the redevelopment of the site will increase employment and provide the additional population that the area so desperately needs to improve shops and services for the local area, particularly the Toukley town centre. • The variations to the planning controls are justified and will allow a development with more public benefits and better designed for the site and locality. 	<ul style="list-style-type: none"> • The development is intended to address the objectives of Council's Key Sites provisions, as a catalyst to revitalisation of the town centre and the local economy.
D12088317	<ul style="list-style-type: none"> • The proposal for the redevelopment of the site will increase employment and provide the additional population that the area so desperately needs to improve shops and services for the local area, particularly the Toukley town centre. 	<ul style="list-style-type: none"> • The development is intended to address the objectives of Council's Key Sites provisions, as a catalyst to revitalisation of the town centre and the local economy.
D12093961	<ul style="list-style-type: none"> • Objecting to overshadowing impacts to properties on the southern side of Main Road 	<ul style="list-style-type: none"> • See comments regarding height, density and traffic above. • The writer was provided with details relating to shadow impact predictions from the development, which displayed that the site will receive at least 3 hours unobstructed sunlight between 9am and 3pm in accordance with the standard required. No further submission was lodged.

3.3 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2015/01723 - D12117099

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Lisa Martin; Administration Assistant

SUMMARY

Councillors propose the following allocation of funds for expenditure from Councillors' Community Improvement Grants (CCIG).

RECOMMENDATION

- 1 That Council allocate an amount of \$8,310 from the 2015-16 Councillors' Community Improvement Grants as follows:**

1st Noraville Scout Group (\$2000)	To supply Polo Shirts and Bucket Hats to all Scouts.	1,300
Australian Seabird Rescue Central Coast (\$1600)	To help fund the cost of a rescue workshop and to assist in the 10 Year Birthday Celebrations.	1,510
Central Coast Sports Federation Inc. (\$2000)	The Central Coast Sports Federation (CCSF) Awards	400
Lions Club of Gwandalan Inc. (\$2500)	To assist with costs in hosting a Carols evening.	550
Mannering Park Amateur Sailing Club (\$660)	To pay for a Yachting Australia Senior Instructor to run an Assistant Instructor Course for students.	200
Norah Head Ratepayers and Coast Care Association Inc. (\$1000) (\$600 already allocated)	Administration Costs.	250
Save Sight Institute (\$4000)	Costs association with hosting a Family Fun Day.	100
The Entrance Long Jetty RSL Sub Branch (\$3000) - Emergency Approved by GM	To stage a unique commemorative remembrance day twilight service at The Entrance.	3,000
Wyong Dog Training Club Inc. (\$3699) (\$1000 already allocated)	To purchase a laptop computer to run and manage the club on a daily basis.	1,000

BACKGROUND

Provision has been made in Council's Annual Plan for each Councillor to recommend to Council the donation of funds to individuals, local service, charitable or community organisations that operate in the Shire or provide a benefit specifically to the residents of the Shire.

Funds may also be allocated for emergency assistance in the event of natural disasters such as bushfires, flood or drought anywhere in Australia, subject to CCIG Policy. The funds are granted subject to approval of the Council as a whole.

THE PROPOSAL

3.3 Proposed Councillors' Community Improvement Grants (contd)

Under Council's Policy, all proposed allocations are subject to the approval of the Council as a whole.

Each Councillor is allocated a one tenth share of a total amount identified annually in Council's Annual Plan.

In the financial year preceding a Local Government election, the allocation to the individual Councillors will be 75% of the allocation identified above and will be available to Councillors from 1 July to 31 May of the 2015-16 year.

The amount allocated in the 2015-16 Annual Plan is \$112,500. In addition Council resolved to 'carry over' the unallocated balance for the 2014-15 financial year, being the amount of \$42,943.

The total available allocated funding for the 2015-16 financial year is \$155,443.00.

The proposed allocations are listed below:

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Bast	Eaton	Graham	Greenwald	Matthews	Nayna	Taylor	Troy	Vincent	Webster	SUB TOTAL
Allocation 01/07/2015 - 31/05/2016		15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 14 October 2015		2,239	3,217	194	834	7,064	-3,808	-4,216	4,955	3,290	5,526	19,295
Available allocation as at 14 October 2015		12,761	11,783	14,806	14,166	7,936	18,808	19,216	10,045	11,710	9,474	130,705
11 November 2015												
1st Norville Scout Group (\$2000)	To supply Polo Shirts and Bucket Hats to all Scouts	200	200		200			200	300		200	1,300
Australian Seabird Rescue Central Coast (\$1600)	To help fund the cost of a rescue workshop and to assist in the 10 Year Birthday Celebrations	200	200		160			200	250		500	1,510
Central Coast Sports Federation Inc. (\$2000)	The Central Coast Sports Federation (CCSF) Awards		400									400
Lions Club of Gwandalan Inc. (\$2500)	To assist with costs in hosting a Carols evening	250			300							550
Manning Park Amateur Sailing Club (\$660)	To pay for a Yachting Australia Senior Instructor to run an Assistant Instructor Course for students	200										200
Norah Head Ratepayers and Coast Care Association Inc. (\$1000) (\$600 already allocated)	Administration Costs				250							250
Save Sight Institute (\$4000)	Costs association with hosting a Family Fun Day		100									100
The Entrance Long Jetty RSL Sub Branch (\$3000) - Emergency Approved by GM	To stage a unique commemorative remembrance day twilight service at The Entrance	200	500		200			200	300		1,600	3,000
Wyong Dog Training Club Inc. (\$3699) (\$1000 already allocated)	To purchase a laptop computer to run and manage the club on a daily basis		500								500	1,000
Total Proposed Allocations for 11 November 2015		1,050	1,900	0	1,110	0	0	600	850	0	2,800	8,310
Total Accumulated Allocations as at 11 November 2015		3,825	4,950	2,000	3,403	4,500	0	1,850	4,920	0	7,600	33,048
Balance Uncommitted as at 11 November 2015		11,175	10,050	13,000	11,597	10,500	15,000	13,150	10,080	15,000	7,400	116,952

In April 2015 Council reviewed the Councillor Community Improvement Grant Policy in relation to the number of applications a group may be permitted to submit across all WSC grant programs in one financial year. The amended policy (Clause D15) requires that should a group submit two or more applications for any of Council's grant programs within the same financial year, then Council must consider the public benefit that would arise prior to approving the funding recommended for the second or subsequent application.

Staff have commenced applying this clause from 27 April 2015 and reviewed the list of applications not yet fully allocated.

The following is a list of applications that are for consideration in this report that are subsequent applications from the same group in the 2015-2016 year.

N/A

OPTIONS

- 1 Approval of applications as submitted will provide a community benefit to residents of the Shire.
- 2 Non approval could result in assistance not being provided to the community.

STRATEGIC LINKS

Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	Enhance the quality of life of the Shire's residents	1.1.11 – Community Financial Support

Contribution of Proposal to the Principal Activity

The Councillors' Community Improvement Grants were developed to help charitable community groups and in doing so helping the broader community.

Link to Shire Strategic Vision

<i>Priority Objective</i>	<i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i>
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.

Principles of Sustainability

The CCIG program is aligned with the principles of sustainability in that it would:

- Improve and maintain safety, wellbeing and sense of community
- Use locally available resources to increase our self-reliance
- Support local and regional economic prosperity
- Build and strengthen partnerships and alliances

CONSULTATION

Applications that met the criteria were distributed to Councillors for their consideration.

GOVERNANCE

All expenditure recommended is permissible under Section 24 and 356(1) of the Local Government Act 1993.

CORPORATE RISKS

Nil Impact.

CONCLUSION

The proposed allocations contained in this report are permissible under the Council's policy on Councillors' Community Improvement Grants. The process has been correct and Council may confirm the grants at its option.

ATTACHMENTS

Nil

3.4 Facilities and Expenses Policy for Councillors - Annual Review

TRIM REFERENCE: F2004/06505 - D12122656

MANAGER: Brian Glendenning, General Counsel

AUTHOR: Lesley Crawley; Manager Corporate Governance

SUMMARY

This report proposes the annual adoption of a policy for the provision of expenses and facilities to councillors, as required by s. 252(1) of the *Local Government Act 1993*, and related matters.

RECOMMENDATION

- 1 That the Council adopt, for the purposes of public exhibition, the amended "Policy on Facilities and Expenses for Councillors" that is attached to this report.**
- 2 That the Council give public notice, for the purpose of s. 253(1) of the *Local Government Act 1993*, of the amended "Policy on Facilities and Expenses for Councillors" that is attached to this report for not less than 28 days.**
- 3 That, in the event that no submissions are received in response to the public notice provided pursuant to resolution 2 above, the Council adopt, pursuant to s. 253(2) of the *Local Government Act 1993*, the amended "Policy on Facilities and Expenses for Councillors" attached to this report.**
- 4 That, in the event that submissions are received in response to the public notice provided pursuant to resolution 2 above, the Council receive a further report on those submissions for consideration.**
- 5 That the Council note that the amended "Policy on Facilities and Expenses for Councillors" attached to this report complies with the "Guidelines for the payment of expenses and the provisions of facilities for Mayors and Councillors in NSW" issued by the Director-General for the purposes of s. 23A of the *Local Government Act 1993*.**

BACKGROUND

Sub-section 252(3) of the *Local Government Act 1993* ("LG Act") provides:

"A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section".

The current policy was adopted by the Council on 23 July 2014.

Sub-section 253(1) of the LG Act states:

“Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office”.

Section 253 of the Act prescribes the process by which the Council adopts an expenses policy. That process is summarised below:

- Council must give at least 28 days public notice of its intention to adopt or to amend a policy: s. 253(1) of the LG Act.
- Council must consider any submissions before adopting a policy: s. 253 (2) of the LG Act.
- Any policy must comply with the *“Guidelines for the payment of expenses and the provisions of facilities for Mayors and Councillors in NSW”* issued by the Director-General pursuant to s. 23A of the LG Act: s. 252(5) of the LG Act. A copy of those Guidelines is attached to this report.
- Council must comply with those provisions when meeting its obligation under s. 252(1) of the LG Act even if it simply adopting, without amendment, the policy made in the prior year: s. 253(5) of the LG Act.

PROPOSED AMENDMENTS

Since 23 July 2014 there have been a number of minor issues concerning the interpretation and application of the current policy. The following amendments are submitted for consideration:

Clause No	Amendment Proposed	Note
D11 and Table of Limits and Reconciliation	<p>Conference Costs Currently individual conference cost is limited to \$5,000 per Councillor with an annual limit of \$12,000 per Councillor for all conferences (with exclusions) attended. It is proposed that the \$5,000 limit can only be exceeded via approval of the Chief Executive Officer.</p> <p>Professional Development The Professional Development and Training Clause limits attendance at 4 per Councillor per financial year and a monetary limit.</p> <p>Insert a note in the Professional Development and Training Section to clarify that <i>‘a professional development course with a number of “sections” which contribute toward the agreed professional development outcome (eg MS word levels 1 and 2), be identified as a single course’</i></p>	Provides Councillors with greater flexibility as well as a broader range of conferences and training opportunities.

Clause No	Amendment Proposed	Note
D14 and definition of Council Business	Amend Clause to permit reimbursement for expenses in attending meetings with local Chambers of Commerce without the need for that attendance to be specifically authorised by Council resolution. Reimbursement of expenses for all other Non-Council Events and Functions continue to require approval by way of resolution of the Council. Delete the limit of 6 events.	Retains annual cap of \$1200 per councillor.
D17	<p>Spouses, Partners, Carer and Accompanying Persons</p> <p>Amends the table in cl. D17 to permit reimbursement for the cost of spouses etc of a councillor attending community events with that councillor, where the Council has resolved to endorse Councillor.</p> <p>Includes councillor workshop in other Council approved events and clarifies the accommodation reimbursement section in relation to spouse, accompanying persons</p>	<p>Enables reasonable spouse/partner attendance at community events</p> <p>Provides greater clarity</p>
D26 and E19	Include provision for CEO to require a councillor to submit a log book to support claims for reimbursement for use of a private motor vehicle.	Requirement of evidence matches extent of claim.
D57 and Table of Limits and Reconciliation	<p><i>Mayoral Expenses</i></p> <ul style="list-style-type: none"> Delete local establishments' requirement. Amend \$150 per meal to \$75 per person 	To reflect the likely extent of the business the Mayor is likely to undertake on behalf of the Council and to reflect current pricing of hospitality
D63, D76 and Table of Limits and Reconciliation	<p>Telecommunications – Bank and Credit Card Fees</p> <p>Amend to enable claims for the cost of using bank or credit card facilities to pay accounts for communications. (Late fees remain excluded).</p>	Reflect intent of Guidelines to reimburse members for reasonable costs of conducting Council business.
D63	Amend Table in cl. D63 to enable the reimbursement of the cost of upgrading communications equipment, within existing monetary limits. Currently the cost of replacing communications equipment can be reimbursed where the equipment is lost, stolen or damaged.	Enables upgrades for use of equipment for Council business, within existing specified limits and where authorised by the Chief Information officer.

Clause No	Amendment Proposed	Note
D79	Clarify that the fee paid for the exercise of a position on the Central Coast Joint Regional Planning Panel includes both meetings of the Panel and inspections undertaken by the Panel on other days	Reflect intent of Guidelines to reimburse members for reasonable costs of conducting Council business
E22	Delete the second sentence.	It is unlawful for Council to reimburse a councillor for an expense, or provide a councillor with a facility, not specifically authorised by this Policy. .
E30	Amend to enable the Chief Executive Officer to also authorise legal claims.	
C13, D32, D38, D43, D49, E3, E22 and E26	Replace references to "General Manager" with "Chief Executive Officer"	To be consistent with the Council's earlier resolution on the title of the person exercising the statutory function of General Manager

A copy of the proposed, with tracked changes for the amendments to the current policy, is attached. The attached report complies with the *"Guidelines for the payment of expenses and the provisions of facilities for Mayors and Councillors in NSW"* issued by the Director-General pursuant to s. 23A of the LG Act.

CURRENT STATUS

The current *"Policy on Facilities and Expenses for Councillors"* was made on 23 July 2014. Council is required to adopt a new policy, to meet its obligations under s. 252(1) of the LG Act. The attached proposed *"Policy on Facilities and Expenses for Councillors"* includes a number of minor amendments, to address issues identified with the implementation of the current policy.

CONCLUSION

The Act requires Council to adopt a policy for Facilities and Expenses for Councillors each financial year.

Public notice is proposed to be given with a period for the making of submissions of 28 days. If submissions are received at the conclusion of the exhibition period a report will the policy will be reported to Council including any submissions received.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Draft for Council Report 11-11-15 - Policy - Facilities and Expenses for Councillors November 2015 | D12139218 |
| 2 | Division of Local Government-Councillor-Expenses-and-Facilities-Guidelines October 2009 | D12130073 |



POLICY No: WSC003

POLICY FOR FACILITIES AND EXPENSES FOR COUNCILLORS

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ACTING CHIEF EXECUTIVE OFFICER	Rob Noble

CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

AUTHOR SIGNATURE	
COUNCIL RESOLUTION DATE	23 JULY 2014

History of Revisions:

Version	Date	TRIM Doc. #
1	23/11/2011	D02903521
2	03/10/2012	D03143334
3	26/4/2013	D03317468
4	04/06/2013	D03335585
5	11/10/2013	D03990547
6	11/12/2013	D05098475
7	28/2/2014	D05140406
8	26/3/2014	D06552944
9	28/5/2014	D07550858
10 - exhibition	17/6/2014	D09301780
11	23/7/2014	D11636090
12	Draft for Council Report 11/11/15	



DRAFT FOR COUNCIL REPORT

**A. POLICY SUMMARY**

- A1 This Policy provides for the payment or reimbursement of expenses and the provision of facilities by Council to the Mayor and Councillors of Wyong Shire.
- A2 The objectives of the policy are to:
- ensure Council provides adequate facilities and services to the Mayor and Councillors of Wyong Shire for them to carry out their civic duties; and
 - reimburse councillors for fair and reasonable expenses incurred whilst undertaking Council business such that they sustain neither loss nor profit as a result of their claim; and
 - ensure that all claims and payments made under this Policy can be justified, appropriately accounted for and validated as relating to Council business

B. POLICY BACKGROUND

- B1 Section 252 of the Local Government Act 1993 requires the Council to adopt a Policy concerning the payment of expenses incurred or to be incurred by the provision of facilities to elected members in relation to discharging the functions of Civic Office.
- B2 Council recognises that elected members and senior management staff often expend considerable personal time and inconvenience in conducting Council business away from the Shire in the best interests of the community.
- B3 The Act's conditions recognise that some personal, additional contribution goes with the position; however where such good-will is provided by individuals materially in excess of reasonable contributions, the transparent reimbursement of expenses is appropriate.
- B4 The purpose of the Policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.
- B5 Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act or any other Act (s349 the Act).
- B6 The Council Code of Conduct provides that Council resources must be used ethically, effectively, efficiently and carefully. Council property including intellectual property, official services and facilities must not be misused by any person or body for private benefit or gain. Councillors must also avoid any action or situation that could create the appearance that Council resources are being used inappropriately.
- B7 Section 382 of the Act requires that Council makes arrangements for adequate insurance against public and professional liability.
- B8 The Division of Local Government has issued guidelines for the payment of expenses and the



provision of facilities for Mayors and Councillors in NSW. These guidelines have been prepared under the provisions of section 23A of the Local Government Act 1993 as Director General's Guidelines. A council must take any relevant guidelines issued under this section into consideration before exercising any of its functions. Council has taken these guidelines into consideration in making this policy.

- B9 Council, in providing sustenance for Councillors and their guests, must observe Responsible Service of Alcohol legislation and will bear no liability in the event that injury or harm should occur as a result of the consumption of alcohol on Council premises.

C. DEFINITIONS

- C1 **Council Business** or functions of civic office attendance by the Mayor and Councillors that results in a direct benefit for the Council or the Wyong Shire Community at:
- Council and Committee meetings
 - Council Advisory Group meetings
 - Council Working Party meetings
 - Council Statutory Committee meetings
 - Council Precinct Forums
 - Regional Organisation of Council meetings
 - As Council's delegate or alternate delegate to external bodies
 - Civic Receptions authorised by Council resolution
 - Councillor Briefings
 - Councillor Inspections
 - Citizenship Ceremonies
 - Attendance at conference, seminars, workshops and professional development courses authorised by Council resolution
 - Attendance at non-Council functions which provide briefings to Councillors from key members of the community, politicians and business regarding relevant authorised by Council resolution or the Chief Executive Officer in accordance with this policy.
 - Meetings with Federal and State Ministers, Members of Parliament, public servants and their staff within NSW and ACT
 - Other events, functions or meetings as authorised by Council resolution
 - Attendances associated with the role of a Councillor (e.g. meetings with residents, ratepayers, developers and stakeholders; individual site inspections, and attendances at local and regional events/functions, including but not limited to local games played by the Mariners Football Team)
- C2 **Council** means the elected members who form the governing body (Council) of the Wyong Shire Council and the organisation established to administer Councils affairs, operations, policies and strategies.
- C3 **Council Policy** means policy created and approved by the elected members of the Council.
- C4 **Councillor** means an elected member of the governing body (Council) including the Mayor.
- C5 **Expenses** mean payments made by Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses must be



outlined in this policy and may be either reimbursed to a Councillor or paid directly by Council for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.

- C6 **Facilities** means equipment and services that are provided by Council to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.
- C7 **General Expense Allowance** means a sum of money paid by Council to a Councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe. In accordance with Section 403 of the Regulation this policy does not permit the payment of general expenses.
- C8 **Greater Significance** means (in terms of conference session non-attendance) meetings with State or Federal Parliamentarians, networking with other Councillors or special interest groups, inspection of a public works or facility, attendance at urgent Council meetings and/or any other incident of Council business considered urgent or more important.
- C9 **Registered Carer** means:
- a registered business for the purposes of care services (ie holding an ABN for the purposes of child or adult care services) eg nanny, carer for the elderly
 - an organisation or individual registered with the National Quality Framework (Australian Children's Education and Care Quality Authority)
- C10 **The Act** means the Local Government Act 1993
- C11 **The Regulation** means the Local Government (General) Regulation 2005.
- C12 **Travel Expenses** means motor vehicle costs, tolls, parking fees, taxi, train, bus and plane fares. Travel expenses do not include fines associated with travel such as toll and parking fines. Food and beverages and insurance associated with travel are dealt with separately in this policy.
- C13 **Year** means from July 1 to June 30 (financial year).

Note: a separate provision in this policy provides a means where the Mayor and Chief Executive Officer General Manager may approve attendance on behalf of the Council if time does not permit the reporting to Council prior to the event occurring and the matter being reported to the next available meeting.

D. POLICY STATEMENTS

Jurisdiction

- D1 This policy covers all elected members of Council.
- D2 This policy does not confer any delegated authority upon any person.



General Provisions

- D3 In accordance with Clause 403 of the Regulation, Councillor expenses and facilities policies must not include provision for general expenses. A general expense allowance is a sum of money paid by a council to a Councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe. There is no other lawful mechanism to provide facilities or reimburse expenses to a Councillor other than this policy.
- D4 Reimbursement will only be paid for expenses incurred by Councillors for the conduct of Council business as defined in this policy.
- D5 Each expense in this policy will have a limit as to the maximum reimbursed in each year.
- D6 Councillors should not obtain private benefit from the provision of equipment and facilities nor from travel bonuses such as 'frequent flyer' schemes or any other such loyalty programs while on Council business. It is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment back to Council. Councillors are responsible to reimburse Council if more than incidental private use is received.
- D7 All claims for reimbursement must be accompanied by evidence that the costs have been incurred by the Councillor and shall be made on the relevant form.
- D8 All claims for reimbursement must be made within the year during which the expenditure has been incurred.
- D9 Councillors may request a payment in advance, up to a maximum of \$150 per day, in anticipation of expenses being incurred in attending conferences, seminars and training outside the Shire. The advance payment will be reconciled against receipts for actual costs within 7 days of return.
- D10 Council's Gifts and Benefits Policy sets out requirements in relation to Gifts and Personal benefit.

Attendance at Conferences, Workshops, Seminars, Professional Development and Training Courses

- D11 Council will reimburse expenses for attendance at conferences, workshops and seminars as follows:
- Each event must be authorised by Council resolution
 - Each event must relate to the business of the Council
 - A combined total of six attendances, per Councillor, per year
 - The limit of six will only include those events occurring over one or more consecutive days unless otherwise approved by Council
 - Total reimbursement of attendance cost per conference, per Councillor is limited to \$5,000 (except where authorised by the Chief Executive Officer) with a maximum total cost for conferences per year of \$12,000, subject to a total expenditure limit for all



Councillors of \$100,000 per year

- The maximum number of Councillors authorised to attend an event is 3 with the exception of the Local Government NSW annual conference and National General Assembly of Local Government or as resolved by Council. These conferences are not included in the cost threshold
- Where Council has incurred costs and a replacement is not nominated by the Mayor/Deputy Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by Council will be charged to the elected member
- Before requesting attendance Councillors must satisfy themselves:
 1. that the program is likely of benefit to Council, the Community and/or to his/her professional development as an elected member
 2. that he/she is able to commit the time necessary to attend the conference sessions in the terms of this policy

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With respect to Professional Development and Training Courses:

- Each event must be authorised by Council resolution
- Each event must be aligned with a Councillor's professional development plan
- A combined total of four professional development or training courses per Councillor, per year. Note: a professional development course with a number of "sections" which contribute toward the agreed professional development outcome (eg MS word levels 1 and 2) is to be considered as a single course for the purposes of this clause.
- The monetary limit does not apply to the AICD Company Director's Course or the LGMA Executive Certificate for Elected Members Course
- No spouse or partner costs will be reimbursed under this section

D12 The attendance costs that will be paid up front to the event organiser or reimbursed to the Councillor under this section are identified as follows:

- Registration costs – costs charged by organisers including official luncheons dinners and tours which are relevant to the interests of this Council.
- Travel costs (actual costs as detailed in the travel section of this policy)
- Accommodation (actual costs for accommodation as detailed in the accommodation section of this policy)
- Sustenance (food and beverage) limit of \$150.00 per day per Councillor and verified by receipts
- Out of pocket expenses such as Internet and phone access, laundry limit of \$50.00 per day per Councillor and verified by receipts.
- Cost of mandatory textbooks or other supporting documentation if separate to course fees limit \$500 per course
- Spouse and Partner Costs (as detailed in the Spouse and Partner Section of this Policy).

D13 A Councillor may choose to extend the stay at the place where the conference is held for personal pursuits. Council will not be responsible for any costs associated with the extended stay (for example additional flights and accommodation) and any return trip will be calculated from the original conference venue.

Attendance at Non – Council Events and Functions

D14 Council will meet sustenance and attendance expenses for Councillors' attendance at non-Council functions related to Council business which provide briefings to Councillors from key members of the community, politicians and business. Approval for reimbursement will be by Council resolution. The maximum reimbursement of total attendance costs is \$200 per Councillor per event. Reimbursement for expenses associated with attendances at meetings of any of the local Chambers of Commerce do not require prior approval by way of resolution of the Council, but reimbursement for expenses for attendances at all other non-Council Events and Functions must be approved by way of resolution of the Council. Councillors may attend a maximum of 6 of these events in a year. The total maximum expenditure is \$1200. Note the Mayor's attendance and expenditure is covered by Clause D57.

D15 No expenses will be paid for functions that are:



- i not relevant to Council business
 - ii where expenses incurred would be directed towards any political fundraising event
 - iii for any donation to a political party or candidate's electoral fund
 - iv for any other private or personal benefit
- D16 Council will reimburse Councillors with the cost of membership to professional organisations associated with the conduct of Council business up to \$1,500 per year.

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**Spouses, Partners, Carer and Accompanying Persons**

D17 Council will pay the cost as further described in this section, for a spouse or partners or carer or one accompanying person per Councillor and children under 18 years in attending the following events as per the table below:

Event	Registration	Ticket	Accommodation	Sustenance	Partner Tours	Travel	Carer
Official Council functions that are formal or ceremonial in nature (eg Citizenship,	NA	Yes	Yes. If staying in same room as Councillor	Yes if part of ticket cost. No additional meals and beverages included	NA	Yes. If travelling In company of Councillor	Yes
The Local Government NSW Annual Conference or the National General Assembly of Local Government.	Yes	Yes	Yes. If staying in same room as Councillor	Yes if for official conference events. (eg formal dinner, welcome drinks) No additional meals and beverages included	No	Yes. If travelling In company of Councillor in same vehicle No additional air or other travel fares included)	Yes



Event	Registration	Ticket	Accommodation	Sustenance	Partner Tours	Travel	Carer
Other Council approved conferences and events <u>including any Councillor Workshop.</u>	No	No	Yes. If staying in same room as Councillor <u>and no additional tariff charges are incurred as a result of the additional persons in the room (eg room upgrade bedding, linen.)</u>	Yes if for official conference events. (eg formal dinner, welcome drinks) No additional meals and beverages included	No	Yes. If travelling In company of Councillor in same vehicle No additional air or other travel fares included)	Yes
Professional development or training courses (6 per Councillor, per year)	No	No	Yes. If staying in same room as Councillor	No	No	No	Yes
<u>Community Events where Council has resolved that interested Councillors attend or CEO has approved in accordance with this policy</u>	<u>NA</u>	<u>Yes</u>	<u>No</u>	<u>Yes (as usually part of ticket cost)</u>	<u>NA</u>	<u>NA</u>	<u>Yes</u>

- D18 Peripheral expenses such as grooming, special clothing and transport are not considered reimbursable expenses.
- D19 Additional travel and accommodation costs, partner tours, sustenance (other than official function dinners) and incidental costs (eg bar fridge items and movie hire) will not be paid by Council.
- D20 In this section, reference to an "accompanying person" is a person who has a close personal relationship with the Councillor and/or provides carer support for the Councillor.

Travel

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- D21 Council will reimburse Councillors for travel undertaken on Council business or where necessary make and pay for travel arrangements up front.
- D22 Council will not reimburse travelling expenses where a Councillor attends a community meeting or undertakes an inspection that has not been formally approved by Council or defined in this policy as Council business.
- D23 Councillors may choose the mode of transport which is most appropriate to the circumstances, subject to overall economy and convenience. All travel should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical conditions.
- D24 A Council vehicle is available for use by Councillors for Council business. Councillors shall comply with Council's Motor Vehicle Policy when using the Councillor vehicle.
- D25 The use of a staff member as a driver for the Council's motor vehicle will be determined by the ~~General Manager~~Chief Executive Officer where there is clear cost benefit in provision of a driver versus external costs (eg airport parking for a number of vehicles) and staff availability.
- D26 Private Vehicle - If a Councillor uses his/her private vehicle, reimbursement will be equivalent to the per kilometre rate as specified in the NSW Local Government (State) Award. This allowance takes into account the use, maintenance and depreciation of the vehicle. The Chief Executive Officer may give notice to any councillor that the councillor is required to keep an accurate log book to evidence future claims for reimbursement for the use of a private motor vehicle, and where such notice is given that councillor must provide a copy of the log book in support of such future claims for reimbursement for use of a private motor vehicle.
- D27 Council will reimburse costs for tolls associated with travel on Council business.
- D28 Council will reimburse parking fees associated with travel on Council business.
- D29 Council is not liable for any traffic, parking or transport fines, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors whilst travelling on Council related business.



- D30 Overseas travel by a Councillor must be approved by Council resolution which shall include clear and tangible benefits to the community and an estimate of costs for travel, accommodation, transfers, hire cars, gifts and ancillary items.
- D31 Approval by the Council for overseas travel by a Councillor will be on an individual trip basis.
- D32 Economy class air travel will be provided as standard for all air travel unless identified otherwise by a Council resolution. The cost of any upgrade shall be the responsibility of the Councillor. The Mayor and ~~General Manager~~Chief Executive Officer may approve business class travel for long flights (exceeding 3 hours). Council will reimburse Qantas Club or similar membership for the Mayor.
- D33 Councillors are not entitled to receive private benefits relating to travel bonuses such as frequent flyer schemes and other loyalty programs.
- D34 Council will pay for air travel insurance.
- D35 Council shall meet the cost of transfers between a Councillor's residence and a transport interchange (ie airport) and between the transport interchange and a hotel or venue.
- The Council may enter into its own corporate loyalty program arrangements and any benefits arising will be used toward corporate costs (eg accumulated travel points may be used to defray costs of future flights made on Council business).
- D36 Council will pay for use of a rental car (standard model) at locations where air travel is undertaken for Council business.
- D37 All air travel arrangements and bookings will be made by Council staff on behalf of the Councillor, including flights, insurance and transfers. Councillors are not to book their own travel.

Accommodation

- D38 Councillors shall be accommodated in minimum four-star level facilities and higher if practicality determines the need. A higher level than four-star is to be approved by the Mayor and/or ~~General Manager~~Chief Executive Officer.
- D39 Council will pay for accommodation costs commencing from the night before the conference or seminar commences, throughout the conference and the night after it concludes and any other night required by travel arrangements.
- D40 Council will reimburse sustenance costs of up to \$150 per day, per Councillor.
- D41 Any additional accommodation expenses incurred as a result of the attendance of spouse, partners and accompanying persons shall be borne by the Councillor.
- D42 Accommodation arrangements and bookings shall be made by Council staff on behalf of the Councillor. Councillors are not to book their own accommodation.



Care and other related expenses

- D43 Council will reimburse registered carer's expenses necessary to enable elected members, ~~General Manager~~Chief Executive Officer and Directors to attend Council business up to \$3,600 per annum, including:
- i child care expenses
 - ii care of disabled and/or sick immediate family members
 - iii special requirements of councillors such as disability and access needs to allow performance of normal civic duties and responsibilities
- D44 Reimbursement does not apply where the care is provided by immediate family members including family, spouse or partner.

Insurance

- D45 Council will provide insurance to protect the interest and welfare of all Councillors in carrying out the duties of Civic Office and to protect equipment issued to Councillors under this policy as follows:
- i Public liability (for matters arising out of Councillors' performance of their civic duties and/or exercise of their functions)
 - ii Professional indemnity (for matters arising out of Councillors' performance of their civic duties and or exercise of their functions)
 - iii Personal injury while on Council business
 - iv Travel insurance for approved interstate and overseas travel on Council business for travel bookings made by staff
 - v Property insurance for Council facilities issued to Councillors

Council staff will arrange all insurances. Councillors are not to arrange insurances or extend their private insurance coverage for Council business. There will be no reimbursement of expenses to Councillors associated with insurance coverage.

- D46 Council has the following policies and limits in place that cover Council activities and include cover for the Councillors :
- Public Liability (limit of protection - \$400M) & Professional Indemnity (limit of protection \$300M) with Statewide Mutual Liability Scheme
 - Personal Accident policy with ACE Insurance Limited & includes a travel component (various limits)
 - Property insurance with Statewide Property Mutual Scheme as per schedule provided to Statewide Property Mutual (various limits)

Legal Expenses

- D47 Council will indemnify or reimburse the reasonable legal expenses of a Councillor in the circumstances described below:
- i a Councillor defending an action arising from the performance in good faith of a function



under the Local Government Act (section 731 refers), as distinguished from merely something a Councillor has done during his/her term of office

- ii a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act
 - iii a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act, and the Tribunal or investigative body makes a finding substantially favourable to the Councillor
- D48 Council will also reimburse legal costs for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:
- Local Government Pecuniary Interest and Disciplinary Tribunal
 - Independent Commission Against Corruption
 - Office of the NSW Ombudsman
 - Division of Local Government, Department of Premier and Cabinet
 - NSW Police Force
 - Director of Public Prosecutions
 - Council's Conduct Review Committee/Reviewer
- provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. Legal expenses will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.
- D49 A conduct complaint made against a Councillor, resulting in legal expenses for a Councillor shall only qualify for reimbursement where a matter has been referred by the **General Manager/Chief Executive Officer** to a conduct reviewer/committee to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct.
- D50 Pecuniary interest or misbehaviour matters, shall qualify for reimbursement of legal expenses if a formal investigation has been commenced by the Division of Local Government.
- D51 Council will only reimburse legal expenses where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor.
- D52 Council will not meet the legal expenses of legal proceedings initiated by a Councillor under any circumstance.
- D53 Council will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
- D54 Council will not meet legal costs in the following circumstances:



- An action in defamation taken by a Councillor as plaintiff
- A Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation

D55 The total amount that may be claimed per Councillor in any one year for the above clauses in this section is \$5,000.

D56 A Councillor/s may be reimbursed up to \$1,500 in a year (including GST) for external legal services only where all of the following circumstances exist:

- the legal advice is not on a matter excluded from being reimbursed by the Local Government Act and/or Regulations, or any other clause in this Policy
- the matter about which advice has been sought is a serious matter affecting the proper administration of Council
- more than four Councillors have requested that Council staff provide legal advice on the subject matter of the advice, and Council staff have been unable to provide those Councillors with legal advice, due to a conflict of interest or similar prohibition that precludes those staff from providing that advice, or where staff are unwilling to obtain independent legal advice
- the matter had not already been the subject of independent legal advice to Council
- the legal advice is proven to be valuable towards Council's decision making
- no more than one payment is to be paid to any one or more of the Councillors in respect to advice provided by Councillors on the subject matter
- the request for reimbursement, under this clause, has been authorised by the Council:
 - the written brief, original written legal advice and tax receipt will need to be provided to Council as its record to allow consideration of payment

Mayoral Expenses

D57 The Mayor may provide reasonable hospitality to Councillors, politicians, dignitaries, community leaders in relation to Council business, up to \$30,000 per year. Reasonable hospitality includes:

- light refreshments – food and beverages provided onsite at the Civic Centre
- meals and beverages ~~at local establishments~~ up to ~~\$150~~ 75 in total per ~~person~~ meal
- Council themed token gifts for visiting dignitaries up to a total of \$200 per delegation

D58 Council will provide, maintain and fuel a fuel efficient motor vehicle appropriate to the Office of the Mayor, for use by the Mayor for Council business.



- D59 Private Use of the vehicle is paid for by the Mayor by the reduction of the Mayoral allowance of \$1,906.64 per annum (2012/13 base financial year). Such amount to be varied on 1 October each year in line with movement in the Consumer Price Index for the 12 months ending 30 June previous.
- D60 Council will provide a parking space reserved for the Mayoral vehicle.
- D61 Council will provide a furnished Mayoral office.
- D62 Council will provide secretarial support for the Mayoral office.

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Telecommunications

D63 Council will provide or reimburse Councillors for communications as indicated in the table below:

Criteria	Council Provided Equipment	Councillor Owned Equipment
Types of Equipment Included Note: a councillor may choose items from either of the clauses at the same time as long as there are not two of the same items provided and claimed at any one time. It is therefore acknowledged that a councillor choosing items from both Council provided equipment and Councillor owned equipment options has access to the limits of both sets.	Laptop or Desktop PC Tablet computer Operating system/software Printer Facsimile Scanner USB or WIFI broadband modem Digital camera Mobile phone or smart phone Mobile phone car kit and installation (equipment is Council standard)	Laptop or Desktop PC Tablet computer -Operating system/software Printer Facsimile Scanner USB or WIFI broadband modem Digital camera Mobile phone or smart phone Mobile phone car kit and installation (equipment to be compatible with Council systems) All equipment and usage accounts for these items must be in Councillor name. No business or company accounts will be reimbursed.
Capital Cost Reimbursable?	No	Yes



Criteria	Council Provided Equipment	Councillor Owned Equipment
Usage Costs	<p>Paid to supplier by Council</p> <p>Combined cost of</p> <ul style="list-style-type: none"> - installation costs - calls - internet access - message bank service - reasonable private use 	<p>Reimbursed to Councillor by Council</p> <p>Combined cost of</p> <ul style="list-style-type: none"> - installation costs - calls - internet access - message bank service - reasonable private use - insurance <p><u>- Credit or bank fees associated with payment of accounts</u></p> <p>No late or credit card fees will be reimbursed.</p>
Limit of Usage Costs in one year	Combined capital and usage cost of \$7,200 (paid to supplier by Council)	Combined capital and usage cost of \$7,200
Ownership	<p>Council owned during term.</p> <p>Councillor will be able to purchase non-leased items at agreed market price at term end.</p>	Councillor will continue to own items
Replacement for damaged, lost or stolen item	<p>Upon return of faulty, broken item.</p> <p>Or statutory declaration confirming lost or stolen item.</p>	Evidence of damaged lost or stolen item required. Or statutory declaration confirming lost or stolen item.
<u>Replacement Item for model upgrade</u>	<u>Model Upgrades supported by Chief Information Officer</u>	<u>Statutory declaration and confirmation from Chief Information Officer that upgraded item reasonably meets Council business needs.</u>

D64 Where an allowance is claimed for a mobile phone or a Council supplied mobile phone is provided the mobile number must be published weekly in "Shire Wide" and be placed on Council's Website. In the case for the Mayor, the Mayor's Office number should be listed. The ~~General Manager~~Chief Executive Officer can provide an exemption to the requirement to publish a Councillor's mobile phone number due to harassment, safety or health reasons.

D65 The brand/type of equipment provided by Council will be to Council standards purchased in accordance with the provisions of Council Procurement Policy.



- D66 Council will not provide for subsequent installation costs (eg as a result of moving house or changing vehicles) unless Council has initiated a change to the equipment or service.
- D67 Elected members using Council telecommunications equipment or their own private equipment for Council business must comply with Council's Communications Media Policy (Internet and Email) and Appropriate Use of Email and the Internet Guidelines.
- D68 At the conclusion of a local government term and where a Councillor does not intend to stand for re-election or is not re-elected, a Councillor may purchase Council supplied equipment and software at an agreed market price. Leased equipment is not available for purchase.

Stationery

- D69 Council will provide stationery to be used for Council business, upon request. Stationery includes:
- i Writing pads, envelopes, box files writing pens / diary / folders up to \$200 per annum
 - ii Business cards 1000 per year
 - iii Letterhead 1000 per year
 - iv Paper and printer cartridges 1 set of colour and black per month
 - vi One filing cabinet
 - vii one portable paper shredder

**Corporate Uniform**

D70 Council will provide a "premium quality" Corporate Uniform on an annual basis except for the issue in the year in which the local government election is held. Corporate Uniform shall consist of:

- Formal clothing – two suits/ two shirts (blouses)
- Climate clothing (shirts and jackets) – one set
- Protective clothing – one set
- Alterations up to \$200 per year, if required

D71 Council will provide an additional Corporate Dress allocation to the Mayor to facilitate the duties of the office as follows:

- Four shirts
- One pair of trousers or skirt or dress
- One tie
- Such other clothing as is required to perform the duties of a Councillor

Civic Centre Parking

D72 Council will provide an allocated parking space for each Councillor on each Council meeting day.

Sustenance

D73 Councillors will be provided with appropriate sustenance on meeting/briefing/function days, including bottled beverages.

Councillor Lounge and Interview Rooms

D74 A Councillor Lounge is provided at the Civic Centre for the specific use of Councillors. The lounge provides Councillors with an informal area to meet and has facilities such as tea and coffee making, beverage fridge and shower.

D75 Two interview rooms are provided at no cost for the exclusive use of Councillors. The rooms contain desk and chairs and a computer. The rooms may be used by Councillors to conduct Council business, for example review of meeting papers or meeting with residents. Rooms must be booked through the Civic Centre receptionist.

Counselling

D76 Council will provide Councillors with access to the Council staff Counselling Program subject to the same conditions offered to staff.

General



- D77 Council will reimburse Councillors for expenses of up to \$500 per annum for communications and media information accessed for Council business and/or Councillor professional development (for example: professional journals, news and current affairs publications).
- D78 Council will reimburse Councillors up to \$500 per annum for electricity charges (eg heating, cooling and lighting associated with use of private facilities to conduct Council business). Up to 20% of each electricity account may be claimed.
- D79 Council will pay Councillors appointed to the Hunter and Central Coast Joint Regional Planning Panel remuneration of \$650 per meeting of that Panel, that sum being the fee and allowances permitted by Clause 6 of Schedule 4 to the Environmental Planning and Assessment Act 1979. The meeting fee will also apply to inspections if held on a different day to a meeting.
- D80 Council will provide a deduction administrative service for up to a maximum of two monthly deductions from a Councillor allowance for nominated payments which incur no external costs to Council. For example: political party donations, union fees, superannuation and health insurance.
- D81 Council will reimburse interest charges and fees (other than late fees) incurred by a councillor in respect to an expense that is able to be reimbursed under this Policy.

E. POLICY IMPLEMENTATION - PROCEDURES

Approval

- E1 Approval for the payment of expenses and provision of facilities not specified will be by the Council.
- E2 Disputes in relation to the payment of expenses and provision of facilities shall be resolved by the Council.
- E3 The Mayor and ~~General Manager~~Chief Executive Officer may approve attendance on behalf of the Council if time does not permit the reporting to Council prior to the event occurring. The ~~General Manager~~Chief Executive Officer will report the authorisation to the next available meeting.
- E4 Payment of expenses will only occur on the production of proper receipts that contain ABN numbers or documentation acceptable to Council

Adoption

- E5 This Policy will be adopted by Council resolution after public notification of 28 days.
- E6 This policy will be reviewed and readopted annually in accordance with the provisions of the Local Government Act.

Amendment



- E7 Mandatory amendments to this Policy due to an amendment to the Local Government Act or Regulations will be made administratively and a report detailing the amendment will be submitted to an Ordinary Meeting of Council.
- E8 Optional amendments to this Policy due to an amendment of the Local Government Act or Regulations will be reported to an Ordinary Meeting of Council for determination.
- E9 This Policy will be amended annually in accordance with the CPI. The amendment will be made administratively and will not be reported to Council.

DRAFT FOR COUNCIL REPORT



- E10 Section 253 of the Local Government Act prescribes that Council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities, allowing at least 28 days for the making of public submissions and Council must consider any submissions before adopting any amendment.
- E11 Section 253 further prescribes that Council need not give public notice of a proposed amendment to this policy if the Council is of the opinion that the proposed amendment is not substantial.
- E12 Section 252 requires that Council must within 5 months after the end of each year adopt a policy for the payment of expenses and provision of facilities to Councillors. If the policy is the same as the existing policy Council must still advertise and adopt the policy annually.

Reporting

- E13 In accordance with clause 271 of the Regulation and for the purposes of transparency and accountability, Council is required to include detailed information in its Annual Report about the payment of expenses and facilities to councillors.
- E14 Section 253 of the Act requires Council to submit a copy of this policy annually to the Division of Local Government.
- E15 The Policy must be publically notified in accordance with Section 253 of the Local Government Act.
- E16 Councillors will be provided with an annual statement at the end of each financial year which lists the type and amount of all reimbursements made and facilities given to each Councillor.

Reconciliation

- E17 Claims for reimbursement of expenses will include receipts with ABN number or via a statutory declaration and be made in the year in which the expense has been incurred, unless otherwise specified in this Policy.
- E18 Statutory declarations are only to be used to support claims for expenses already occurred where receipts are unable to be provided or have been lost (ie cannot be used to claim for items in advance such as estimates of travel).
- E19 In respect of Claims for reimbursement of travel costs Council may accept either a statutory declaration claiming an amount of travel undertaken or a log book detailing the claim for travel. It will be the responsibility of a Councillor to justify the content of any statutory declarations to any authorised third parties. Declarations may be given for claims for expenses incurred during periods of up to 12 months (within the financial year). Where the Chief Executive Officer has given notice to a councillor under clause D26 that the councillor is required to keep an accurate log book to evidence claims for use of a private motor vehicle, any claim for reimbursement of travel costs associated with the use of a private motor vehicle must be supported by a copy of that log book.



- E20 The level of supporting documentation should be commensurate with the nature of expenditure. For example expenditure on parking, tolls, refreshments and the like may only require a signed statement listing the payments.
- E21 Council will only accept evidence of claims in the name of a Councillor. Council will not reimburse accounts in the name of a business or company associated with the Councillor.

DRAFT FOR COUNCIL REPORT



E22 Approval, reconciliation and reimbursement for all expenses and facilities must occur in accordance with this policy. ~~Any claims made outside this policy will be determined by Council.~~

E23 Amounts owing by an elected member relating to fees or expenses for reimbursements and/or accompanying partner's expenses are to be deducted from amounts due to the elected member under this Policy.

E24 All expenses paid by Council to Councillors will be reported to the Australian Tax Office.

Conferences

E25 The Mayor may nominate a replacement if an elected member authorised to attend a conference, seminar, external training session or function outside the area is unable to attend the event due to ill health or family emergency.

E26 The Mayor and/or the ~~Chief Executive Officer~~ General Manager will determine and subsequently report to Council, attendance at a conference, seminar, external training or functions outside the Central Coast if time does not permit submission to a Council meeting prior to the event.

E27 Elected members attending conferences must provide a report to the GM detailing the proceedings of the conference. No report is required for the annual conference of the NSW Local Government and Shires Association or conferences approved by Council.

E28 Authorisation of attendance at conferences for a spouse or partner will be included in the Council resolution for attendance of the Councillor unless specified by this policy.

E29 Elected members may request advance expense payments for trips and conferences. The costs are required to be reconciled through receipts and excess advances returned to Council.

Legal

E30 The payment of legal expenses ~~in accordance with this policy must be approved~~ by the Council ~~or the Chief Executive Officer.~~

Interview Room

E31 Elected members will contact Council reception to reserve an interview room.

Communications

E32 Expenses reimbursed for use of private equipment will be added to Councillors' fees on a monthly basis.

E33 Upon ceasing to hold Civic Office an elected member may purchase Council equipment at an amount determined by an independent valuation or return the equipment to Council except in the case where equipment is leased.



E28 Associated documents:

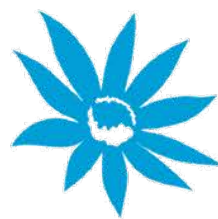
- Council Code of Conduct
- NSW Local Government Act 1993
- Council Motor Vehicle Policy
- Council Procurement Policy

Table of Limits and Reconciliation

Clause No	Description	Limit	Basis	Documentation for Reconciliation
D9	Payment in advance	\$150 per day	Limit commensurate with limit imposed for daily out of pocket expenses	Receipts of actual costs and repayment of any gap between advanced amount and actual amount expended.
D11	<p>Conferences, Workshops Professional Development and Training Courses</p> <p>With respect to Professional Development and Training Courses:</p> <ul style="list-style-type: none"> - Each event must be authorised by Council resolution. - A combined total of four professional development or training courses per Councillor, per year. <p>Note on Limit a professional development course with a number of "sections"</p>	<p>Six conferences per year for events held over one or more consecutive days</p> <p>\$5,000 per Councillor per event (CEO may authorise exceedance.</p> <p>\$12,000 limit per Councillor per year, subject to a total expenditure limit for all Councillors of \$100,000 per year.</p> <p>No more than 3 Councillors to attend an event except for LGNSW conference and National General Assembly and</p>	<p>Reasonable number given Councillors other commitments for Civic duties</p> <p>Limit based on upper level of historical costs for conference attendance within Australia and includes all costs eg registration, flights, sustenance, out of pocket daily cost.</p> <p>A reasonable number of attendees to provide for benefits to the Shire and professional development for the Councillor. Provision of a report from Conference attendees gives other non-attending Councillors access to learnings from conference.</p>	<p>All Arrangements for Councillor attendance at conferences will be made by Councillor Services staff.</p> <p>Reimbursement of accommodation and incidental expenses provided by receipt or statutory declaration for smaller items such as tolls.</p>



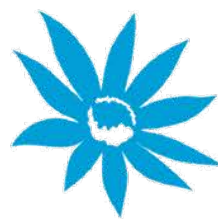
Clause No	Description	Limit	Basis	Documentation for Reconciliation
	<u>which contribute toward the agreed professional development outcome (ie MS word levels 1 and 2), be identified as a single course</u>	professional development and training \$ 500 per course <u>for</u> Textbooks associated with Professional Development and Training Courses	Limit based on average cost of two textbooks per course	Councillor Services staff to make arrangements for direct payment to event organiser
D12	Conferences, Seminars Workshops Reimbursement or Paid by Council	Sustenance \$150 per day Incidental Costs \$50 per day	Reasonable cost of modest meals daily and takes into account meals at official functions not included as part of the daily limit. Reasonable limit given likely claims for internet or laundry use.	All sustenance costs to be reimbursed on production of receipts
D14	Attendance at Non-Council events	\$200 per event Six events per Councillor per year Total limit \$1200 per Councillor per year	Limit based on upper level of historical costs for this type of event Limit based on upper level of historical attendance and acknowledgement of the upward trend of frequency of these events being offered.	Councillor Services staff to make arrangements for direct payment to event organiser
D16	Membership of Professional Organisations	\$1,500	Based on average of professional membership fees for	Claim for payment including copies of receipt of payment.



Wyong
Shire
Council

Clause No	Description	Limit	Basis	Documentation for Reconciliation
			up to two organisations	
D17	Attendance by Spouse Partner Carer or Accompanying Person at events	<p>Ticket costs Limit to one additional person per Councillor for certain events</p> <p>Travel and accommodation costs limit to shared use of those that were already being expended as a councillor</p> <p>Conference registration for Local Government NSW and National General Assembly of Local Government</p>	<p>Reasonable expectation for ceremonial events</p> <p>Reasonable expenditure of public monies</p> <p>Reasonable expectation of partner attendance for two premier local government events which will include ceremonial functions.</p>	Councillor Services staff to make arrangements for direct payment to event organiser.
D26	Use of Private Vehicle	Reimburse on the basis of KMs travelled for Council business	Relies on definition of Council business and uses industry acceptable rates as defined in the local government award	<p>Log book supporting claim for actual kms travelled for Council business.</p> <p>Statutory Declaration for actual kms travelled for Council business (eg claim made after travel occurred).</p>
D38	Accommodation	Four-star accommodation and higher if four-star impractical	<p>Four-star standard provision for business travel.</p> <p>In some cases conferences are held</p>	Councillor Services staff to make arrangements for booking and direct payment to event organiser. If direct payment unable to be

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Wyong
Shire
Council

Clause No	Description	Limit	Basis	Documentation for Reconciliation
		Length of stay night before and night after event and any other night required by travel arrangements	where limited accommodation availability and four-star may not be available. If that is the case it is reasonable that a higher rating may be used. Reasonable to expect before and after accommodation to enable attendees to be prepared for conference sessions	made. Councillor to provide receipt for reimbursement. Councillor Services' staff to make arrangements for booking number of nights based on travel arrangements also made by staff.
D43	Care Expenses	Limit \$3,600 per year	Based on number of meetings likely to be held per year	Reimbursement of actual cost via copy of receipt of registered carer as defined in this policy. Or care arranged by Council.
D55	Legal Expenses Section 1	Limit \$5,000 per year	Based on estimate of reasonable cost of legal service for this type of item and consideration of expense to public purse	The <u>Chief Executive Officer</u> General Manager will determine any claims for legal costs.
D56	Legal Expenses Section 2 (external legal advice)	Limit \$1,500 per year	Based on estimate of reasonable cost of legal service for this type of item and consideration of	The <u>Chief Executive Officer</u> General Manager will determine any claims for legal costs.

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		Limit reimbursement level of \$150 <u>\$75</u> <u>per person</u> for each offsite hospitality and gifts at \$200 and included in yearly limit of \$30,000	acknowledging obligations of Office of Mayor	activities. Offsite hospitality made by claim for reimbursement support by receipts. Must relate business of the Council.
063	Telecommunications Equipment	Combined capital and usage cost of \$7,200.	Based on reasonable assumption of current lifespan for technological items at 4 years.	Claim to be made after evidence of purchase date and price. No accounts reimbursed that are in the name of businesses. (eg must be in name of Councillor)
	Usage Costs	Combined capital and usage cost of \$7,200	Based on reasonable estimate of usage	Replacement items reimbursement must include evidence that previous item damaged, lost or stolen. Receipts of paid expenses



Clause No	Description	Limit	Basis	Documentation for Reconciliation
				<p>No accounts reimbursed that are in the name of businesses (eg must be in name of Councillor).</p> <p><u>Credit card or bank fees associated with payment of accounts may be reimbursed.</u></p> <p>No late or credit card fees will be reimbursed.</p>
D64	Mobile Phone Number	Councillor must display phone number in Shire Wide section of Central Coast Express and be listed on Council website to enable reimbursement or payment by Council of usage costs.	Based on reasonable expectation that Councillors usage cost reimbursement is for the undertaking of Council business.	Councillors to advise if number is to be displayed.
D69	Stationery	<p>Writing pads, envelopes, box files writing pens / diary / folders up to \$200 per annum</p> <p>Business cards 1000 per annum</p> <p>Letterhead 1000 per annum</p> <p>Paper and printer cartridges 1 set of colour and black per month</p>	Based on reasonable office supply usage	Stationery provided on request and record kept of distribution per year.





Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW

**Division of Local Government
Department of Premier and Cabinet**

October 2009

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Part One

The Guidelines

Acknowledgements

The Division of Local Government, Department of Premier and Cabinet would like to thank the Local Government and Shires Associations of NSW for their contribution to the review of these guidelines.

1.1 Purpose

These guidelines have been prepared for use by NSW councils to develop, implement and review their policies on the payment of expenses and the provision of facilities to mayors and councillors ('councillor expenses and facilities policies').

Councillor expenses and facilities policies should allow for councillors to receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties as elected representatives of their local communities.

The preparation and review of these policies on an annual basis by councils is a mandatory requirement to ensure accountability and transparency in the reasonable and appropriate provision of expenses and facilities to mayors and councillors in NSW.

1.2 Background

A review by the then Department of Local Government in 2005 of a number of councillor expenses and facilities policies revealed a high level of variability in format and content, the scope of expenses and facilities provided and the level of payment. Many councils did not set a limit to the payment of a number of types of expenses.

To address these issues, amendments were made to the *Local Government Act 1993* (*Local Government Amendment Act 2005*) and the Local Government Regulation 2005. In addition the first version of these guidelines was developed.

A further review of a number of councillor expenses and facilities policies in 2007 (Director General's Circular to Councils 08/03 refers) and feedback received from councils using the guidelines identified the need for clarification of a number of areas. The result is the release of this revised version of the guidelines.

1.3 Legislative Context

These guidelines have been prepared under the provisions of section 23A of the *Local Government Act 1993* ('the Act') as Director General's Guidelines. They replace any previous versions of the guidelines issued.

Councillor expenses and facilities policies are made under the Act and in accordance with sections 252 and 253 of the Act as well as clause 403 of the *Local Government (General) Regulation 2005* ('the Regulation').

Under section 252(5) of the Act councillor expenses and facilities policies must comply with the provisions of the Act, the Regulation, these guidelines and other policies nominated in these guidelines.

Under section 439 of the Act every councillor must act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions. Under section 440 each council must adopt a code of conduct that incorporates the provisions of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

Other policy documents to be considered during the development and review of councillor expenses and facilities policies include relevant Circulars to Councils the *Model Code of Conduct for Local Councils in NSW* and the Independent Commission against Corruption publication *No Excuse for Misuse*.

A council may disburse money only if the disbursement is authorised by the Local Government Act, either expressly or because it is supplemental, incidental to or consequential upon the exercise of its functions.

Further details of relevant legislative provisions and policy documents are in Appendix I to these guidelines.

1.4 Scope

Policies prepared under these guidelines provide for the payment or reimbursement of expenses and the provision of facilities by councils to mayors and councillors in NSW. They are also relevant to NSW council administrators where applicable and with necessary modifications.

The guidelines contain:

Discussion of principles and clarification of relevant issues in regard to the scope and extent of expenses and facilities that may be reasonably and appropriately provided for in councils' policies (Part One)

Notes and/or model clauses on specific expenses and facilities to assist councils to prepare their policies (Part Two)

Details of the relevant legislative and policy requirements ([Appendix I](#))

Suggested outline structure or format for a policy, which councils may use or adapt as necessary to suit their needs ([Appendix II](#)).

These guidelines do not deal with matters associated with the setting and payment of councillors' annual fees, which are a matter for the Local Government Remuneration Tribunal. Accordingly, policies prepared under these guidelines should not deal with councillors' annual fees.

1.5 Definitions

The Act: *The Local Government Act 1993*

Councillor expenses and facilities policies: policies prepared under these guidelines on the payment of expenses and the provision of facilities to mayors and councillors.

Expenses: Payments made by the council to reimburse councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses must be outlined in a council's policy and may be either reimbursed to a councillor or paid directly by a council for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.

Facilities: Equipment and services that are provided by councils to councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as councillors.

Functions of civic office/civic functions: Functions that councillors are required to undertake to fulfil their legislated role and responsibilities for the council that should result in a direct benefit for the council and/or for the local government area.

The Regulation: *The Local Government (General) Regulation 2005*

1.6 Key Principles and Issues

Below are a number of key principles and issues that councils must consider and integrate within their councillor expenses and facilities policies where appropriate.

1.6.1 General Conduct

Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act or any other Act. This is required under section 439 of the Local Government Act and reinforced in the Model Code of Conduct made under section 440.

1.6.2 Use of council resources

Councils should be mindful of the provisions in the Model Code of Conduct about the use of council resources to ensure that councillor expenses and facilities are not used inappropriately.

The Model Code of Conduct provides that council resources must be used ethically, effectively, efficiently and carefully. Council property including intellectual property, official services and facilities must not be misused by any person or body for private benefit or gain. Councillors must also avoid any action or situation that could create the appearance that council resources are being used inappropriately (clauses 10.12-10.14 and 10.15 refer).

A person's re-election is considered to be a personal interest. Official council material such as letterhead, publications, websites as well as council services and forums must not be used for such personal interests. Situations in which the appearance may be given that these are being used for such purposes are also to be avoided (clause 10.16 refers).

The fundraising activities of political parties, including political fundraising events, are considered to be personal interests. Councils should not pay expenses or provide facilities to councillors in relation to supporting and/or attending such activities and events.

In circumstances where it is appropriate for councillors to give a gift or benefit (for example, on a council business related trip or when receiving visitors), these gifts and benefits should be of token value and in accordance with a policy developed by the council. For clarification on what token gifts and benefits are see the Model Code of Conduct (clause 8.1)

Further discussion in relation to the use of council resources for communication expenses is in Part Two.

Excerpts from the Model Code of Conduct in relation to use of council resources are in Appendix I.

1.6.3 Accountability and transparency

Councillor expenses and facilities policies must include all of the specific expenses for which councillors are entitled to receive reimbursement and all of the specific facilities councillors are entitled to use. Councillors can only receive reimbursement for expenses and the use of facilities when these are clearly identified in the policy.

The overriding principle to be addressed in the development of a council expenses policy is that the details and range of expenses paid and facilities provided to councillors by the council must be clearly and specifically stated and be fully transparent and acceptable to the local community. Policies must include clear limits and processes for approval, reconciliation and reimbursement for all expenses and facilities to maximise accountability and transparency.

Comprehensive reporting requirements of the Regulation, as outlined in Appendix I of these guidelines, further reinforce accountability and transparency.

1.6.4 Private benefit

Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as 'frequent flyer' schemes or any other such loyalty programs while on council business. However it is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment back to council.

Where more substantial private use does occur the Act provides that a payment may be made to cover the level of that private use (refer s252 (2)).

Councils are encouraged to include a statement in their councillor expenses and facilities policies clarifying that councillors should not obtain more than incidental private use of facilities. In situations where private use occurs, councils should also establish a suitable rate and/or mechanism for the reconciliation and reimbursement by councillors of that private use and include this in their policies.

1.6.5 General expense allowances

In accordance with clause 403 of the Regulation councillor expenses and facilities policies must not include provision for a general expense allowance. A general expense allowance is a sum of money paid by a council to a councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe.

It is not appropriate or lawful for councils to pay general allowances unrelated to actual expenses incurred and which are designed to supplement councillors' annual fees.

Councils are encouraged to include a statement in their policies clarifying that general expense allowances will not be paid.

1.6.6 Limits

The payment of expenses and the provision of equipment and facilities to councillors must not be open-ended. However, these guidelines do not specify particular monetary limits. Rather, councils must agree and set monetary limits to all expense provisions in their policy, where practicable and where appropriate, as well as standards for the provision of equipment and facilities provided to councillors. In doing so, councils need to consider what is a reasonable and acceptable level of provision.

Limits need to be clearly stated and, where appropriate, justified within councillor expenses and facilities policies. The duration for which the limits apply to should also be clearly set out, for example one financial year. For periods less than a full year, for example, after a local government general election, a council may choose to apply a limit for each expense worked out on a pro rata basis.

Identifying and publishing monetary limits allows members of the public to know the expected cost of providing services to councillors and to make comment during the public consultation phase of making or amending the policy. Having clear limits also avoids situations where councillors incur costs that are unforeseen or considered unreasonable by other councillors and the public.

1.6.7 Approval

The policy must set out approval arrangements for all expenses and facilities provided. It should ensure that, where possible, approval is sought and gained prior to expenses being incurred. In particular it should avoid any one person from being the sole decision maker.

Approval for discretionary trips, attendance at conferences and/or for other significant expenses and facilities should occur, where possible, at a full meeting of the council.

Where approval at a full council meeting is not possible or appropriate then approval should be given jointly by the mayor and the general manager. If the mayor requires approval it should be given jointly by the deputy mayor or another councillor and the general manager.

Councils should establish and document an appropriate process to resolve any disputes that arise about the provision of expenses and facilities. This could

include a mechanism for disputed decisions to be reviewed by an independent person and/or by a full council meeting.

1.6.8 Reconciliation and reimbursement

Council expenses and facilities policies must include processes for the reconciliation and reimbursement of expenses, including a time limit for councillors to seek reimbursement for their expenses.

However, it is up to individual councils to determine the most appropriate procedure for reconciling and reimbursing costs and expenses taking into consideration issues of accountability and transparency as well as internal systems and resourcing.

Incidental expenses may not require specific receipts provided it can be demonstrated that expenditure was incurred and is not general in nature. Where receipts are not required it would be appropriate for councillors to certify that the expenditure was for the purpose intended. The level of supporting documentation should be commensurate with the nature of expenditure. For example expenditure on parking, tolls, refreshments and the like may only require a signed statement listing the payments.

1.6.9 Advance payments

When requested by a councillor, consideration should be given to the provision of an advance payment for the cost of a service associated with a civic duty. Advance payments can help ensure that councillors are able to fully participate in their civic duties without financial disadvantage.

Advance payments must always be reconciled at a future date within a timeframe stated in the policy. It is up to individual councils to determine the most appropriate means of reconciling such advance payments taking into account issues of accountability and transparency as well as internal systems and resourcing.

1.6.10 Recognising local differences

Individual policies should be sufficiently flexible and tailored to allow individual councils to determine what they can afford to pay and what is acceptable to their communities. They need to recognise the differences between councils in terms of levels of complexity of their governance, population size, the local economic and development environment, proximity to state borders and so on. These differences are broadly reflected in the various categorisations of councils, which have been determined by the Local Government Remuneration Tribunal to derive the level of annual fees paid to mayors and councillors.

1.6.11 Reasonable expenses, rates and facilities

These guidelines do not specify specific levels, rates or standards for the provision of expenses and facilities to councillors.

It is the responsibility of councils to define and establish in their policies what is reasonable, appropriate, responsible and acceptable based on considerations of what is required to enable councillors to effectively carry out their civic duties and what is acceptable to their communities.

Policies must adequately provide for councillors to be reimbursed for actual expenses incurred, or to be incurred, in the performance of their civic duties. Examples of appropriate expenses include training and development, conferences and seminars, travel, childcare, legal expenses and insurance.

Facilities, equipment and services should be provided that are appropriate to support mayors and councillors in undertaking their role as elected members of the council. Facilities should be provided to ensure the safety of councillors, for example the allocation of a safe and secure designated parking space at or near the council premises.

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.

Policies should also specify appropriate rates. For example, rates for childcare may be based on an appropriate employment award and rates for mileage or meals may be based on Australian Tax Office determinations. These should be clearly provided for and, where appropriate, justified in councils' policies.

It is expected that the needs of different councils would be reflected in the scale, scope and nature of expenses and facilities provided. It is expected that councils of an equivalent Local Government Remuneration Tribunal category would generally make similar provisions for expenses and facilities.

1.6.12 Participation, equity and access

Councillor expenses and facilities policies should be non-discriminatory, equitable and encourage participation on council of people from diverse backgrounds that represent the demographics of the local community. They should allow councillors to represent the community in different ways and take account of, as much as possible, individual differences.

Policies should encourage all members of the community from different walks of life, particularly under-represented groups such as those in primary caregiver roles, to seek election to council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic duties of a councillor.

Policies should also take account of and make reasonable provision for the special needs of councillors to allow appropriate access to council premises

and facilities, and to maximise participation in the civic duties and business of council. Policies should include, for example, provision for sight or hearing impaired councillors and those with other disabilities. They should also make reasonable transportation provisions for those unable or unwilling to drive.

1.6.13 Relationship between annual fees and expenses

Policies prepared under these guidelines are not required to deal with councillors' annual fees. However, it is acknowledged that there is likely to be some correlation between the annual fees paid to mayors and councillors and the level and scope of expenses and facilities required and provided for in a councillor expenses and facilities policy.

Councillor expenses and facilities policies should set levels of expenses and facilities to realistically account for costs incurred by councillors independent of the level of their annual fees. This is consistent with the Local Government Remuneration Tribunal position that expenses reasonably incurred by councillors are outside provisions made under the annual fee determinations.

It is noted that some small country councils have in the past set a policy that requires councillors to pay for some or all of their expenses from their annual fee. This practice is strongly discouraged as it can have the effect of financially disadvantaging councillors. It may also have the effect of discouraging potential candidates from standing for election to councils.

In relation to annual fees, it should be noted that councils may only pay a deputy mayor part of the mayor's annual fee where a deputy mayor demonstrably acts in the role of the mayor. Such payment must only be done at the direction of the council and any amount paid to the deputy mayor must be deducted from the mayor's annual fee (section 249 of the Local Government Act).

Notes about specific expenses and facilities to assist councils in the development of a councillor expenses policy follow in Part Two. These notes do not form part of the mandatory guidelines.

1.7 Development, implementation, review and reporting requirements

1.7.1 Development and adoption of the policy

In accordance with section 253 of the Local Government Act, councils must give public notice of its intention to adopt or amend a councillor expenses and facilities policy and allow at least 28 days for public submissions.

Councils must consider any submissions received and make any appropriate changes to the policy. Councils do not need to give public notice of a proposed amendment to the policy, if the amendment is not substantial.

Within 28 days of adopting or amending the policy, the policy and details of submissions must be forwarded to the Deputy Director General (Local Government), Division of Local Government, Department of Premier and Cabinet.

Councils must submit their current, adopted policies to the Division by 30 November each year.

1.7.2 Implementation

Consistent with the principles outlined in these guidelines, councillor expenses and facilities policies should include clear provisions that assist in the equitable, transparent and accountable implementation of the policy.

The policy should clarify that the payment of general expense allowances is not allowed. The policy should also disallow, other than incidental, private benefit to councillors for expenses and facilities, unless a reasonable and clear mechanism for reconciliation and reimbursement of the private benefit gained is expressly outlined in the policy.

The policy should include clear limits for all expenses and facilities, where practicable.

It is particularly important that the policy includes a clear approval process for all expenses and facilities, where practicable, to avoid situations in which a councillor incurs and makes a claim for an expense considered to be outside the scope of the policy by the council.

1.7.3 Promotion and availability of the policy

Councils should promote their policies on the payment of expenses and the provision of facilities to councillors and to the community by placing these policies on their websites and making them readily accessible. Councils should ensure that the policy is easy to locate for viewing by the public.

1.7.4 Review

Councils are required to review their councillor expenses and facilities policies on an annual basis. Public notice must be given prior to the annual policy adoption process, even if the proposed amendments are not substantial.

Policies must also be submitted to the Deputy Director General (Local Government), Division of Local Government, Department of Premier and Cabinet within 28 days of adoption by a council, even if the policy remains unchanged.

Councils need not give public notice of a proposed amendment to their policies at other times if the council is of the opinion that the proposed amendments are

not substantial. The term 'not substantial' should be taken to mean minor changes to wording of the policy or changes to monetary provisions or rates that are less than 5%. It also means minor changes to the standard of the provision of equipment and facilities. Substantial amendments to the policy that could include larger changes to monetary limits than the limit noted above, and/or major changes to the standard of provision of equipment and facilities, will require public notice of the amendment. Any new category of expenses, facilities and equipment included in the policy will also require public notice.

1.7.5 Annual Reporting

In accordance with clause 217 of the Regulation and for the purposes of transparency and accountability, councils are required to include detailed information in their annual reports about the payment of expenses and facilities to councillors. This should not be seen as a disincentive for the payment of appropriate expenses and the provision of appropriate facilities to councillors.

Councils are required to report separately on:

General

- the total cost of expenses and the provision of facilities for the mayor and all councillors, as well as:

Provision of facilities

- the cost of the provision of dedicated office equipment allocated to councillors on a personal basis such as laptop computers, mobile phones, telephones and facsimile machines and Internet installed in the councillors' homes (including line rental and internet access). This item does not include the costs of using this equipment, such as calls.

Expenses

- the cost of phone calls including mobiles, home located landlines, facsimile and internet services
- spouse/ partner/ accompanying person expenses (limited to circumstances outlined in Part Two of these Guidelines)
- conference and seminar expenses
- training and skill development expenses
- interstate travel expenses (including subsistence and out-of-pocket expenses)
- overseas travel expenses (including subsistence and out-of-pocket expenses)
- care and other related expenses (of dependants to enable a councillor to undertake his or her civic functions).

Whether the above information is reported for each councillor or all councillors as a group is a matter for council to determine. This may be based on considerations of what is appropriate and what the community expects.

1.7.6 Reporting of additional expenses and facilities

In addition to the statutory reporting requirements, councils should report other costs where these are significant.

For example, councils should report the cost of any additional significant expenses and/or facilities provided for in their policy.

Further details of relevant legislative provisions for development, implementation, review and reporting of councillor expenses and facilities policies are in Appendix I to these guidelines.

Part Two

Notes to assist councils to develop a councillor expenses and facilities policy

The following notes do not form part of the guidelines. They are provided to clarify various issues and provide examples in relation to specific expenses and facilities to assist councils to prepare their councillor expenses and facilities policies. Councils should use these notes as appropriate to need and circumstances.

2.1 Policy control information

As for any council policy, standard information about the date the policy was adopted, amendment date/s and the responsible council division should be included to make it easy to track changes and to ensure good policy version control.

Related policies, procedures or other documents should also be clearly identified, where appropriate.

2.2 General provisions for inclusion

Consistent with the principles outlined in these guidelines, councillor expenses and facilities policies should include:

statement disallowing the payment of general expense allowances

statement disallowing, other than incidental, private benefit from expenses and facilities - unless the policy expressly allows this and there is a reasonable and clearly outlined mechanism for reimbursement of the private benefit gained

clear limits for all expenses and facilities, where practicable

clear processes for approval, reconciliation and reimbursement for all expenses and facilities, where practicable.

2.3 Provisions for specific expenses

2.3.1 Attendance at seminars and conferences

Councils may provide specific guidance in their policies in regard to the type of seminars and conferences that may be attended, the number of councillors who may attend and approval arrangements.

Requests for attending conferences should generally be in writing outlining the benefits for council. After returning from the conference the councillor/s, or a member of council staff accompanying the councillor/s, should provide a written report to council on the aspects of the conference relevant to council business and/or the local community. No written report should be required for the Annual Conferences of the Local Government and Shires Associations.

Councils should pay conference registration fees charged by the conference organisers including the costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of the council.

Councils should meet the reasonable cost of transportation and accommodation associated with attendance at the conference, and meals when they are not included in the conference fees.

2.3.2 Training and development

Councils should provide for training and development in their policies and make separate provision in their budgets for the payment of training and development expenses for councillors.

This is in accordance with NSW Government policy, which aims to ensure that councillors have adequate training and skills development to ensure they carry out their functions effectively. The Division of Local Government is currently implementing a Councillor Development Strategy to ensure that councillors have access to the training and resources needed to understand and undertake their role effectively and to facilitate continuing professional development opportunities.

Councils are also being encouraged to develop, fund and implement a councillor training and development program based on a systematic skills analysis and assessment of professional development needs of their councillors. The nature of this program will vary from council to council depending on resources and need. Guidance on the preparation of professional development programs for councillors may be found in the Division's *Councillor Induction and Professional Development Guide* on our website at www.dlg.nsw.gov.au.

Councillor expenses and facilities policies should support and encourage an active learning process and skills development in addition to providing for

attendance at seminars and conferences related to council functions. It is essential where council is paying these expenses that the training or educational course is directly related to the councillor's civic functions and responsibilities.

2.3.3 Travel

General travel

The policy should clarify that all travel by councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

Local travel

The policy should provide for the payment of reasonable travel expenses for local travel relating to defined council business.

For example, the policy could include arrangements for the use of a private vehicle and provisions for the use of public transport, taxis, hire cars, travel using a council vehicle and associated other costs such as parking and road tolls. The policy should clarify that the driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.

Intrastate travel

Councils should decide whether it is reasonable to require prior approval for intrastate travel depending on factors such as the purpose, travel distance and whether flights and/or overnight accommodation is required. For example, travel to a conference in a distant local government area may require an application for approval including full details of the travel, such as itinerary, costs and reasons for the travel. Travel to a neighbouring local government area may generally be treated as local travel.

Interstate travel

Prior approval of travel should generally be required for interstate travel. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel. An exception would be for situations in which border councils travel to meetings or forums in neighbouring councils across the border. In such cases this may be treated as local travel.

Overseas travel

It is strongly recommended that councils scrutinise the value and need for councillors to undertake overseas travel. Councils should avoid international visits unless direct and tangible benefits can be established for the council and the local community.

Detailed proposals for overseas travel should be developed, including nomination of the councillors undertaking the trip, purpose of the trip and expected benefits. The duration, itinerary and approximate total costs of each proposed visit, should also be provided.

Overseas travel must be approved by a meeting of the full council prior to a councillor undertaking the trip. Travel must be approved on an individual trip basis. Councils should not allow the retrospective reimbursement of overseas travel expenses unless prior authorisation of the travel has been obtained.

Travel proposals should be included in the council business papers. The use of a mayoral minute to obtain council approval for travel is not appropriate as it is not consistent with principles of openness and transparency.

After returning from overseas, councillors, or an accompanying member of council staff, should provide a detailed written report to council on the aspects of the trip relevant to council business and/or the local community. Councillors are also strongly encouraged to report back on their overseas travel to a full meeting of the council.

Details of overseas travel must also be included in councils' annual reports. Councils are also required to report on the benefits of any proposed overseas sister city relationships.

2.3.4 Accommodation costs

Councils may make specific provision in the policy in regard to an appropriate standard of accommodation for councillors attending conferences, seminars and other functions.

2.3.5 Incidental expenses

Reasonable out of pocket or incidental expenses associated with councillors attending conferences, seminars or training courses may be reimbursed provided that it can be demonstrated that the expenses were actually incurred and that established reconciliation procedures are followed, for example, the completion of a claim form. A claim form must include an itemised account of expenditure and should not be general in nature.

Incidental expenses could reasonably include telephone or facsimile calls, refreshments, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees. In addition, the cost of meals not included in the registration fees for conferences or similar functions may be reimbursed after reconciliation. It is expected that councils would specify daily limits to these out of pocket or incidental expenses in their policy. All advanced payments are required to be reconciled.

2.3.6 Legal expenses

Where a council decides to include provisions in its councillor expenses and facilities policy to indemnify or reimburse a councillor's reasonable legal costs properly incurred, the policy should specify that the reasonable legal expenses of a councillor may only be met for legal proceedings being taken against a councillor in defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers) or defending an action in defamation, provided that the outcome of the legal proceedings is favourable to the councillor.

Reasonable legal costs may also be available for an inquiry, investigation or hearing into a councillor's conduct by an appropriate investigative or review body including:

- (i) Local Government Pecuniary Interest and Disciplinary Tribunal
- (ii) Independent Commission Against Corruption
- (iii) Office of the NSW Ombudsman
- (iv) Division of Local Government, Department of Premier and Cabinet
- (v) NSW Police Force
- (vi) Director of Public Prosecutions
- (vii) Council's Conduct Review Committee/Reviewer.

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. In the case of a conduct complaint made against a councillor, legal costs should only be made available where a matter has been referred by a general manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Model Code of Conduct. In the case of a pecuniary interest or misbehaviour matter legal costs should only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

A council must not meet the legal costs of legal proceedings initiated by a councillor under any circumstance.

A council must not meet the legal costs of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Legal costs must not be met for legal proceedings that do not involve a councillor performing their role as a councillor.

A council may lawfully obtain insurance cover against the risk of having to meet the reasonable legal costs of a councillor, or to reimburse those costs, provided that the costs or reimbursements are ones that the council is authorised to meet.

It is important that council has a clear approvals process in place to ensure approval is sought and gained, where possible, prior to legal expenses being incurred.

The above information is in accordance with and replaces the provisions in relation to legal expenses for councillors in Circular to Councils 05/08 *Legal assistance for councillors and council employees* and of the model policy set out in the *Local Government Law Guide*, Sly and Weigall in association with Deacons, Graham & James (June 1994) p 322, point 252.3(6).

2.3.7 Insurance

Section 382 of the Act requires a council to make arrangements for its adequate insurance against public liability and professional liability.

The policy should include a section outlining insurance provisions for councillors and as a minimum these insurances should cover:

- Public liability (for matters arising out of councillors' performance of their civic duties and/or exercise of their council functions)
- Professional indemnity (for matters arising out of councillors' performance of their civic duties and/or exercise of their functions).

Councils could also give consideration to providing additional insurance for councillors to cover:

- Personal injury while on council business. Note that councillors are not covered by workers' compensation payments or arrangements.
- Travel insurance for approved interstate and overseas travel on council business.

All insurances are to be subject to any limitations or conditions set out in the council's policy of insurance.

2.3.8 Communication expenses

The Division advises against councils including provision in their policies for expenses for individual councillors or groups of councillors to produce and disseminate personalised pamphlets, newsletters and the like.

Regardless of intention such activities may be perceived as using council resources for private political benefit and would therefore be contrary to the spirit of the Local Government Act and the Model Code of Conduct.

This is particularly the case in the lead up to local government elections. Not only is it likely that the community would perceive pamphlets and newsletters by individual councillors at this time to be a misuse of resources for private re-election benefit, but the use of council resources for such a purpose inequitably raises the profile of current councillors over other prospective candidates.

While the facilitation of communication between the community and the council is acknowledged as an important role of a councillor, there are many other more appropriate ways that councils do this effectively, including via corporate publications and community newsletters, surveys, focus groups, websites and public meetings.

However, if communication expenses are to be provided to individual councillors, policies should include strict limits, guidelines and controls to manage the content, format and approval process for any publications produced, not least because such materials will appear to be council endorsed. Councils should also consider setting a reasonable and appropriate timeframe for ceasing payment of expenses for communication activities by individual councillors prior to their ordinary elections until after the elections.

2.3.9 Telecommunications

Councils should establish a monthly monetary limit for the cost of official mobile, landline and facsimile calls made by councillors. A system should also be established to reconcile all telephone call costs claimed with account statements. Councils should also consider limiting expenses for internet use.

2.3.10 Attendance at dinners and other non-council functions

The policy may address the issue of councillors' attendance at formal dinners and other non-council functions.

Consideration may be given to meeting the cost of councillors' attendance at dinners and other non-council functions that provide briefings to councillors from key members of the community, politicians and business. Approval to meet expenses should only be given when the function is relevant to the council's interest. Only the cost of the service provided should be met.

No payment should be made by a council for attendance by a councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or for some other private benefit. Councils should ascertain whether any expenses to be incurred would be directed towards such events and activities prior to approving expenditure.

2.3.11 Care and other related expenses

Councils are strongly encouraged to make provision for the reimbursement of the reasonable cost of care arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of councillors, to allow councillors to undertake their council business obligations. This is in accordance with the principles of participation, access and equity outlined earlier in these guidelines. This is considered by the Division of Local Government to be a legitimate expense and councillors claiming the care expense should not be subject to criticism for doing so.

Consideration should be given to the payment of other related expenses associated with the special requirements of councillors such as disability and access needs to allow performance of normal civic duties and responsibilities.

2.3.12 Expenses for spouses, partners and accompanying persons

There may be limited instances where certain costs incurred by the councillor on behalf of their spouse, partner or accompanying person are properly those of the councillor in the performance of his or her functions. An accompanying person is a person who has a close personal relationship with the councillor and/or provides carer support to the councillor.

Meeting the reasonable costs of spouses and partners or an accompanying person for attendance at official council functions that are of a formal and ceremonial nature, is considered appropriate when accompanying councillors within the local government area. Such functions would be those that a councillor's spouse, partner or accompanying person could be reasonably expected to attend. Examples could include but not be limited to Australia Day award ceremonies, citizenship ceremonies, civic receptions and charitable functions for charities formally supported by the council.

Limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government and Shires Associations' annual conferences could be met by councils. These expenses should be limited to the cost of registration and official conference dinners. Travel expenses, any additional accommodation expenses, and the cost of partner/accompanying person tours etc would be the personal responsibility of individual councillors.

Consideration should also be given to the payment of expenses for the spouse, partner or accompanying person of a mayor, or a councillor when they are representing the mayor, when they are called on to attend an official function of council or carry out an official ceremonial duty while accompanying the mayor outside the council's area, but within the State. Examples could include charitable functions to which the mayor has been invited and award ceremonies and other functions to which the mayor is invited to represent the council.

The above circumstances should be distinguished from spouses, partners or accompanying persons who accompany a councillor at any event or function

outside the council area, including interstate and overseas, where the costs and expenses of the spouse or partner or accompanying person should not be paid by council (with the exception of attendance at the Local Government and Shires Associations annual conferences, as noted above).

The above examples should also be distinguished from circumstances where spouses, partners or accompanying persons accompany councillors at seminars and conferences and the like. In these situations all costs, including any additional accommodation costs, must be met by the councillor or the spouse/partner/accompanying person.

The payment of expenses for spouses, partners or accompanying persons for attending appropriate functions as permitted above should be confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

2.4 Provision of facilities, equipment and services

2.4.1 Provision of facilities, equipment and services for councillors

The following are examples of equipment, facilities and services that could be included in the policy and provided to mayors and councillors. The provision of facilities, equipment and services is not limited to this list:

- Office equipment (phones, fax, photocopier)
- Mobile phone
- Internet
- Dedicated computer equipment including a desktop and/or laptop, printer, scanner and software
- Furnished councillors' room
- Secretarial and administrative support
- Stationery, office supplies, postage, business cards and other consumables
- Non-dedicated council vehicle
- Car parking set aside for the sole use of councillors
- Meals and refreshments
- Meals on evenings of council meetings and official dinners, light refreshments at committee and working party meetings
- Corporate clothing and protective clothing and equipment.

2.4.2 Provision of additional facilities, equipment and services for mayors

In addition to the facilities, equipment and services provided to councillors, certain additional facilities may be provided to a mayor to recognise the special

role, responsibilities and duties of the position both in the council and in the community.

Provision of a motor vehicle

Generally, a fully serviced and maintained vehicle, including a fuel card, should be provided for the sole use of the mayor. The type of motor vehicle and all conditions of use should be specified in the policy.

Councillors, including the mayor, should only obtain incidental private benefit from the provision of a motor vehicle for official use unless the policy specifically provides for private use and has a mechanism in place for a payment to be made for that private use. This mechanism should be outlined in a council's expenses and facilities policy. For an example of an appropriate method of reconciling private usage see 1.6.11.

Other equipment, facilities and services

Other equipment to be provided for the use of the mayor may include, but is not be limited to:

- Ceremonial clothing including mayoral robes, chains of office
- Dedicated staff support, including secretarial services
- Furnished mayoral office
- Allotted parking space at the council premises.

2.4.3 Acquisition and return of equipment and facilities by councillors

Councils should provide details of arrangements for councillors to return equipment and other facilities to the council after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.

The policy should provide the option for councillors to purchase council equipment previously allocated to them at the cessation of their duties. If the item is for sale it should be purchased at an agreed fair market price or written down value.

Appendix I

Legislative and policy requirements

3.1 Provisions under the Local Government Act 1993

3.1.1 General policy-making requirements

Section 252 of the Local Government Act requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to mayors, deputy mayors and other councillors. Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

Section 252 also makes provision for a council to reduce the amount payable to mayors and councillors (under sections 248-251 of the Act) by the amount representing any private benefit of a facility provided by the council to them. It also requires that the policy be made under the provisions of this Act, the Regulation and any relevant guidelines issued under section 23A of the Act (these guidelines).

Section 252 (Payment of expenses and provision of facilities) states:

(1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.

(2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.

(3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.

(4) A council may from time to time amend a policy under this section.

(5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

3.1.2 Policy development, review and submission requirements

Section 253 of the Act specifies actions that council must undertake before a policy concerning expenses and facilities can be adopted or amended. It requires councils to make and submit their expenses and provision of facilities policies annually to the Division of Local Government.

Section 253 (Public notice of proposed policy or amendments concerning expenses and facilities) states:

(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.

(2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.

(3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.

(4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:

(a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and

(b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and

(c) a copy of the notice given under subsection (1).

(5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.

Section 254 of the Act requires that a part of a council or committee meeting which considers the adopting or amending of such a policy must not be closed to the public.

3.1.3 The role of a councillor

Section 232 of the Local Government Act defines the role of a councillor. It provides that councillors have two distinct roles; as a member of the governing body of the council; and as an elected person. Councils as members of the governing body should work as part of a team to make decisions and policies that guide the activities of the council. The role as an elected person requires councillors to represent the interests of the community and provide leadership. Councillor expenses and facilities policies should facilitate and assist councillors to carry out their role.

Section 232 (What is the role of a councillor?) states:

(1) *The role of a councillor is, as a member of the governing body of the council:*

- *to direct and control the affairs of the council in accordance with this Act*
- *to participate in the optimum allocation of the council's resources for the benefit of the area*
- *to play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions*
- *to review the performance of the council and its delivery of services, and the management plans and revenue policies of the council.*

(2) *The role of a councillor is, as an elected person:*

- *to represent the interests of the residents and ratepayers*
- *to provide leadership and guidance to the community*
- *to facilitate communication between the community and the council.*

3.1.4 Other requirements

Section 12 provides that the public is able to inspect during office hours at the council, and at no charge, the current version and the immediately preceding version of the council's expenses and facilities policy. The public are also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.

Section 23A makes provision for the Director General of the former Department of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a council of any of its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

3.2 Provisions under the Local Government (General) Regulation 2005

Clause 217 of the Regulation requires councils to include detailed information in their annual reports about the payment of expenses and facilities to councillors.

Clause 217 (Additional information for inclusion in annual reports) states in part:

(1) *For the purposes of section 428 (2) (r) of the Act, an annual report of a council is to include the following information:*

- (a) *details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),*

(a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:

(i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),

(ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,

(iii) the attendance of councillors at conferences and seminars,

(iv) the training of councillors and the provision of skill development for councillors,

(v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,

(vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,

(vii) the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,

(viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.

Clause 403 disallows the payment of a general expense allowance and for a vehicle to be made available for the exclusive use of a councillor other than the mayor.

Clause 403 (Payment of expenses and provision of facilities) states:

A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a council:

(a) to pay any councillor an allowance in the nature of a general expense allowance, or

(b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.

3.3 Other NSW Government policy provisions

3.3.1 Division of Local Government Guidelines

As noted above under section 252(5) of the *Local Government Act 1993* the council expenses policy must comply with these guidelines issued under section 23A of the Act.

3.3.2 Circulars to Councils

The policy must take into account the following Circulars.

- Circular 08/24 *Misuse of council resources.*
- Circular 08/37 *Council decision making prior to ordinary elections*

As previously stated, these guidelines replace any previous versions of these Guidelines and Circular 04/60 *Policy on payment of facilities to the mayor, deputy mayor and other councillors.*

3.3.3 The Model Code of Conduct for Local Councils in NSW (DLG)

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW, Department of Local Government – June 2008.* The following parts of the code are particularly relevant to s252 policies:

Use of council resources (pp 23-24)

10.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

10.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities and should not permit their misuse by any other person or body.

10.15 You must avoid any action or situation, which could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

10.16 The interests of a councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred

on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.

10.17 You must not convert any property of the council to your own use unless properly authorised.

3.3.4 Councillor Induction and Professional Development Guide (DLG)

The policy provisions on training and development should integrate with any training and development policy, plan or program developed by the council. The Division has produced a *Councillor Induction and Professional Development Guide* (September 2008) to assist councils to develop these programs.

3.3.5 No Excuse for Misuse, preventing the misuse of council resources (ICAC)

Councils should also be aware of and take account of the Independent Commission Against Corruption (ICAC) publication *No Excuse for Misuse, preventing the misuse of council resources (Guidelines 2)* November 2002. This publication is available on the ICAC website in at www.icac.nsw.gov.au.

Appendix II

A suggested format for a policy for the payment of expenses and the provision of facilities for mayors and councillors

Part 1 INTRODUCTION

- **Title and commencement of the Policy**
- **Purpose of the Policy**
The purpose of the policy is to ensure that councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.
- **Objectives and scope of the Policy**
- **Making and adoption of the Policy**
- **Legislative provisions**
Local Government Act 1993 and Local Government (General) Regulation 2005
- **Other Government policy provisions**
*DLG Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors, Model Code of Conduct for Local Councils in NSW and Circulars to Councils
ICAC publications*

Part 2 PAYMENT OF EXPENSES

GENERAL PROVISIONS

- **Payment of expenses generally (principles and processes)**
No general expense allowance
Monetary limits for all expenses
No private benefit unless payment made
No use of council resources for political purposes
Gifts and benefits to be of token value
Participation, equity and access
Approval and dispute resolution processes
Reimbursement and reconciliation of expenses processes
Payment in advance process

SPECIFIC EXPENSES FOR COUNCILLORS (including limits)

- Attendance at seminars and conferences
- Training and educational expenses
- Local travel arrangements and expenses
- Travel outside the LGA including interstate travel, accommodation and incidental expenses
- Legal expenses
- Insurance expenses
- Telecommunications/internet
- Care and other related expenses
- Spouse and partner expenses

ADDITIONAL EXPENSES FOR MAYORS

- Additional expenses provided

Part 3 PROVISION OF FACILITIES**GENERAL PROVISIONS**

- **Provision of facilities generally (principles and processes)**
Private use of facilities and mechanism for reimbursement

PROVISION OF EQUIPMENT AND FACILITIES FOR COUNCILLORS

- Equipment and facilities provided

PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR MAYORS

- Additional equipment and facilities provided

Part 4 OTHER MATTERS

- Acquisition and returning of facilities and equipment by Councillors
- Status of the Policy

3.5 Councillor Attendance - Business Leaders Breakfast

TRIM REFERENCE: F2004/06517 - D12125914

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

New South Wales Business Chamber (NSWBC) Business Leaders Breakfast is being held on Wednesday 18 November 2014 at the Impact Centre, Erina.

RECOMMENDATION

- 1 That Council authorise the attendance of interested Councillors at the 2015 New South Wales Business Chamber (NSWBC) Business Leaders Breakfast in accordance with the Council's Facilities and Expenses Policy for Councillors.**
- 2 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.**

BACKGROUND

This year New South Wales Business Chamber (NSWBC) will be holding their Business Leaders Breakfast on Wednesday 18 November 2015 at the Impact Centre in Erina, sponsored by Harvey World Travel – Erina Group and with special guest speaker Mr Craig James:

"Holding a Bachelor and Master Degree in Commerce (Economics), Craig has had an impressive career spanning 35 years working across the banking, finance and journalism sectors.

Popular for his regular financial and economic commentary on Sunrise and Sky News, Craig's current role is Chief Economist, Commonwealth Securities, interpreting 'big picture' economic and financial trends for customers, clients and staff. Previously, Craig was Chief Economist at Colonial and has worked at the Australian Financial Review as a senior writer."

For more information, please visit the following event link:

<https://events.nswbc.com.au/Detail/EVE1504411>

THE PROPOSAL

Councillors have expressed an interest in attending this event.

3.5 Councillor Attendance - Business Leaders Breakfast (contd)

Councillors may be reimbursed for expenses incurred in the attendance of non-Council events and functions in accordance with the provisions of the Facilities and Expenses Policy.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

Nil impact.

Budget Impact

The table below indicates the approximate cost for attendance at the event and associated travel expenses per Councillor:

2015 NSWBC Business Leaders Breakfast	Councillor Fees
Registration (Member)	\$ 40.00
Registration (Non Member)	\$ 70.00
Travel	\$ 47.00
Total (estimate)	\$ 117.00 (Non Member) \$ 87.00 (Member)

CONSULTATION

This submission complies with Council's adopted Facilities and Expenses Policy for Councillors.

GOVERNANCE AND POLICY IMPLICATIONS

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, clause D14 and D17, reasonable expenses incurred in Councillors attending non-Council events and functions are met in accordance with that policy.

"D14 Council will meet sustenance and attendance expenses for Councillors' attendance at non-Council functions related to Council business which provide briefings to Councillors from key members of the community, politicians and business. Approval for reimbursement will be by Council resolution. The maximum reimbursement of total attendance costs is \$200 per Councillor per event. Councillors may attend a maximum of 6 of these events in a year. The total maximum expenditure is \$1200.

D17 Council will pay the cost as further described in this section, for a spouse or partners or carer or one accompanying person per Councillor and children under 18 years in attending the following events as per the table below:

Event	Registration	Ticket	Accommodation	Sustenance	Partner Tours	Travel	Carer
<i>Other Council approved conferences and events</i>	<i>No</i>	<i>No</i>	<i>Yes. If staying in same room as Councillor</i>	<i>Yes if for official conference events. (eg formal dinner, welcome drinks) No additional meals and beverages included</i>	<i>No</i>	<i>Yes. If travelling In company of Councillor in same vehicle No additional air or other travel fares included)</i>	<i>Yes"</i>

CONCLUSION

Attendance at this event is in accordance with Council's Facilities and Expenses Policy for Councillors.

ATTACHMENTS

Nil

3.6 Annual Report 2014-15

TRIM REFERENCE: F2015/00109 - D12129307

MANAGER: Stephen Naven, Chief Financial Officer

AUTHOR: Sharon McLaren; Project Officer

SUMMARY

Presentation of Council's Annual Report 2014-15, including Audited Financial Statements.

RECOMMENDATION

- 1 That Council adopt the Annual Report 2014-15 (including enclosures).**
- 2 That Council authorise the Acting Chief Executive Officer to make final minor changes to the plan to ensure correctness and clarity.**
- 3 That Council upload a copy of the Annual Report 2014-15 (including enclosures) on Council's website.**
- 4 That Council advise the Minister for Local Government of Council's URL link to access the report.**

BACKGROUND

Under Section 428 of the *Local Government Act 1993* Council is required to prepare an annual report that outlines Council's achievements in implementing its delivery program and provides the audited financial statements and notes. The annual report must be adopted by 30 November, be posted on Council's website and provided to the Minister Local Government.

Section 217 of the *Local Government (General) Regulation 2005* requires the inclusion of certain details which are provided in the Statutory Reporting section of the Annual Report.

CURRENT STATUS

The annual report reflects on activities undertaken over the 2014-15 financial year. This year saw:

- Council realise its third successive year in the black, achieving a surplus of \$10.2 million for the year ended 30 June 2015, a \$4.7 million improvement over last year's result
- Continued focus on road and drainage upgrades with \$69 million spent (capital and operating), with works including Bay Road at The Entrance, Kanangra Drive at Gwandalan, Panorama Avenue at Charmhaven, Berkeley Road at Berkeley Vale, and The Ridgeway at Tumby Umbi

- A major storm event hit the Central Coast in April 2015, causing extensive damage across the Shire. The area was declared a natural disaster zone, with clean-up costs exceeding \$4.8 million
- Delivery of enhanced community facilities with the award winning Canton Beach playground, Norah Head Boat Ramp, and Saltwater Creek Reserve pedestrian bridge
- Construction of 10 new gross pollutants traps (GPTs) at San Remo, Budgewoi, Buff Point, Gwandalan, Norah Head, and Toukley, with 838 tonnes of waste removed from all our GPTs across the Shire
- Significant milestone celebrations for the 100th anniversary of ANZACs landing on Gallipoli, centenary of The Long Jetty, and the 75th anniversary of NSW Public Libraries

THE PROPOSAL

Council's Annual Report 2014-15 has been prepared in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*. This report seeks adoption of the Annual Report 2014-15.

STRATEGIC LINKS

Budget Impact

Development of the report is supported by budget allocation.

CONSULTATION

All departments of Council were consulted in the development of the report.

GOVERNANCE AND POLICY IMPLICATIONS

The report is prepared in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005* and *Integrated Planning & Reporting Guidelines*.

CONCLUSION

The Annual Report is one of the key points of accountability between Council and the community. The report has been developed in accordance with legislation and provides the community with an overview of achievements during the 2014-15 reporting period.

ATTACHMENTS

- | | |
|--|-----------|
| 1 Draft Annual Report 2014-15 - for Adoption at 11 November 2015 Council Meeting | D12137894 |
|--|-----------|

4.1 Road Capital Works Program

TRIM REFERENCE: F2011/00879 - D12115267

MANAGER: Daryl Mann, Project Manager

AUTHOR: Stuart Baverstock, Construction Manager

SUMMARY

Council's 2015/16 Strategic Plan commits Council to a road pavement renewal, upgrade and resealing rolling works program with the objective of improving the overall pavement network condition and corresponding levels of service. The following report summarises the timing of projects planned for the following 12 month period.

RECOMMENDATION

That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

BACKGROUND

Council's 2015/16 Strategic Plan has committed \$26.06M for the renewal, upgrading and expansion of its road and drainage assets. The majority of these funds (\$16.6M) are committed to road pavement upgrade/renewals and road stormwater drainage works (\$7.6M). The remaining \$1.86M is allocated to shared pathways, footpath, kerb & gutter, bridges and road safety improvement projects.

The target volume outputs for 2015/16 are:

- | | |
|----------------------------------|--|
| • Pavement resealing = 45 km | 0 km achieved to date (program commences Oct/Nov 2015) |
| • Road upgrade / renewal = 14 km | 2.1 km achieved to date |
| • Footpath = 3.2 km | 2.9 km achieved to date |

Council continues to operate an advanced Pavement Management System which is used to measure and model network condition and to develop optimised works programs. The allocation of funding is consistent with this strategic approach that continues to see an overall improvement in network condition towards the 2015/16 target Pavement Condition Index (PCI) of 7.2.

The attached table provides a schedule of all road upgrades, renewals & reseal projects proposed for all Council controlled Local Roads for 2015/16.

In October 2015 the following major achievements in the Road Capital Works program were achieved:

- Drainage works commenced on the next stage of the major drainage upgrade in Wyong CBD, with culverts across the Anzac / Margaret roundabout installed and surrounding pipework ongoing. This stage is scheduled to be completed at the end of November 2015 before proceeding onto the final stage from Hely Street to Pauline Lane.
- The major upgrade of road and drainage at Hume Boulevard Killarney Vale is approaching completion.
- Goorاما Avenue San Remo – Stage 3 road and drainage works have been completed, with the Council construction crew now progressing onto the next stage of works on this road. This stage (Stage 4) is scheduled for completion in February 2016.
- Footpaths/shared paths were completed at;
 - Tall Timbers Road, Scaysbrook Avenue, Lake Munmorah,
 - Alison Road, Wyong,
 - Anita Avenue, Lake Munmorah.
- Road pavement asphalt works were completed on;
 - Nepean Street, Bateau Bay,
 - Waratah Street, Bateau Bay,
 - Pacific Highway, Wyong North,
 - Woodbury Park Drive, Tuggerah,
 - Bush Road, Norah Head.

ATTACHMENTS

- 1** Capex and Resealing Works - November 2015 Council Meeting D12121384

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing			✓	Project Status Project Completed	✗	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues							
Suburb Location	Capital RC Name	Project Description DO NOT CHANGE	July-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	June-16	Project Status	
Bateau Bay	Local Roads Rehab Works/Road Pavement Renewals	Hillcrest Avenue - Block 1 : Pavement Renewal Programme														
		Norah Head Close - Block 1 : Pavement Renewal Programme														
	Reseals Local Roads-General	Adrian Close - Block 1 Reseal Programme														
		Anglers Drive - Block 1 Reseal Programme														
		Augustus Place - Block 1 Reseal Programme														
		Bateau Bay Road - Block 6 Reseal Programme														
		Bateau Bay Road - Block 7 Reseal Programme														
		Elgata Street - Block 1 Reseal Programme														
		Katungal Street - Block 1 Reseal Programme														
		Kipling Drive - Block 1 Reseal Programme														
		Kipling Drive - Block 2 Reseal Programme														
		Masefield Avenue - Block 1 Reseal Programme														
		Peta Close - Block 1 Reseal Programme														
		Reserve Drive - Block 1 Reseal Programme														
		Reserve Drive - Block 2 Reseal Programme														
		Reserve Drive - Block 3 Reseal Programme														
		Reserve Drive - Block 4 Reseal Programme														
		Reserve Drive - Block 5 Reseal Programme														
	Roads To Recovery Program	Debra Anne Drive - Block 1, 2 and 3 : Pavement Renewal Programme														
Berkeley Vale	Capital Local Roads Rehab-General/Roads Upgrade	Audie Parade, Berkeley Vale : Road Upgrade/Renewal With Stormwater Drainage														
	Reseals Local Roads-General	Clare Crescent - Block 1 Reseal Programme														
		Colleen Street - Block 1 Reseal Programme														
		Jean Avenue - Block 2 Reseal Programme														
		Keren Avenue - Block 1 Reseal Programme														
		Keren Avenue - Block 2 Reseal Programme														
		Lakedge Avenue Shops C/P at Bluebell Avenue Reseal Programme														

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR													
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing			Project Status Project Completed	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues						
Blue Bay	Capital Local Roads Rehab - General/Roads Upgrade	Bay Road, Blue Bay : Road Upgrade including Stormwater Drainage											
	Reseals Local Roads- General	Boondilla Road - Block 3 Reseal Programme											
		The Crescent - Block 1 Reseal Programme											
		The Crescent - Block 2 Reseal Programme											
		The Crescent - Block 3 Reseal Programme											
		The Crescent - Block 4 Reseal Programme											
Budgewoi	Capital Local Roads Rehab - General/Roads Upgrade	Continuation - 33 SUNRISE AVENUE											
		Villa Close, Budgewoi : Road Upgrade With Stormwater Drainage											
	Local Roads Rehab Works/Road Pavement Renewals	Edward Street - Block 1 : Road Pavement Renewal											
	Reseals Local Roads- General	Natuna Avenue - Block 2 Reseal Programme											
Buff Point	Capital Local Roads Rehab - General/Roads Upgrade	Elouera Road, Buff Point : Road Upgrade With Stormwater Drainage											
Bushells Ridge	Reseals Local Roads- General	Bushells Ridge Road - Block 1 Reseal Programme											
		Bushells Ridge Road - Block 2 Reseal Programme											
		Bushells Ridge Road - Block 3 Reseal Programme											
Cedar Brush Creek	Reseals Local Roads- General	Brush Creek Road - Block 1 Reseal Programme											
		Brush Creek Road - Block 11 Reseal Programme											
		Brush Creek Road - Block 3 Reseal Programme											
		Brush Creek Road - Block 4 Reseal Programme											
		Brush Creek Road - Block 5 Reseal Programme											
		Brush Creek Road - Block 6 Reseal Programme											
		Brush Creek Road - Block 7 Reseal Programme											

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR													
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects		Project Phasing	✓	Project Status Project Completed	✗	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues					
Chain Valley Bay	Reseals Local Roads-General	Scaysbrook Avenue - Block 1 Reseal Programme											
		Scaysbrook Avenue - Block 2 Reseal Programme											
		Tall Timbers Road - Block 2 Reseal Programme											
		Tall Timbers Road - Block 3 Reseal Programme											
		Tall Timbers Road - Block 4 Reseal Programme											
		Tall Timbers Road - Block 5 Reseal Programme											
		Tall Timbers Road - Block 6 Reseal Programme											
		Tall Timbers Road - Block 7 Reseal Programme											
Charmhaven	Footpath Construction	Pacific Highway Charmhaven : Footpath Programme (New)											✓
	Reseals Local Roads-General	Dixie Lane - Block 1 Reseal Programme											
	Roads To Recovery Program	Removed in Continuation - Chelmsford Road (West), Charmhaven : Roads To Recovery											✗
	Shared Pathways	Pacific Highway Charmhaven Stage 1: Shared Pathway Programme (New)											
Chittaway Bay	Reseals Local Roads-General	Kauai Avenue - Block 1 Reseal Programme											
		Kauai Avenue - Block 2 Reseal Programme											
		Moloki Avenue - Block 1 Reseal Programme											
		Moloki Avenue - Block 2 Reseal Programme											
		Moui Avenue - Block 1 Reseal Programme											
Chittaway Point	Local Roads Rehab Works/Road Pavement Renewals	Removed in Continuation - Geoffery Road - Block 9 : Pavement Renewal Programme											✗
	Reseals Local Roads-General	Geoffrey Road - Block 10 Reseal Programme											
		Geoffrey Road - Block 11 Reseal Programme											
		Geoffrey Road - Block 12 Reseal Programme											
		Geoffrey Road - Block 13 Reseal Programme											
		Vesta Close - Block 1 Reseal Programme											

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR														
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing				Project Status Project Completed	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues						
Crangan Bay	Roads To Recovery Program	Continuation - KANANGRA DRIVE - Safer Roads												
			11	11	11	11	0	0	0	0	0	0	0	0
Durren Durren	Roads Rehab Minor Rolling Works	Continuation - SMITHS ROAD @ DURREN DURREN ROAD. Road upgrade (seal)												
Fountaindale	Reseals Local Roads-General	Old Chittaway Road - Side Road) Reseal Programme												
Glenning Valley	Reseals Local Roads-General	Glenning Road - Block 1 Reseal Programme												
		Glenning Road - Block 2 Reseal Programme												
		Glenning Road - Block 3 Reseal Programme												
		Glenning Road - Block 4 Reseal Programme												
		Palm Springs Avenue - Block 1 Reseal Programme												
		Palm Springs Avenue - Block 2 Reseal Programme												
		Toona Way - Block 1 Reseal Programme												
Gorokan	Capital Local Roads Rehab - General/Roads Upgrade	Coorabin Street, Gorokan : Road Upgrade/Renewal With Stormwater Drainage												
	Reseals Local Roads-General	Beryl St - Block 1 Reseal Programme												
		Jacqueline Avenue - Block 1 Reseal Programme												
		Jacqueline Avenue - Block 2 Reseal Programme												
		Ocean View Road - Block 1 Reseal Programme												
		Ocean View Road - Block 2 Reseal Programme												
		Odette Avenue - Block 2 Reseal Programme												
		Sadie Avenue - Block 2 Reseal Programme												
		Suncrest Parade - Block 1 Reseal Programme												
		Sylvia Avenue - Block 1 Reseal Programme												
	Roads To Recovery Program	Spring Valley Avenue - Block 1 : Roads To Recovery												

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR													
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing			Project Status Project Completed	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues						
Gwandalan	Capital Local Roads Rehab - General/Roads Upgrade	Continuation - QUINALUP ROAD (Imga Street) Gwandalan : Road Upgrade											
	Footpath Construction	Gamban Road, Gwandalan : Footpath Programme (New)											
	Reseals Local Roads-General	Orana Road - Block 2 Reseal Programme											
Halekulani	Reseals Local Roads-General	Huene Avenue - Block 1 Reseal Programme											
		Huene Avenue - Block 2 Reseal Programme											
Kangy Angy	Reseals Local Roads-General	Orchard Road - Block 1 Reseal Programme											
Kanwal	Footpath Construction	Wallarah Road, Kanwal : Footpath Programme (New)											
Killarney Vale	Capital Local Roads Rehab - General/Roads Upgrade	Continuation - HUME BOULEVARD. Road Upgrade											
		Norton Ave, Killarney Vale : Road Upgrade With Possible Stormwater Drainage											
	Reseals Local Roads-General	East St - Block 1 Reseal Programme											
		East St - Block 2 Reseal Programme											
		Oxley Road - Block 1 Reseal Programme											
		Robert Bourke Street - Block1 Reseal Programme											
Kulnura	Roads Rehab Minor Rolling Works	Cherry Road, Kulnura : Road Upgrade (Seal)											
		Finns Road, Kulnura : Road Upgrade (Seal)											
		Forest Road, Kulnura : Road Upgrade (Seal)											
		Hunts Road, Kulnura : Road Upgrade (Seal)											

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR													
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing			Project Status Project Completed	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues						
Lake Haven	Footpath Construction	Lake Haven - Footpath Programme (New)											
Lake Munmorah	Footpath Construction	Continuation - ANITA AVENUE: Footpath Programme											
	Reseals Local Roads-General	Elizabeth Bay Drive - Block 7 Reseal Programme											
		Rosemount Avenue - Block 1 Reseal Programme											
		Rosemount Avenue - Block 2 Reseal Programme											
	Shared Pathways	Continuation - PACIFIC HIGHWAY - Shared Pathway (New Construction)											✓
Long Jetty	Footpath Construction	Implement Long Jetty Master plan - Main St footpath upgrades (Pacific St to Toowoona Bay Rd)											
	Local Roads Rehab Works/Road Pavement Renewals	Mayfair Street - Block 1: Road Pavement Renewal											
	Reseals Local Roads-General	Archbold Road - Block 1 Reseal Programme											
		Archbold Road - Block 2 Reseal Programme											
		Archbold Road - Block 3 Reseal Programme											
		Bonnleview Street - Block 6 Reseal Programme											
		Nirvana Street - Block 1 Reseal Programme											
		Nirvana Street - Block 2 Reseal Programme											
		Nirvana Street - Block 3 Reseal Programme											
		Remove in Q1 - McLachlan Avenue - Block 4 Reseal Programme											✗
		Rhodin Drive - Block 1 Reseal Programme											
		Rhodin Drive - Block 2 Reseal Programme											
		Surf Street - Block 2 Reseal Programme											
		Surf Street - Block 3 Reseal Programme											
		Thompson Street - Block 3 Reseal Programme											
		Toowoona Bay Road - Block 4 Reseal Programme											
		Remove in Q1 - McLachlan Avenue - Block 5 Reseal Programme											✗

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR													
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing	✓	Project Status Project Completed	✗	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues						
Manning Park	Roads To Recovery Program	Dunvegan Street - Block 1 : Roads To Recovery											
	Shared Pathways	Griffith Street, Manning Park : Shared Pathway Programme (New)											
Norah Head	Capital Local Roads Rehab - General/Roads Upgrade	Bald Street, Norah Head : Road Upgrade With Stormwater Drainage											
		Maitland Street (Bush Street Stage3) Norah Head : Road Upgrade Including Stormwater Drainage											
	Reseals Local Roads- General	Bungary Road - Block 1 Reseal Programme											
		Bungary Road - Block 2 Reseal Programme											
		Bungary Road - Block 4 Reseal Programme											
		Bungary Road - Block 5 Reseal Programme											
		Park Street - Block 1 Reseal Programme											
		Victoria Street - Block 1 Reseal Programme											
		Victoria Street - Block 2 Reseal Programme											
		Victoria Street - Block 3 Reseal Programme											
Noraville	Footpath Construction	Remove in Q1 - Pandora Parade, Noraville : Footpath Programme (New)											✗
Ourimbah	Capital Local Roads Rehab - General/Roads Upgrade	Glen Road, Ourimbah : Road Renewal With Stormwater Drainage And Guard Rail											
	Footpath Construction	Coachwood Drive, Ourimbah : Footpath Programme (New)											
	Reseals Local Roads- General	Alex Close - Block 1 Reseal Programme											
		Ourimbah Road - Block 1 Reseal Programme											
	Roads Rehab Minor Rolling Works	Removed In Continuation - Bridge Street, Ourimbah : Road Upgrade (Seal)											✗
	Roads To Recovery Program	Ourimbah Creek Road - Block 5 : Pavement Renewal Programme											
Palmdale	Roads Rehab Minor Rolling Works	Fern Tree Lane, Palmdale : Road Upgrade (Seal)											
		Palmdale Road, Palmdale : Road Upgrade (Seal)											

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR														
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing				✓	Project Status Project Completed	✗	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues				
San Remo	Capital Local Roads Rehab - General/Roads Upgrade	Goorama Avenue, San Remo : Road Upgrade/Renewal Including Stormwater Drainage												
	Reseals Local Roads-General	Barker Avenue - Block 1 Reseal Programme												
		Wills Road - Block 1 Reseal Programme												
Summerland Point	Reseals Local Roads-General	Bambara Avenue - Block 1 Reseal Programme												
		Government Road - Block 2 Reseal Programme												
		Murrumbong Road - Block 1 Reseal Programme												
		Yeramba Road - Block 3 Reseal Programme												
		Yeramba Road - Block 4 Reseal Programme												
		Yeramba Road - Block 5 Reseal Programme												
The Entrance	Reseals Local Roads-General	Boomerang Road - Block 1 Reseal Programme												
		Boomerang Road - Block 2 Reseal Programme												
		Norfolk Street - Block 1 Reseal Programme												
		Norfolk Street - Block 2 Reseal Programme												
	Roads To Recovery Program	Gosford Avenue - Block 1 : Roads To Recovery												
		Lakeside Parade, The Entrance : Road Upgrade With Stormwater Drainage												
Toukley	Footpath Construction	Continuation - HOLMES AVENUE. Footpath Programme – renewal												
		Dunleigh Street, Toukley : Footpath Programme (New)												
	Reseals Local Roads-General	Evans Road - Block 2 Reseal Programme												
		Evans Road - Block 3 Reseal Programme												
		Evans Road - Block 4 Reseal Programme												
		James Road - Block 1 Reseal Programme												

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR														
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing			✓	Project Status Project Completed	✗	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues					
Tuggerah	Roads To Recovery Program	Continuation - JOHNSON ROAD, Road Pavement Renewal (Roads to Recovery)												✓
Tuggerawong	Capital Local Roads Rehab - General/Roads Upgrade	Warner Avenue, Tuggerawong : Road Upgrade With Stormwater Drainage												
	Reseals Local Roads-General	Tuggerawong Road - Block 10 Reseal Programme												
		Tuggerawong Road - Block 11 Reseal Programme												
		Tuggerawong Road - Block 8 Reseal Programme												
Tumbi Umbi	Reseals Local Roads-General	Alimah Close - Block 1 Reseal Programme												
		Hansens Road - Block 1 Reseal Programme												
		Lees Lane - Block 1 Reseal Programme												
		Marilyn Crescent - Block 1 Reseal Programme												
Watanobbi	Reseals Local Roads-General	Watanobbi Road - Block 1 Reseal Programme												
		Watanobbi Road - Block 2 Reseal Programme												
		Watanobbi Road - Block 3 Reseal Programme												
Woongarah	Reseals Local Roads-General	Hakone Road - Block 10 Reseal Programme												
		Hakone Road - Block 11 Reseal Programme												
		Hakone Road - Block 12 Reseal Programme												
		Hakone Road - Block 8 Reseal Programme												
		Hakone Road - Block 9 Reseal Programme												
Wyong	Local Roads Rehab Works/Road Pavement Renewals	Robleys Lane - Block 1 : Pavement Renewal Programme												
	Reseals Local Roads-General	Byron Street - Block 1 Reseal Programme												
		Pollock Avenue - Block 1 Reseal Programme												
		Pollock Avenue - Block 2 Reseal Programme												
Wyong Creek	Roads Rehab Minor Rolling Works	Remove in Q1 - Amber Lane, Wyong Creek : Road Upgrade (Seal)												✗

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR													
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing			Project Status Project Completed	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues						
Wyongah	Capital Local Roads Rehab - General/Roads Upgrade	Kilpa Road, Wyongah : Road Upgrade With Stormwater Upgrade											
	Local Roads Rehab Works/Road Pavement Renewals	Murrawal Road, Wyongah : Traffic Calming and Road Upgrade											

4.2 Minutes of Wyong Water Management Committee

TRIM REFERENCE: F2015/00722 - D12128551

MANAGER: Greg McDonald, Director

AUTHOR: Greg Cashin; Manager

SUMMARY

To provide a copy of the minutes of the Wyong Water Management Committee.

RECOMMENDATION

That Council receive the report on Minutes of Wyong Water Management Committee.

BACKGROUND

Council resolved to establish the Wyong Water Management Committee at its 8 April 2015 meeting. The Wyong Water Management Committee comprises an external Chair, an external Deputy Chair along with Council's Director of Infrastructure and Operations, Director of Property and Economic Development and Chief Financial Officer. Meetings are also attended by the Wyong Water Manager Operations and Wyong Water Manager Commercial and Planning.

The Terms of Reference for the Management Committee require the meetings of the Management Committee to be reported monthly to Council.

The first meeting of the Management Committee was held on 28 September 2015. The minutes of that meeting were adopted by the Management Committee at its 22 October meeting and are attached.

ATTACHMENTS

- 1** Minutes of Wyong Water Management Committee 28 Sep 15 D12128511

Wyong Water Management Committee

File No: F2015/00722

Purpose	First Meeting of the Management Committee	Date:	28 September 2015
Location:	Committee Rooms - Civic Centre	Time:	12:00pm
Attendees	Jim Soorley - Chair Tom Mollenkopf - Deputy Chair Greg McDonald - Director Infrastructure & Operations, WSC Mike Dowling - Director Property Economic development, WSC Steve Naven, Chief Financial Officer, WSC David Davies, Manager Operations, Wyong Water Greg Cashin - Manager Commercial & Planning Wyong Water Melissa Greer - Management Support Officer, Wyong Water		

Item 1: Management Committee Terms of Reference

RESOLVED that:

The Committee receive and accept the proposed Management Committee Terms of Reference.

Item 2: Third Horizon Review of Wyong's Water Business

RESOLVED that:

1. The Committee received and noted Third Horizon's review.
2. The Committee focus on short term strategies to deliver savings.
3. The Committee receive a report on options and clarification on redundancy.

Item 3: Wyong Water Implementation Overview & Status

RESOLVED that:

The Committee receive and note the report.

Item 4: Wyong Water Business Plan

RESOLVED that:

The Committee receive a report summarising critical issues for future meetings.

- 1.

Item 5: Pricing Regulation Process & Issues

RESOLVED that:

1. The committee noted the pricing process and issues.
2. Jim Soorley provide details on potential lobbyist on IPART depreciation issues (details subsequently forwarded).
3. A revaluation of assets be considered in the longer term if not successful with IPART.

Item 6: Management Teams and Reporting

RESOLVED that:

The Committee noted the Management Team and reporting arrangements.

Item 7: Water and Wastewater systems Overview

RESOLVED that:

Garry Casement be requested to present an overview of the water supply system at the next meeting.

Item 8: Monthly Financial Report

RESOLVED that:

1. The Committee explore the concept of eligibility of LIRS funding for capital works projects.
2. Management investigate the option of sending a delegate to Ipswich for education and awareness on managing and reducing customer debt.

Item 9: Monthly KPI Report

RESOLVED that:

1. The Committee focus on a 12 month KPI improvement to capture quality data.
2. Jim Soorley provide examples of corporate objectives as a reference document for discussion.
3. Jim Soorley provide further advice on safety approaches to improve culture.
4. The committee acknowledges the need for a business improvements focus.
5. It is important for KPI measures to be concrete and specific numbers.

Item 10: Monthly Operating Report

RESOLVED that:

1. Greg McDonald provides details on water projects including carryovers, process, and contingency.
2. Greg Cashin raise the issue of customer service regarding telephone response times to the appropriate person.
3. The committee investigate areas of improvement with a focus on innovation, sustainability and growth.

Item 11: Monthly Capital Works Report

RESOLVED that:

The Committee note the report.

Item 12: Future Meeting Arrangements

RESOLVED that:

1. The next Committee meeting be confirmed for the 22 October 2015.
2. A tour of key assets be undertaken on the morning of the meeting.
3. Future meetings be held on the fourth Thursday of each month.

Items 13: General Business

There was no general business arising.

For longer term reference:

1. Need to manage the joint capital expenditure for the joint water business.
2. Does NSW recognise whole of catchment assessment for WTPs?
3. Number of projects " in flight " at any one time.
4. Are the two external board members indemnified, or it is unnecessary as they are advisory?
5. Look for Innovation opportunities.
6. Review safety training and reporting. (Unitywater consultant).
7. Why are borrowings in two categories, water and sewage. Is there a value in one bundle of debt?

Meeting closed at 2:00pm

4.3 DA/1179/2014 - Staged development under Section 83B of the Environmental Planning & Assessment Act, 1979 - Hardware and building supplies development including associated site works (Masters Homemaker Improvement Centre)

TRIM REFERENCE: DA/1179/2014 - D12115624

MANAGER: Tanya O'Brien, Manager

AUTHOR: Julie Garratley, Development Planner

SUMMARY

A development application has been received for proposed retail premises at 60 Wyong Road, Tuggerah. The application is lodged under Section 83B of the *Environmental Planning and Assessment Act 1979* as a staged development application. Approval is sought for the Concept Plan and Stage 1 which involves the construction of a Masters Homemaker Improvement Centre and associated access roads, car parking, infrastructure, landscaping and signage. The application has been assessed having regard to the matters for consideration detailed in Section 79C of the EP&A Act 1979 and other statutory requirements and is recommended for approval.

Applicant	Scentre Limited (C/o Chris Campbell)
Owner	Scentre Limited, Orta Pty Limited
Application No	DA/1179/2014
Description of Land	Lot 3 DP 1084221, Lot 2 DP 1056960, 60 Wyong Road, Tuggerah
Proposed Development	Retail Premises
Site Area	420,200m ²
Zoning	B4 Mixed Use, E2 Environmental Conservation, RU6 Transition
Existing Use	Greenfield site currently used for grazing
Employment Generation	Yes (employment for approx. 130 to 150 staff)
Value of Works	\$26,192,115

RECOMMENDATION

- 1 That Council receive the report on DA/1179/2014 for a Concept Plan and Stage 1 retail premises at 60 Wyong Road Tuggerah.**
- 2 That Council determine whether it wishes to make a submission to the Joint Regional Planning Panel regarding the application.**

BACKGROUND

The proposal is referred to the Hunter Central Coast Joint Regional Planning Panel (JRPP) for determination pursuant to Section 83B of the EP&A Act, 1979.

Enclosed is the report being forwarded to the Hunter Central Coast JRPP's for determination on 19 November 2015.

4.3 DA/1179/2014 - Staged development under Section 83B of the Environmental Planning & Assessment Act, 1979 - Hardware and building supplies development including associated site works (Masters Homemaker Improvement Centre) (contd)

ATTACHMENTS

- | | | |
|----------|-----------------------------|-----------|
| 1 | Assessing Officers Report | D12136600 |
| 2 | Development Plans | D12121341 |
| 3 | Draft Conditions of Consent | D12125363 |

Assessment Report and Recommendation Cover Sheet

JOINT REGIONAL PLANNING PANEL (Hunter Central Coast)

JRPP No	2015HCC001
DA Number	DA/1179/2014
Local Government Area	Wyong Shire Council
Proposed Development	Concept Plan for retail premises comprising 2 stages with Stage 1 for Masters Homemaker Improvement Centre and associated site works, access and infrastructure.
Street Address	60 Wyong Road, Tuggerah
Applicant/Owner	Scentre Group - Applicant Scentre Group, Orta Pty Ltd - Owner
Number of Submissions	Two (2), 1 Petition containing 44 signatures
Regional Development Criteria (Schedule 4A of the Act)	Capital investment value of over \$26 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy 44 – Koala Habitat Protection</i> • <i>State Environmental Planning Policy 55 – Remediation of Land</i> • <i>State Environmental Planning Policy 64 – Advertising and Signage</i> • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>Wyong Local Environmental Plan 2013</i> • <i>Wyong Shire Development Control Plan 2013</i> <ul style="list-style-type: none"> - <i>Chapter 2.11 – Parking and Access</i> - <i>Chapter 2.15 – Public Art</i> - <i>Chapter 5.1 Retail Centres</i> - <i>Chapter 6.14 – Tuggerah Precinct</i>
List all documents submitted with this report for the panel's consideration	Officer's Assessment Report Recommended conditions Plans
Recommendation	Approval.
Report by	Julie Garratley – Development Planner

Assessment Report and Recommendation

WYONG SHIRE COUNCIL

Hunter and Central Coast Joint Regional Planning Panel

DA/1179/2014 – Concept Plan for Retail Premises comprising 2 stages with Stage 1 for Masters Homemaker Improvement Centre and associated site works, access and infrastructure at Tuggerah.

SUMMARY

A development application has been received for proposed retail premises at 60 Wyong Road, Tuggerah. The application is lodged under Section 83B of the *Environmental Planning and Assessment Act 1979* as a staged development application. Approval is sought for the Concept Plan and Stage 1 which involves the construction of a Masters Homemaker Improvement Centre and associated access roads, car parking, infrastructure, landscaping and signage. The application has been assessed having regard to the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and other statutory requirements and is recommended for approval.

Applicant	Scentre Limited (C/o Chris Campbell)
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Application No	DA/1179/2014
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Site Area	420,200m ²
Zoning	B4 Mixed Use, E2 Environmental Conservation, RU6 Transition
Existing Use	Greenfield site currently used for grazing
Employment Generation	Yes (employment for approx. 130 to 150 staff)
Value of Works	\$26,192,115

RECOMMENDATION

- 1 That the Joint Regional Planning Panel grant consent to DA/1179/2014 at Lot 3 DP 1084221 and Lot 2 DP 1056960 No. 60 Wyong Road, Tuggerah for a Retail Premises (Masters Homemaker Centre) subject to the conditions provided in Attachment 1.**
- 2 That Council advise those who made written submissions of the Joint Regional Planning Panel's decision.**

The site is subject of a rezoning proposal which at the time of drafting the report was believed to be imminent. Representatives of the DP&E have advised that the rezoning to B4 Mixed Use, RU6 Transistion and E2 Environmental Conservation is to be finalised and in effect prior to the JRPP considering the application.

PRECIS

Proposed Development	Retail Premises
Permissibility and Zoning	The proposal is permissible as 'retail premises' under Wyong Local Environmental Plan (WLEP) 2013
Relevant Legislation	Environmental Planning and Assessment Act 1979
Current Use	Vacant land
Integrated Development	Yes –NSW Office of Environment and Water (OEI) under the Water Management Act 2000.
Submissions	Two (2) written submissions and One (1) Petition containing 44 signatures

THE SITE AND SURROUNDING DEVELOPMENT

The subject site is known as the Tuggerah Gateway site and is a 42 hectare parcel of land located to the south east of the M1 Motorway and Wyong Road interchange adjacent to the existing Westfield Shopping Centre. The land is bound by Tonkiss Street to the east, Wyong Road to the north, the M1 Motorway to the west and vacant land to the south. The site is located approximately 5 kilometres south of the Wyong Town Centre and the legal property description is part Lot 2 in DP 1056960 and part of Lot 3 in DP 1084221.

The site is a large vacant parcel of land currently used for grazing. The site is highly accessible via local and regional road networks of Wyong Road and the M1 Motorway. The site mostly vegetated by grass cover with a few small areas of wet sclerophyll forest and other remnant trees around the perimeter of the site. The site has a significant slope from the southwest and the southeast low point gently slopes towards the intersection of Wyong Road and Tonkiss Street with overland flows discharging into existing culverts under Wyong Road.



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

The site of the proposed works predominantly occupies a rectangular area in the north east of the Tuggerah Gateway site with a frontage to Wyong Road of approximately 480 metres and a frontage to Tonkiss Street of approximately 350 metres. The subject area is zoned B4 Mixed Use. The remainder of the B4 zone is not proposed for development under this

development application. The majority of the built works relating to both stages of the concept plan falls predominantly within the eastern half of the proposed B4 Mixed Use zoned land as shown in figure 2. The western half of the proposed B4 Mixed Use land is identified as future development and not a part of this staged development application.

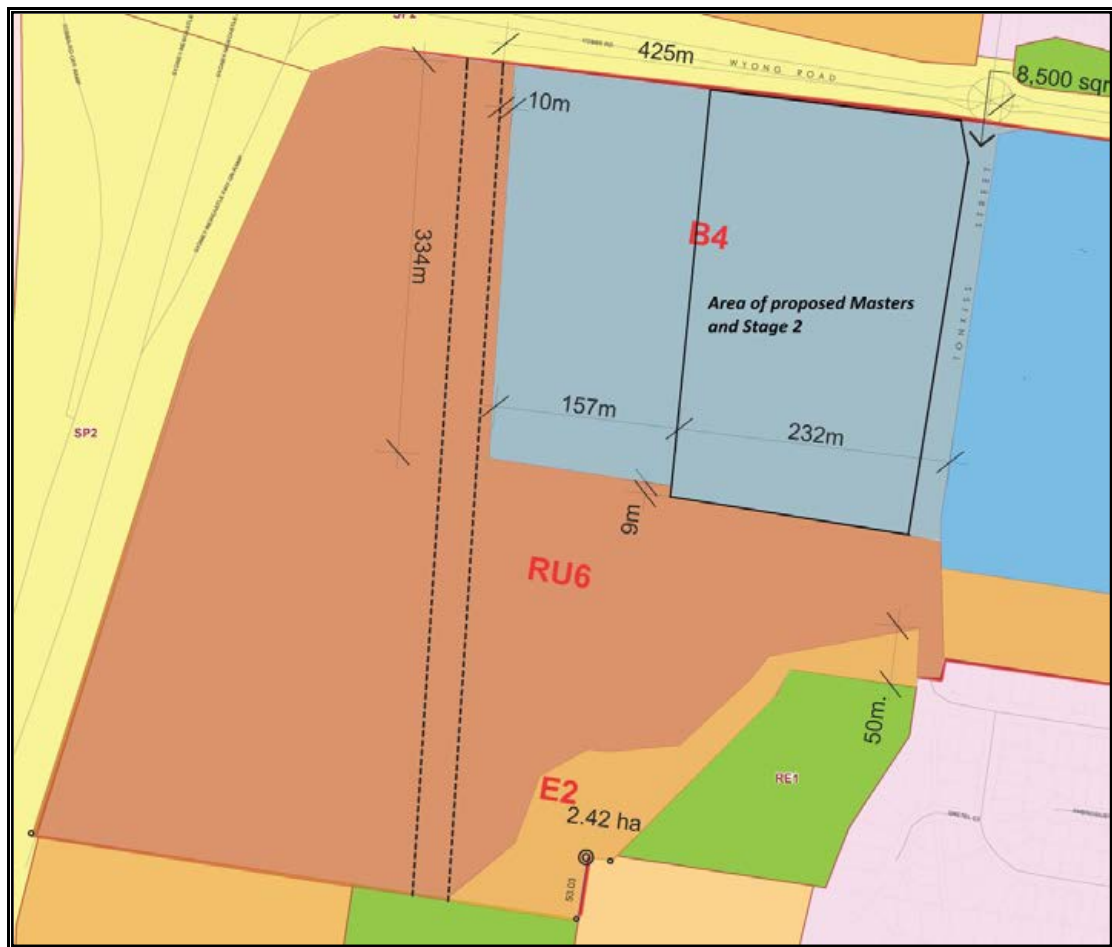


Figure 2: Diagram showing rezoned land.



Figure 3: Location of proposed works.

The area of proposed works in the Concept plan (stages 1 & 2) is approximately 8 hectares. The entry road from Tonkiss Street is opposite the access road to the roof carpark of Westfield Tuggerah. This Concept plan site has a moderate fall of about 18 metres from the south to the Wyong Road frontage. This area contains mostly grass cover and three small areas of the endangered ecological community of Swamp Schlerophyll Forest on Coastal Floodplain. These areas are located in a thin strip along the Wyong Road frontage, and two small stands one in the centre of the subject site and another in the vicinity of the entry road.

There is a small farm dam located on the southern side of the site which is located within the Stage 2 area and a degraded riparian corridor runs along majority of the Wyong Road frontage. A water course enters the site from the west traversing the northwest corner to enter the riparian corridor. Council's GIS identifies the lower portion of the site to the north as flood prone and the site is identified as being bushfire prone with majority of affected area being within the bushfire buffer zone. The land is also identified as potentially contaminated due to its historic use as an abattoir.

HISTORY

The historical use of the site was as an abattoir from the early 1900s. The then owner established the first commercial butcher shop in the Wyong area opposite Tuggerah Railway Station. The abattoir became Wyong Abattoirs Pty Limited in 1957. The abattoir was closed in 1989. The site was purchased by Westfield Operations in 1990 with plans to construct a major retail complex. The meat works buildings were demolished in the same year.

The Tuggerah area has been identified as a regional centre with a focus on commercial activity since 1994. The 1996 Wyong Shire Retail Centres Strategy Plan suggested Westfield Shoppingtown should form the core of a Regional Centre precinct in the Tuggerah locality. The regional centre would provide a strong focus for bulky goods retailing. The recommended allocation of commercial floor space in Tuggerah as a regional centre was 45,000m² with the possibility of expansion up to 70,000m² after 2001.

The subject site is known as the "Gateway Site" and a range of uses has been considered for the site such as bulky goods retailing, roadside restaurants, service stations, entertainment facilities, residential development, light industrial activities, offices uses and regional community facilities. The Tuggerah Precinct Strategy in 1997 identified the site as suitable for rezoning in the medium term which at the time was estimated as being 2000-2002.

In 2002 the Gateway site was identified for future mixed use, centre development and excluded residential development and areas of environmental significance. The 2002 the Wyong Shire Retail Centres Development Control Plan (DCP) identified the possibility of expansion of retailing on the site from 45-50,000m² to 70-80,000m² by 2011 subject to a merit assessment with centre support to initially be located in the Regional Centre (Supa Centre).

The Tuggerah-Wyong area was identified as a 'Major Centre' as per the Central Coast Regional Strategy (CCRS) in 2007. The possible uses of the Gateway site was revisited with suggestions of tourist accommodation, tourist information centre, residential development, centre support, bulky goods, entertainment, recreation (public and/or private), open space and water detention areas. Options were developed encompassing residential, business, mixed use and open space/recreational land uses which lead to the development of the Masterplan concept.

A proposed Concept Plan for the Gateway site was submitted to the then Department of Planning (now Department of Planning and Environment) by Westfield in April 2008 for consideration as a Major Project under the former provisions of Part 3A of the *Environmental Planning and Assessment Act 1979*.

The Director-General Requirements (DGRs) for progression as a Part 3A Project were issued in July 2009 following a revised concept plan which incorporated all Westfield holdings. The proposed uses for the Gateway site included:

- 120,000m² mixed use – mix to be tenant driven e.g. 13,000m² hardware store on Tonkiss Street/Wyong Road intersection.
- 140,000m² business park
- 450-550 residential units.

The DGRs required that any proposed concept and assessment were to be consistent with the findings and recommendations of the Tuggerah State Significant Site Study. The DGRs lapsed on 30 July 2009.

The Tuggerah State Significant Site (SSS) was gazetted in January 2009. The Gateway site is included within the Tuggerah SSS. A draft study and structure plan was released in August 2013 in which the Gateway site was identified as comprising a residential medium density precinct with a bulky goods component. The plan also provided for a large stormwater detention basin to mitigate flooding impacts across the structure plan area. The area subject of this application was identified as potential for bulky goods retail premises.

The Gateway site, existing shopping centre and triangle site (located to the west of Westfield) were deferred from inclusion in the Wyong Local Environmental Plan 2013 as a number of matters required resolution. This deferred area only incorporated the Westfield Holdings and so the site retained previous zonings under WLEP 1991. The remainder of the land subject to the Tuggerah SSS was zoned under the Wyong LEP 2013 Standard Instrument gazetted 23 December 2013.

The recent rezoning of the Gateway site has been initiated by the DP&E through the Tuggerah SSS process as the separate transitional former part 3A had lapsed. The draft documentation (released in August 2013) which identified the proposed structure plan, showed this site to be zoned B4 Mixed Use. The subject development application was lodged in December 2014 when the rezoning was considered imminent. The rezoning of the Gateway site is anticipated to be finalised prior to the JRPP considering the application and will rezone the site to B4 Mixed Use, RU6 Transistion and E2 Environmental Conservation (See Figure 11).

The Proposed Development

The application has been lodged as a staged development application under the provisions of Section 83B of the EP&A Act 1979. A staged development application is a development application that sets out concept proposals for the development of a site and for which detailed proposals for each stage are subject to subsequent development applications. The application may set out detailed proposals for the first stage of the development. This development application includes the Concept Plan and a detailed proposal for Stage 1 – Masters Homemaker Improvement Centre.

A staged development application under the provisions of Section 83B is specifically intended to provide for flexibility in staging and detailing of development and is capable of variation in terms of the future application. A thorough assessment of Stage 2 is not required in a staged development application as no consent is sought for these works apart from vegetation clearing and earthworks as detailed in the proposed works associated with Stage 1. The proposal has provided in the Concept Plan a location, footprint and car park concept of Stage 2 with a total floor space of around 9000m². The Stage 2 development will provide a complimentary development of retail/bulky goods development with associated car park.



Figure 4: Artists impression of proposed Masters Homemaker Improvement Centre and location of Stage 2.

Consent is sought for the approval of the Concept Plan and Stage 1 of the concept plan works. The Concept application involves two stages with the first stage being for the construction of a Masters Homemaker Improvement Centre with a floor space of 13,500m². Stage 1 is to be constructed on approximately 5.3 hectares.

Stage 2 adjoining Stage 1 to the south will involve the construction of further bulky goods and retail development with a floor space of approximately 9,000m² and additional car parking. The Stage 2 development will be subject to a future development application.

Stage 1

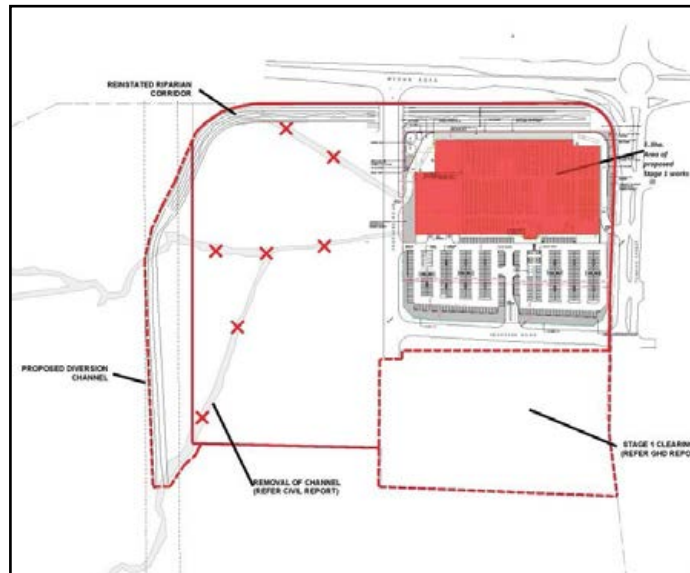


Figure 5: Plan of Stage 1.

The proposed development for Stage 1 includes:

- Clearing of vegetation within Stage 1 and Stage 2;
- Carrying out of bulk earthworks including the removal of the existing earth mound, benching, compacting and construction of a retaining wall within Stage 1 development;
- Relocation of existing drainage lines which carry run off from the upstream catchment to the south into a diversion channel running south to north and connecting to the Mardi Creek riparian corridor which runs as shown in figure 4 above;
- 1400m³ on site flood detention plus an additional 157m³ water storage in rainwater tanks;
- Establishment of a 25m wide Mardi Creek riparian corridor adjacent to Wyong Road including appropriate watercourse and landscaping treatment;
- Construction of access roads and service entry from Tonkiss Street (Road 1) and egress onto Wyong Road (Road 2) to serve the new development and future development in Stage 2;
- Construction of a Masters Home Improvement Centre building divided into areas such as:
 - General sales (main floor) which include hardware, timber and building materials, décor and home decoration, and kitchen and bathroom fittings and white goods (8,495m²);
 - Garden area for a range of landscaping and gardening products including plants, pots landscape trimming and gardening equipment (1,943m²);
 - Trade sales area for trade sales including drive-in loading area for all stock 2,170m²);
 - Receiving dock (705m²);

The remainder of the Stage 1 development will accommodate ancillary service and infrastructure for the proposed use including:

- A small internal office and amenities area (182m²);
- Public amenities (73m²);
- A small internal café and associated seating (within main floor approx.70m²);
- Carparking for 370 spaces within the southern portion of the site including 8 accessible car spaces and 27 bicycle spaces;
- Landscaping treatment within the carpark and around the site (minimum width of approx. 3m to 7m along Tonkiss Street and 4m on south and west perimeter of carpark. Riparian corridor subject to planting in accordance with the requirements of the Office of Water).
- Servicing area including waste and recycling collection;
- Separate customer and general servicing entries to the site;

- Main entry signage and business identification signs (majority of signs are wall signs and one pylon sign of 12m x 3.95m).

The Stage 1 (Masters) site consists of 32,995m² (excluding riparian corridor). The site coverage of the building is 41.3% with the remaining 58.7% comprising of customer entry/exit access, carpark, service vehicle road and landscaping.

The building pad has been levelled using a 4 metre high retaining wall in the low point of the site on the northern side (Wyong Road frontage). The natural ground level of this area is RL 8.16 and the finished ground level of the site becomes RL 12.0. The building has a height of 9.8 metres which added to finished ground level results in a height of RL 21.8. The overall height of the building and retaining wall at the Wyong Road frontage is therefore 13.8 metres. Wyong Road varies in ground level from RL 9.0 at the Tonkiss Street/Wyong Road roundabout, inclining to approximately RL 26.0 at the Motorway interchange.

The building is mostly rectangular in shape with overall dimensions of approximately 165m x 83m and is to be constructed of a reinforced concrete slab, mostly concrete tilt up panels and Colorbond roof. The rectangular shape is broken by corner returns on the north-east and north-west corners. The wall materials vary with the Wyong Road elevation consisting of steel framed walls with an external panel cover over a 200mm concrete hob and the garden area on the Tonkiss Street frontage consists of a combination of tilt up panels and mesh fencing. The Colorbond roof only covers the perimeter of the garden centre with shade sails providing some cover in the central part of the area.

The development site has been designed with car parking central to the site and the building located adjacent to the Wyong Road frontage. The Wyong Road elevation is setback from the road approximately 33.5m with a 25m wide riparian corridor and a 6.0m access road between the site boundary and the building. Tonkiss Street elevation has a minimum setback of 10m extending to 14m in part throughout the width of the building and has a modern design with a mix of materials and colours. The colour of the building will be synonymous with the Masters branding featuring the trademark blue and alternating light grey walls with the rear wall consisting of alternating grey and white panels to create visual interest on an otherwise bland stretch of wall.

The Tonkiss Street elevation containing the garden centre is visually prominent. The open roof with shade sails not only provides natural light and air to the garden centre, but adds visual interest through articulation and material changes. The landscaping to be provided along the perimeter of the site contributes to the aesthetics to promote a positive appearance and streetscape. Careful consideration has been given to this corner to provide façade treatment that is appealing and activates the streetscape. The inclusion of public art assists with the activation of the street corner creating an attractive entry statement and visual identity to the Masters site. Public art in the form of sculptural gabion walls and rusted steel panels are proposed in strategic locations at the Wyong Road/Tonkiss Street corner of the site and the intersection of Road No.2 and Wyong Road.

A green facade for the eastern most 35m of the Wyong Road elevation is proposed to assist with visual integration and reduce the visual impact of the wall on the intersection. A green façade has soil at the base of the wall and supports climbing plants on the face of the wall to create a green/vegetated façade. The Wyong Road façade comprises alternating grey and white panels which will sit behind the riparian corridor.

The green façade will grow on the eastern most part of the finished wall and a maintenance schedule will be applied to ensure the longevity of the vegetation. Once the riparian corridor has matured majority of the façade will not be seen from Wyong Road with the exception of the visual envelope when approaching the Tonkiss Street/Wyong Road roundabout from the east as shown in the photomontage in figure 7. This part of the site will appear as an attractive landscaped corner.

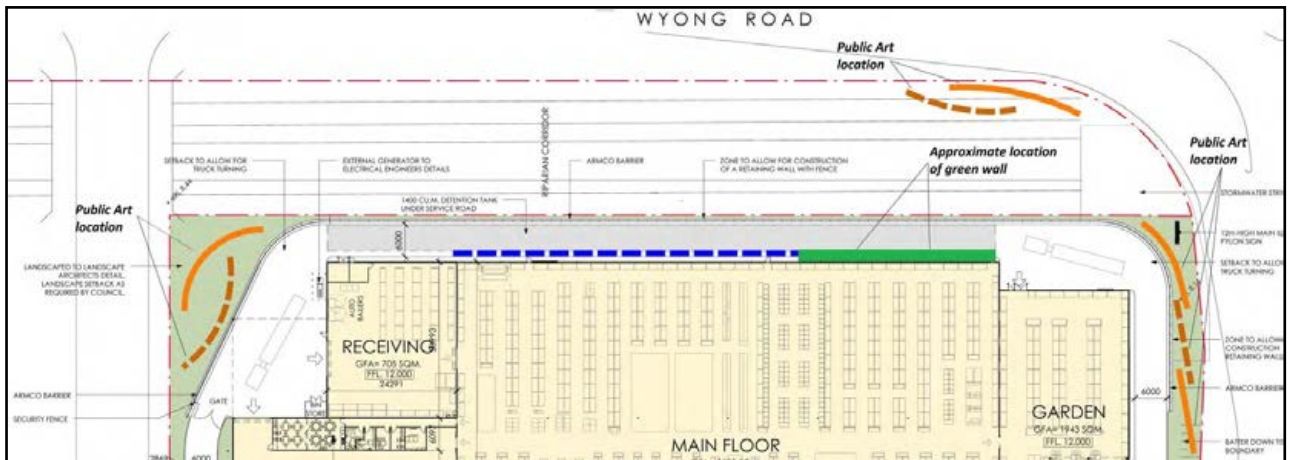


Figure 6: Plan showing location of proposed public art at the Wyong Road/Tonkiss Street intersection and the intersection of Road 2 and Wyong Road.

The proposal includes complimentary landscaping throughout the site. The perimeter landscaping is to consist of a combination of low ground cover grasses, shrubs and accents, and trees. The carpark includes tree planting and edge planting along the vehicle entry to improve and create a softer appearance.

The Wyong Road frontage is consumed by the riparian corridor and planting along this frontage will be in accordance with the requirements of the Office of Water. The riparian corridor is to be rehabilitated to replicate a densely planted riparian environment. The corner treatments of the site will include landscaping and public art.



Figure 7: Photomontage showing an artist's impression of the Wyong Road/Tonkiss Street intersection.

The developer has estimated that 130 to 150 staff is to be employed by the Masters Homemaker Improvement Centre in Stage 1. Stage 2 will contribute additional employment when completed subject to the future tenant. The construction stage will also generate employment.

Stage 2

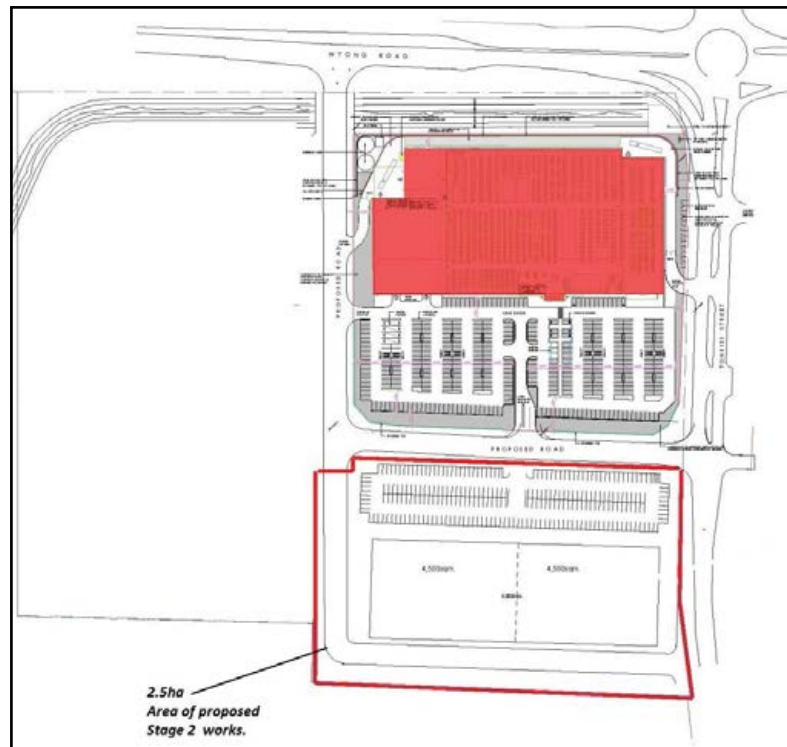


Figure 8: Plan of Stage 2.

Stage 2 will involve the construction of further retail and bulky goods development occupying a building with a total floor space of around 9000m². Additional carparking spaces will be provided between the new buildings and the access road constructed in Stage 1.

The Concept Plan has provided an indicative location, footprint and car park concept for Stage 2. The building will have a similar built form to the Masters building with a large footprint, a building height of 9m and will be setback from Tonkiss Street approximately 10 - 12m. The plans indicate this building could be divided into two retail tenancies. An indication of how the two stages will present to Tonkiss Street is shown in figure 7. Further details of Stage 2 will be provided in the future development application.

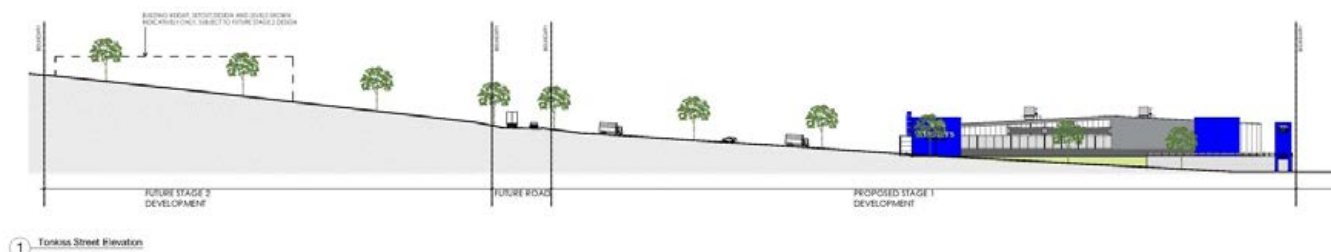


Figure 9: Street view of Stage1- Masters Homemaker Improvement Centre and future Stage 2.

VARIATIONS TO POLICIES

There are no variations to any policies.

SUBMISSIONS

Any submission from the public.

The application was notified in accordance with Wyong DCP 2013 Chapter 1.2 -Notification of Development Proposals (14 January 2015 – 2 February 2015) with 2 written submissions and 1 petition (44 signatures) being received. The key issues raised in relation to the proposal are identified below.

- **There will be an increase of large truck movements and traffic along Tonkiss Street and an increase of traffic congestion at the roundabout intersection of Tonkiss Street/Wyong Road and the M1 Motorway interchange.**

Comment

A Traffic and Parking Report by Colston Budd Hunt and Kafes was undertaken for this application which states that the number of trucks accessing the Masters site would be low, in the vicinity of up to 6 large trucks and 6 smaller trucks per day. Truck turning from Tonkiss Street onto the site would be approximately 100m from Wyong Road roundabout and is not seen as having an undesirable impact on traffic flow along Tonkiss Street.

Tonkiss Street is a 4 lane road in this location and has sufficient capacity to service the proposed development including the truck movements without causing any substantial impact on the function of the Tonkiss Street and Wyong Road roundabout.

Council's Transport Engineer reviewed the report and after clarification on some alignment details provided support to the proposal.

The developer has agreed to provide road improvements and this has been secured through a Voluntary Planning Agreement (VPA) entered into between the developer and the Minister of Planning. The agreement relates to the provision of traffic infrastructure required by the proposal and defines necessary traffic upgrades. The developer is required to enter into a Works Authorisation Deed with the Roads and Maritime Services (RMS) in respect to the upgrade of the Tonkiss Street/Wyong Road intersection and works on Wyong Road between the intersection and the motorway interchange. The proposed works will improve the traffic flow of the road network and will manage the impacts of traffic congestion along Wyong Road to the satisfaction of the RMS.

- **Development is not contained within the proposed B4 zone.**

Comment

The development is predominantly contained within the proposed B4 zoned land with the exception of a small amount of works required to establish a diversion channel in the proposed RU6 Transition zone. The proposed works are identified as “flood mitigation works” which are permitted with consent within the RU6 zone.

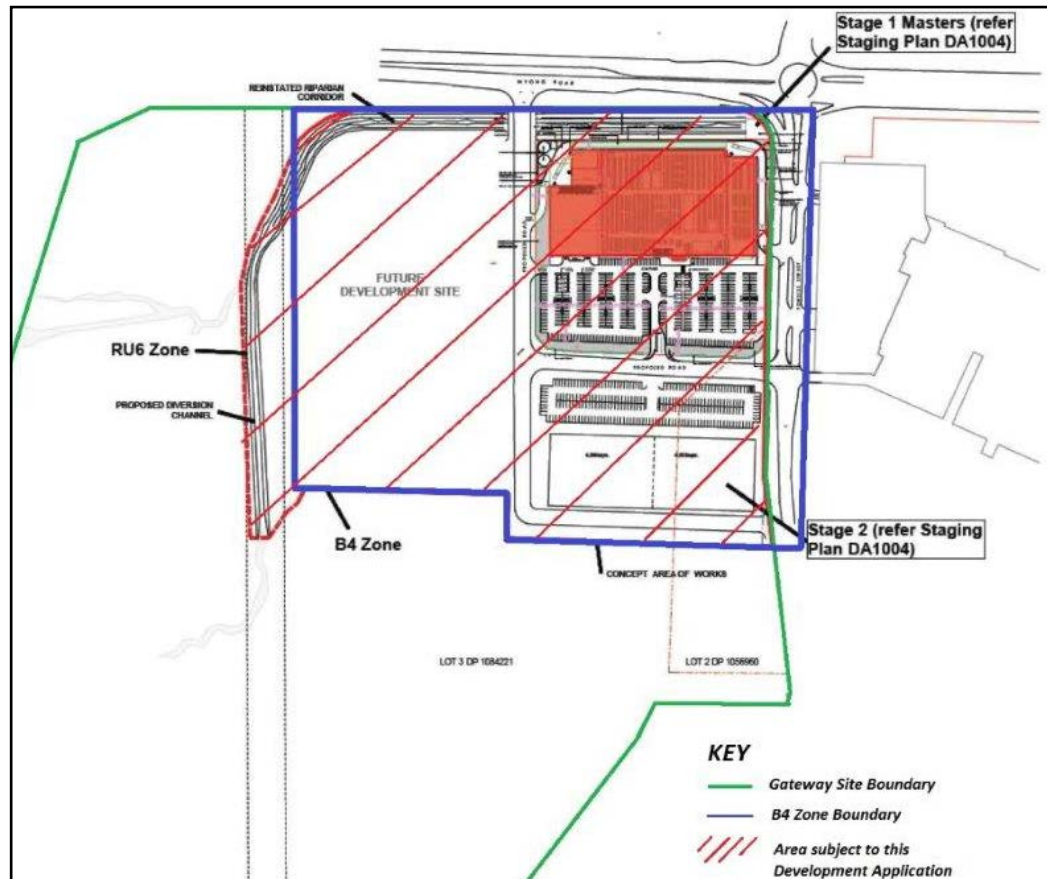


Figure 10: Diagram showing proposed B4 zone and proposed works.

- **Appropriate biodiversity offsets should be identified and implemented to compensate for any removal of endangered ecological communities.**

Comment

An ecological assessment of the site has been undertaken and reviewed. The ecological impact assessment lodged with the development application does identify that a small portion of endangered ecological community (EEC) identified as Swamp Schlerophyll Forest on Coastal Floodplain will be removed. There are three small patches of the EEC located on the site, one is in the central part of the site, another in the vicinity of the access road from Tonkiss Street and some along the Wyong Road frontage.

An ecological review determined that the impact on the local community would be minimal as the EEC has been substantially modified by historic land use and ongoing grazing and weed infestation. The area to be removed is small in extent compared to that within the wider locality and region. Larger and higher quality stands of the community are conserved in the conservation zones on the site (see Figure 8). Offsetting is therefore not required.

- **The application is not accompanied by an economic impact assessment assessing the impacts of the proposed development on other centres and to ensure that there is an overall need for the development. The application relies on information previously provided.**

Comment

There was an economic study titled Tuggerah State Significant Site Economic Study by MacroPlan prepared for the rezoning in 2010. The study included a retail needs assessment which was not limited to the Wyong Shire. The study takes into account the existing and future supply of retail uses of the Central Coast. The report notes that the proposed development is not expected to impact on other trade catchments of the region. The development application is supported by the economic studies associated with the rezoning which were considered satisfactory by the DP&E and reflected in the gazettal of the rezoning. It is considered that the economic study relied upon for the rezoning is valid and will suffice for the purpose of assessment of this application.

- **The DCP 2013 states that two core specialist bulky goods precincts are located at Tuggerah and Lake Haven with opportunity to provide smaller bulky goods precincts as within other town centres such as Bateau Bay, Long Jetty and Warnervale. This direction is inconsistent with the proposed development and consideration should be given to the impacts of this development on land already zoned for bulky goods retailing.**

Comment

WDCP Chapter 6.14 Tuggerah Precinct applies to the site and suggests that the site is to be used for mixed use, centre support development to be confirmed through a masterplan and rezoning. WDCP Chapter 5.1 Retail Centres also applies and provides requirements which apply to expansion of or creation of additional bulky goods retailing.

As previously mentioned an economic study for the subject area was undertaken to support the proposed planning for the Tuggerah State Significant Site. The report notes that the proposed development is not expected to impact on other trade catchments of the region and identified a likely demand for an additional 33,000m² of retail space and 17,000m² of bulky goods space at the Tuggerah site. The current application is for 13,500m² of retail premise (Masters Homemaker Improvement Centre) in Stage 1 with an additional 9000m² of retail such as bulky goods in the future Stage 2.

The application has been assessed against the DCP and is considered acceptable.

EXTERNAL CONSULTATION

Office of Water

The development application was referred to the Office of Water as integrated development. The Office of Water issued General Terms of Approval (GTAs) on 10 March 2015. The GTAs require a fully constructed riparian corridor of mature planting for the width of 25 metres and a length of approximately 220 metres.

Roads and Maritime Service

The development application was referred to the Roads and Maritime Service (RMS) for comment. The RMS raises no issues and provided comments and recommended conditions for Council to consider on 9 October 2015.

Department of Environment and Planning

The DP&E have been coordinating the rezoning of the site to B4 Mixed Use and made no comment with respect of this development application.

INTERNAL CONSULTATION

The application was referred to internal Council staff as follows:

Council's Senior Development Engineer – No objection was raised subject to appropriate conditions of consent.

Council's Transport Engineer – No objection was raised subject to appropriate conditions of consent.

Council's Senior Planning Engineer Hydrology - No objection was raised subject to appropriate conditions of consent.

Council's Ecologist –The applicant submitted an Ecological Assessment in support of the proposed development. Following a review of this document, no objection was raised subject to appropriate conditions of consent.

Council's Arborist and Landscape Assessment Officer – No objection was raised subject to appropriate conditions of consent.

Council's Contributions Officer – No objection was raised subject to appropriate contributions being imposed on any consent.

Council's Team Leader Water & Sewer Planning – No objection was raised subject to appropriate conditions of consent.

Council's Senior Environmental Health Officer - No objection was raised subject to appropriate conditions of consent.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

Climate Change

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

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

Sustainable building design: The proposal is for a staged development application with building and infrastructure works proposed for Stage 1. The building works proposed would trigger compliance with Section J of the Building Code of Australia which will be considered at the construction certificate stage.

Bushfire Protection: The site is identified as partially bushfire prone. However the development application did not require referral to the Rural Fire Service as it is not integrated development.

A Bushfire Protection Assessment Report has been undertaken for the site. The proposed Masters development is located within areas surrounded by existing and proposed managed road reserves to the north, south, east and west. The subject land is separated from vegetation to the north by Wyong Road which is a managed road reserve. The riparian corridor planned along the northern boundary of the site is assessed as the bushfire behaviour of a rainforest. A service road will separate the riparian corridor from the Masters building. The proposed development therefore is unlikely to be substantially impacted by bushfire.

Reduced Car Dependence: It is unlikely that customers would use public transport given the nature of the store. However, bus services operate from the interchange located within the adjacent Westfield shopping centre and the Tuggerah Railway Station is located approximately 1km to the east.

Flooding: The site is located within the Mardi Creek/Wyong River catchment and is affected by flooding. Flood mitigation works are proposed and are able to appropriately manage flood risks within the development site.

ASSESSMENT

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

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

a) Wyong Local Environmental Plan 2013

Permissibility

The area of the subject site (stages 1 & 2) is to be zoned B4 Mixed Use and RU6 Transition under the WLEP 2013. The DP&E has advised that the amendment to WLEP 2013 is to be made prior to the JRPP meeting of 19 November 2015.

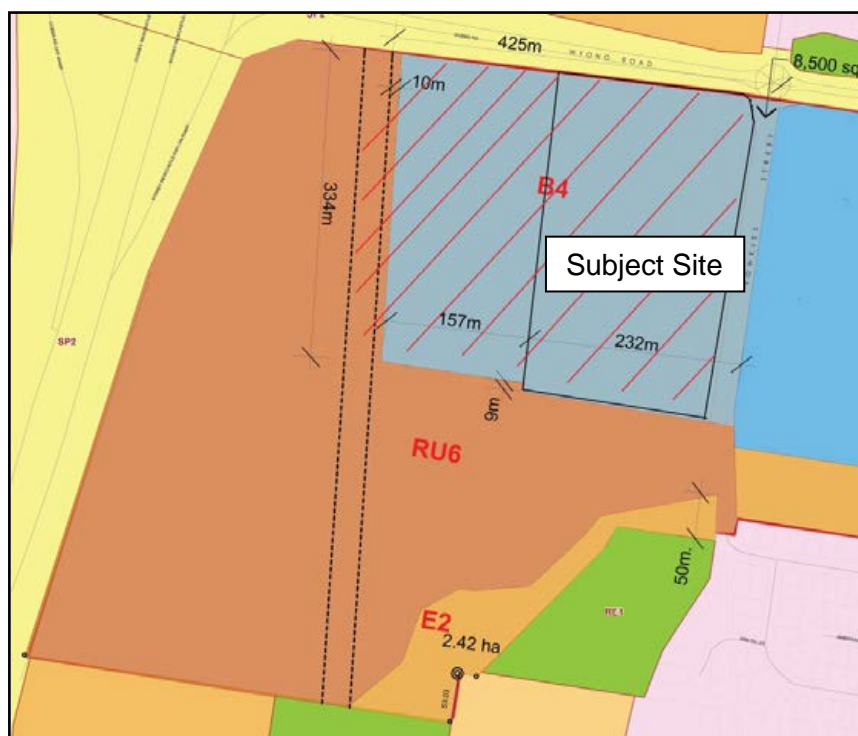


Figure 11: Zone boundaries (approximate area of work in red hatch).

The proposed uses are defined as “bulky goods premises”, “hardware and building supplies” and “flood mitigation works”. Each of these is permissible in the B4 and RU6 zones. No works are proposed within the E2 zoned portion of the site.

The following definitions are relevant:

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and

- (b) *direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.*

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

The proposed Concept Plan for the staged development is for the establishment of “retail premises” which consist of both “bulky goods” and “hardware and building supplies”. Stage 1 is for the proposed Masters Homemaker Improvement Centre which is defined as “hardware and building supplies” and Stage 2 is proposed as “bulky goods”. Both “bulky goods premises” and “hardware and building supplies” are a type of “retail premises” and are permissible with consent within the B4 zone. The works associated with Stage 1 include some “flood mitigation works” which are permissible in the RU6 zone. The flood mitigation works involve the redirection of existing drainage channels into a diversion channel and the reconstruction of a creekline which leads into the rejuvenated riparian zone.

The objectives of the B4 Mixed Use zone are as follows:

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

The objectives of the RU6 Transition zone are as follows:

- *To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.*

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that interim land uses do not have an adverse impact on the conservation or development potential of land identified for future investigation in the North Wyong Shire Structure Plan or Wyong Settlement Strategy.*

The proposed development is consistent with the objectives of the B4 zone as follows:

- The proposed development of the Gateway site has been designed as a logical extension of the ongoing development of the Tuggerah-Wyong Major Centre. The site has been historically identified for centre support retail since regional and local retail studies were undertaken for Tuggerah in the early 1990s. The addition of a Masters Homemaker Improvement Centre and future Stage 2 of bulky goods are compatible land uses that complement the existing retail functions of Westfield Tuggerah.
- The proposal will integrate with existing development within the established Tuggerah-Wyong major centre so as to provide multi-purpose trips and reduce car trips by customers, employees and suppliers. The proposal may also increase use of public transport and improve efficiency of existing and proposed infrastructure through co-location of retail uses.
- The proposal will maintain active retail and business development at street level. No residential development is proposed as part of this application.
- As previously mentioned the subject land has been identified for centre support retail functions since the early 1990s. The proposal supports and complements the retail functions of the zone through provision of additional retailing options in a highly accessible location.
- The proposed land use is consistent with the development on adjoining parcels. The proposed land use has been designed to minimise conflict with adjoining land uses. Conflicts are substantially mitigated as the site is currently part of a large vacant lot surrounded on three sides by existing roads.

The proposed flood mitigation works is consistent with the objectives of the RU6 zone as follows:

- The proposed works within the RU6 zone will continue to maintain the land in its transitional state and will not significantly impact on future development potential of the land.
- The proposed works will assist with directing overland flow to minimise conflict between the proposed land use and the adjoining land uses and manage water flow rates appropriately.
- The proposed works will not have an adverse impact on the development potential of the land.

The proposed development will not create any unreasonable impacts on other existing centres and is consistent with the function and the role of Tuggerah as a major centre of the shire. The proposal will reinforce Tuggerah-Wyong as the region's main retail centre as intended. The proposal is consistent with retail hierarchy for the Wyong LGA and the objectives of both state and local planning instruments and policies applicable to the land.

Height of Buildings (Clause 4.3)

There is no maximum height applicable to this site under the WLEP 2013.

Floor Space Ratio (Clause 4.4)

There is no maximum floor space ratio applicable to this site under the WLEP 2013.

Preservation of Trees or Vegetation (Clause 5.9)

Clause 5.9 applies to any tree or bushland, and specifies which species of trees require development consent to be removed. The objective of the clause is to preserve amenity and biodiversity values, through the preservation of trees and other vegetation.

The area of the subject site contains small isolated patches of vegetation within grassland, proposed to be removed as part of Stage 1. The clearing of vegetation was identified and considered as part of the rezoning. The rezoning secured protection of the south eastern area of the site and the rear of the adjacent Westfield site, through the application of the E2 Environmental Conservation zoning. The subject application does not affect the E2 zoned portion of the site and therefore does not inappropriately impact upon the vegetated amenity or biodiversity values of the area.

The impact on EEC's has been considered and discussed later in this report.

Acid Sulphate Soils (Clause 7.1)

Clause 7.1 requires special assessment to be given to certain development on land being subject to actual or potential acid sulphate soils. The site is identified as having Class 4 and Class 5 acid sulphate soils and clause 7.1 applies considerations to each class.

Areas affected by Class 4 requires additional considerations to be applied to works more than 2 metres below the natural ground surface which may encounter acid sulphate soils or for any works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. Class 5 refers to land within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and additional consideration is required to be given to developments by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Development consent must not be granted for the carrying out of works unless an acid sulphate soils management plan prepared in accordance with the Acid Sulphate Soils Manual has been provided to the consent authority.

The application includes preliminary assessment of acid sulphate soils which found that both actual and potential acid sulphate soils are present and trigger the requirement of an Acid Sulphate Soils Management Plan (ASSMP). Figure 6 below shows the extent of acid sulphate soils on the site with the pink area Class 4 and the yellow Class 5. The ASSMP will be required as a condition of consent prior to the release of a Construction Certificate.

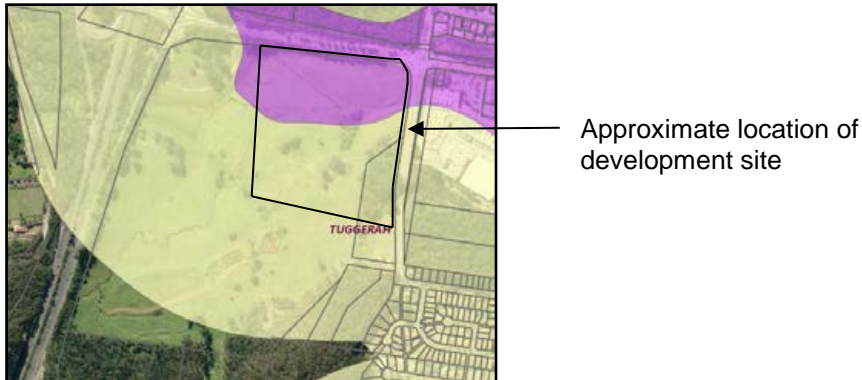


Figure 12: Acid sulphate soils extent on site.

Flood Planning (Clause 7.2)

The site is located within the Mardi Creek / Wyong River Catchment and Council's records indicate that the site is affected by flooding and/or minimum floor level requirements.

Clause 7.2 applies to the site as it is identified as flood planning land under Council's flood mapping. Consent must not be granted to land identified by this clause unless the consent authority is satisfied that the development:

- Is compatible with the flood hazard of the land; and
- Is not likely to significantly adversely affect flood behaviour resulting in worsened flood hazard to other development or properties, and
- Incorporates appropriate measures to manage risk to life from flood, and
- Is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses, and
- Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

A flood impact assessment has been undertaken to determine the potential impacts of the proposed development. The Mardi Creek catchment includes two main branches of Mardi Creek that combine downstream of Tonkiss Street and are then conveyed by means of a constructed channel to the Pacific Highway returning to natural creek alignment downstream of the railway.

Flooding in the Mardi Creek catchment occurs when the runoff generates flows that exceed the available channel capacity. The channel reach between the Woodbury Park Drive and Gavenlock Road is of sufficient capacity to cater for large events however the channel reach between Gavenlock Road and Pacific Highway has limited capacity and floods overbank even in a small flood event. This is due to the limited capacity of the Mardi Creek channel downstream of the railway, which elevates flood waters and provides a downstream control to the concrete channel upstream of the highway.

The proposed development site is situated on the southern branch of Mardi Creek immediately upstream of Tonkiss Street. Within this location there are three main upstream catchments where runoff from these catchments currently combines in an area within and to the west of the Stage 1 development. The runoff flows from the site all fall to the north east corner and are drained by box culverts under the Tonkiss Street intersection. Flows discharged through these culverts enter the man made channel where they combine with flows from other catchments.

Council's Flooding Engineer has confirmed that the context of the proposed development within the broader Mardi Creek catchment results in negligible impacts to the peak flood level conditions at the critical 9hr storm duration. However potential flood impacts were identified for very short and intense storms which would result in increased runoff volume resulting in an increased flood frequency downstream at Anzac Road. To mitigate these impacts the provision of on-site flood detention has been included which comprises suitable storage to mitigate the impacts of the Stage 1 development. It is also expected that future development can also be managed adequately to reduce the cumulative impacts of flooding and not exacerbate the existing flooding issues at Anzac Road.

The proposed Stage 1 development includes the construction of a drainage channel to divert upstream catchment runoff around the development site.

Council's Senior Planning Engineer Hydrology has reviewed the Flood Impact Assessment dated September 2015 and is satisfied that there will be no significant flooding impacts as a result of the development. It is noted that the volume run-off does increase, but only affects flood levels at Anzac Road industrial area by about 0.1m which is within the accuracy tolerance of the flood model.

The proposed treatments to mitigate the impacts of flooding on downstream properties are considered appropriate and suitable for the proposal.

Essential Services (Clause 7.9)

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 proposal will satisfy the requirements of the clause.

b) Relevant State Environmental Planning Policies (SEPPs)*State Environmental Planning Policy 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. Clause 7(2) requires where there has been a change of use on any of the land (as specified under subclause 7(4)), that Council consider a report specifying the findings of a preliminary investigation of the land in accordance with the contaminated land planning guidelines. In this regard, a contamination assessment prepared by URS Australia Pty Ltd was carried out with the rezoning process. The report was submitted with the development application and identified that there is no constraint with regard to site contamination to prevent the rezoning of the land and subsequently the proposed development. The report includes general recommendations that will be included as conditions of consent.

State Environmental Planning Policy (State and Regional Development) 2011

Development applications with an estimated capital investment value exceeding \$20 million are to be determined by a Joint Regional Planning Panel under the provisions of Schedule 4A of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy (State and Regional Development) 2011. The proposal has a capital investment value of over \$26 million and is therefore referred to the Hunter and Central Coast Joint Regional Planning Panel for determination.

State Environmental Planning Policy 64 – Advertising and Signage

SEPP 64 applies to all signage which can be displayed with or without consent and is visible from any public place or public reserve. SEPP 64 applies to this proposal as the majority of signage proposed is visible from the surrounding road network, including a classified road. Part 3 of SEPP 64 does not apply to the pylon sign or the proposed wall signs on the building as these signs are defined as “building identification signs”.

The proposed signage includes:

South West Elevation

- Principal identification sign above the pedestrian entry comprising the words “Masters Home Improvement” logo measuring approximately 16m wide x 3.6m high and internally illuminated.
- Adjacent to this sign is large iconography showing tools in three circular images with each image approximately 5.2m x 5.2m and a value sign with the words “Best Price Guarantee” approximately 17m x 3.6m.
- Secondary identification signage is provided above the trade entry “Timber and Building” at approximately 14.6m x 1.9m and garden centre entry “Garden” at 6.3m x 1.5m).

South East Elevation (Fronting Tonkiss Street)

- Two identification signs in the form of the Masters corporate branding approximately 12m x 4.8m.

North East Elevation

- A large identification sign comprising the words “Masters Home Improvement” approximately 17m x 2.8m.

North West Elevation

- A small identification sign comprising the Masters corporate branding approximately 12m x 2.8m

Pylon Signage

- A pylon sign at the north eastern corner of the site adjacent to the Wyong Road and Tonkiss Street intersection. This sign will be double sided and approximately 12m in height and 3.95m wide. The sign consists of a moulded opal acrylic icon and internal LED illumination.

Ancillary Signage

- Ancillary signage is provided in various locations throughout the carpark. These signs include accessible carpark signage, parent car park signage, car and trailer park signage loading and service road signage. This signage is to assist with the safe and accessible operations of the site.

SEPP 64 seeks to achieve the following aims and objectives:

(a) To ensure that signage (including advertising):

- i. Is compatible with the desired amenity and visual character of an area, and*
- ii. Provides effective communication in suitable locations, and*
- iii. Is of high quality design and finish; and*

(b) To regulate signage (but not content) under Part 4 of the Act, and

(c) To provide time-limited consents for the display of certain advertisements, and

(d) To regulate the display of advertisements in transport corridors, and

(e) To ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

Pursuant to clause 4 of SEPP 64, the associated Masters signage would be classified as “building identification signs” which applies to signs that identify or name a building. These signs may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.

Clause 8 of the SEPP requires that:

“A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) That the signage is consistent with the objectives of this policy as set out in clause 3(1)(a), and*
- (b) That the signage the subject of the application satisfies the assessment criteria specified in Schedule 1”.*

The objectives referred to in clause 3(1)(a) are:

“(a) to ensure that signage (including advertising):

- i. Is compatible with the desired amenity and visual character of an area, and*
- ii. Provides effective communication in suitable locations, and*
- iii. Is of high quality design and finish.”*

The proposed signage is considered to be of high quality and in keeping with the amenity and visual character of the Tuggerah Centre. The proposed signage will clearly identify the Masters building to pedestrians and vehicular traffic in the locality providing effective communication and visual interest. The signage is of a similar theme to the adjacent Westfield site and that of similar development along Wyong Road. The assessment criteria of Schedule 1 is addressed and provided in Attachment 1. The signage is generally compliant with the SEPP.

State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 requires consideration of the impacts of certain developments on infrastructure including roadways. The proposal has access from both Tonkiss Street and Wyong Road which is a classified road. The type and size of development that is to be referred to RMS is listed in Schedule 3 of the SEPP and all developments abutting classified roads are also required to be referred to RMS. The proposal provides parking for more than 200 motor vehicles and abuts a classified road. The proposed development of Stage 1 therefore requires referral to the RMS under Clause 104 as a “traffic generating development”.

A traffic assessment has been submitted with the development application which includes a technical assessment of the traffic impacts of the proposed development. The assessment found that the road network, including internal roads, have adequate capacity to cater for the forecasted additional traffic flows. The report concludes that a satisfactory level of service at intersections will be maintained inclusive of the development. Traffic likely to be generated by the development can be accommodated within the road network and is within the range considered appropriate for the regional centre.

Through negotiations with the DP&E and the RMS during the recently completed rezoning the developer has entered into a VPA which requires a Works Authorisation Deed (WAD) to be entered into which will ensure that the RMS can secure appropriate road upgrade contributions and/or works to their satisfaction. A condition of consent has been included that instructs the developer to enter into a WAD with the RMS for any works and traffic control on State roads.

State Environmental Planning Policy 44 – Koala Habitat Protection

The site area is larger than 1 hectare so SEPP 44 applies. Vegetation on the site does not constitute potential or core koala habitat, however the road reserve may constitute potential koala habitat by virtue of the presence of Swamp Mahogany. Assuming that Swamp Mahogany is more than 15% of the tree canopy the road reserve vegetation (therefore is potential koala habitat) then it must be decided if it constitutes core koala habitat.

There is a narrow strip of vegetation containing Swamp Mahogany along Wyong Road with some narrow connectivity to roadside vegetation to the west and then south parallel to entry ramp for the M1 Freeway which connects to a large area of remnant vegetation south of the site on Tangy Dangy Hill.

No Koalas or signs of Koala activity were detected in several previous surveys of the site and there are no records of this species nearby. As such there is no indication that means the road reserve is an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population. Therefore the road reserve is not considered core koala habitat and no further assessment is required.

c) Relevant DCPs**Wyong Development Control Plan 2013 (DCP)****DCP Chapter 2.11 – Parking and Access**

The objectives of the DCP are to provide Council's requirements in relation to proposed development as follows:

- the provision of parking;
- the design of parking, delivery, access and associated traffic facilities;
- the provision of traffic and transport infrastructure, including facilities for public transport, cyclists and pedestrians.

DCP Chapter 2.11 requires minimum provision of one space per 50m² GFA for bulky goods premises and hardware/building supplies. Applying these rates the proposed Masters development of 13,500m² would require 270 car spaces. The proposed development provides 370 car spaces which more than satisfies the DCP requirements.

The proposal includes appropriate disabled parking with a total of eight spaces at the front of the Masters building entry. There is also four long car spaces provided for cars with trailers and four parents with prams spaces included.

In addition to car parking, the DCP requires bicycle parking at a rate of one bicycle space per 10 car spaces which equates to 27 bicycle spaces. Two thirds of the bicycle spaces will be allocated to staff and provided in a secure location of the building with the balance provided by way of bicycle racks near the entry to the building and available to customers. This is considered acceptable given the bulky goods nature of the development where customers are more likely to drive to the site.

The service vehicles enter the site from Tonkiss Street and travel around the northern boundary of the site to the loading dock which is located at the north western corner of the building. The service access has been designed to reduce customer/service vehicle conflict by the use of a one way service road with egress from the Masters site via Road 2 and Wyong Road. The service vehicle road has gates near the entry and the exit removing the potential for customers to use the service road. The loading dock area has a large awning to provide cover and access to the receiving and trade areas is via motorised roller doors. Trucks can easily unload and in the event that other deliveries arrive at the same time, ample room is available in the service road for trucks to wait until the loading area is clear. The proposed service road and loading dock is considered to be suitable for the development.

The proposed carparking layout and internal road system is appropriate and suitable for the use. Landscaping has been provided for within the carpark and around the perimeter of the carpark is to be located 4m of landscaped beds comprising ground covers, shrubs and trees at approximately 10m centres. A designated pedestrian access way is provided particularly serving the parents with prams and disabled spaces. Trolley return bays are provided appropriately within the carpark.

For large-scale and more complex developments, which are likely to have a greater impact on parking demand and/or traffic movement, an appropriate Traffic Impact Study, including parking requirements, prepared by a suitably qualified consultant, is to be provided with the development application. This includes development proposals that generate 50 or more vehicle trips per hour and development proposals considered to be Traffic Generating Developments under Schedule 3 of SEPP Infrastructure. The proposal provides parking for more than 200 motor vehicles as per Schedule 3 therefore a Traffic Impact Study was submitted with the development application.

The proposed parking provisions are considered suitable and satisfy the provisions of Chapter 2.11 Parking and Access.

DCP Chapter 2.15 – Public Art

DCP Chapter 2.15 requires major development to implement public art as part of the development. The DCP defines 'major development' as referring to commercial, public administration, and retail (shops) development valued at \$5 million or greater in terms of total development cost. The value of the proposal triggers the requirement for the provision of public art. A concept proposal has been submitted to Council which showed proposed public art that would assist to integrate the proposed development with the locality and contribute positively to the streetscape. Public art elements are to be implemented at the corner of Tonkiss Street and Wyong Road and the corner of Tonkiss Street and Road 2. The public art concept is considered to add visual interest important in this prominent location and provide a sense of arrival to the development. Final details will be required as a condition of consent and figure 10 is an example of the features that have been discussed for implementation.

FEATURE LASER CUT RUSTED STEEL SCULPTURAL BLADE PANELS



SCULPTURAL GABION WALLS LANDSCAPING



Figure 13: Public art elements to be implemented on the corner of Tonkiss Street & the corner of Road 2 and Wyong Road.

DCP Chapter 5.1 - Retail Centres

Chapter 5.1 Retail Centres aims to identify a clear hierarchy of retail centres within the Wyong LGA and develop procedures to help encourage investment while maintaining an appropriate retail hierarchy. Section 3 relates to Bulky Goods Retailing and identifies bulky goods precincts occurring at Tuggerah and Lake Haven. The objectives of the existing bulky goods provisions are:

Objectives

- *To provide for relatively low intensity commercial and retail uses with extensive floor space requirements, but not including supermarkets or other food or produce markets.*
- *To support and enhance the range of retail opportunities within the Shire.*
- *To provide for centre support retailing in areas within Major or Town Centres where they can perform a legitimate centre support function.*
- *To promote centre support retailing in areas which are highly accessible to public and private transport.*

The proposal is consistent with the objectives of DCP Chapter 5.1. The proposed Masters Homemaker Improvement Centre enhances the retail opportunity within the Shire and provides centre support to the Tuggerah-Wyong Major Centre. The subject site is highly accessible to public and private transport with the a bus interchange at the rear of Westfields and Tuggerah Railway Station approximately one kilometre to the east, and the major roads of the M1 Motorway and the Pacific Highway which provide amenable access to the whole Shire and beyond.

The Tuggerah Gateway Site Demand Assessment & Economic Impact assessment prepared in support of the rezoning of the Gateway site identified that there is an undersupply of bulky goods floor space in the Wyong LGA. Trade expenditure is escaping to trade areas outside the Wyong Shire. The report identified the Gateway site as being suitable for a range of uses including bulky goods retail and identified the site as capable of accommodating a 44,000m² Homemaker Centre.

The Stage 1 retail proposal which has a floor area of 13,500m² will assist in reducing the loss of trade to other areas and promote local employment and increase consumer choice. The proposed Stage 2 bulky goods development has a floor area of 9,000m² and will further reduce this trade escaping to other areas. The total floor area of the proposed Stage 1 & 2 development is 22,500m². This floor area would reduce the identified shortfall of bulky goods.

The proposed development is considered to be consistent with the bulky goods objectives of the Retail Centres DCP.

Part 5 of Chapter 5.1 refers to the consideration of the Net Community Benefit test criteria in consideration of any planning proposal to expand or create a new centre. The Gateway site is within the existing Wyong Tuggerah major centre and has been identified as centre support retail since the 1990s. The rezoning of the Gateway land to include the uses of bulky goods and hardware and building supplies, has effectively been under consideration since it was originally lodged with Wyong Council in 2006 which predates any Sequential Test and Net Community Benefit Test. The appropriate assessments including consideration of net community benefit assessment criteria have been undertaken as part of the rezoning of the subject land and were supported by the department of planning.

Part 6 refers to design guidelines for commercial buildings in retail centres. The objectives of design guidelines include:

- *It is important that commercial buildings assist in defining the street for pedestrians. Setbacks help people to understand where buildings are facing and where you can enter a building.*
- *Standalone shopping centres with car parking areas in front or large areas of blank wall erode the built form. Buildings that support the definition of streets and public spaces ensure the Centre is an attractive, legible place for business or pleasure.*

The subject site has been identified as a gateway to the Shire due to its high exposure and location which led to the site being known as the “Gateway” site. The site has been considered as the gateway to the Shire and identified for redevelopment since the early 1990s. Careful consideration has been given to the design of the site to ensure the outcome is consistent with the existing and future character of the area.

The DCP does not establish setbacks relative to the site; however the Masters building has been carefully designed with setbacks consistent with those required for large scale buildings found in Council’s DCP 2.12 Industrial Development. The development site has been designed with car parking central to the site and the building located adjacent to the Wyong Road frontage. The Wyong Road elevation is setback from the road approximately 33.5m with a 25m wide riparian corridor and a 6.0m access road between the site boundary and the building. Tonkiss Street elevation has a minimum setback of 10m extending to 14m in part throughout the width of the building and has a modern design with a mix of materials and colours. The site coverage of the building and landscape treatment is also consistent with that required on other large scale development.

The riparian corridor is to be rejuvenated in conjunction with this development application and is to be planted with dense vegetation including ground covers, shrubs and trees. Works within the riparian zone will seek to achieve a replica of an ephemeral creek system that mimics local conditions including the establishment of native vegetation that fits with the Swamp Sclerophyll Forest Endangered Ecological Community in terms of structure and floristics. This remaining area at the corner of the site at the Tonkiss Street/Wyong Road intersection will be landscaped with low lying shrubs and ground cover species.

Careful consideration has been given to this corner to provide façade treatment that is appealing and activates the streetscape. The inclusion of public art assists with the activation of the street corner creating an attractive entry statement to the Masters site. Public art in the form of sculptural gabion walls and rusted steel panels are proposed in strategic locations at the Wyong Road/Tonkiss Street corner of the site and the intersection of Road No.2 and Wyong Road.

As previously mentioned earlier in the report, a green wall is proposed for the eastern most 35m of the Wyong Road elevation to assist with visual integration and reduce the visual impact of the wall on the intersection. The Wyong Road façade comprises of alternating grey and white panels which will sit behind the riparian corridor. Once the riparian corridor has matured majority of the façade will not be seen from Wyong Road with the exception of the visual envelope when approaching the Tonkiss Street/Wyong Road roundabout from the east as shown in the photomontage in figure 14. This part of the site will appear as an attractive landscaped corner.



Figure 14: Photomontage looking west to the Wyong Road/Tonkiss Street intersection.



Figure 15: Photomontage looking south to Tonkiss Street.

The Tonkiss Street elevation consists of a variety of materials to create an attractive façade. Together with the proposed public art and landscaping the building presents to the street in a positive manner. The location of the building defines the street and provides clear direction of entry into the carpark and into the building. The façade articulation provides character and human scale to the building reducing the overall impact and providing visual interest.

The loading dock area is located at the north western corner of the building. The area is approximately 50 metres from Wyong Road and is buffered by the 25 metre wide riparian corridor and landscaping. The loading dock located on the western facade is unlikely to be viewed by passing traffic due to the distance from the road and the dense vegetation of the riparian corridor and along Wyong Road. However those travelling east past the site may catch a glimpse via the left in/left out Road 2 and Wyong Road intersection. This corner also proposes public art within the landscaped area which will provide visual interest and detract the eye from the view beyond.

The proposal includes two large sprinkler tanks and a pump room located on the western side of the building between the service vehicle exit and the customer entry/exit. Suitable landscape screening will reduce the visual impact to those visiting the site and future development. A condition of consent will be included requesting the landscape plans be updated to provide screening of the tanks and pump room.



Figure 16: Photomontage looking east to the Wyong Road/Tonkiss Street intersection.

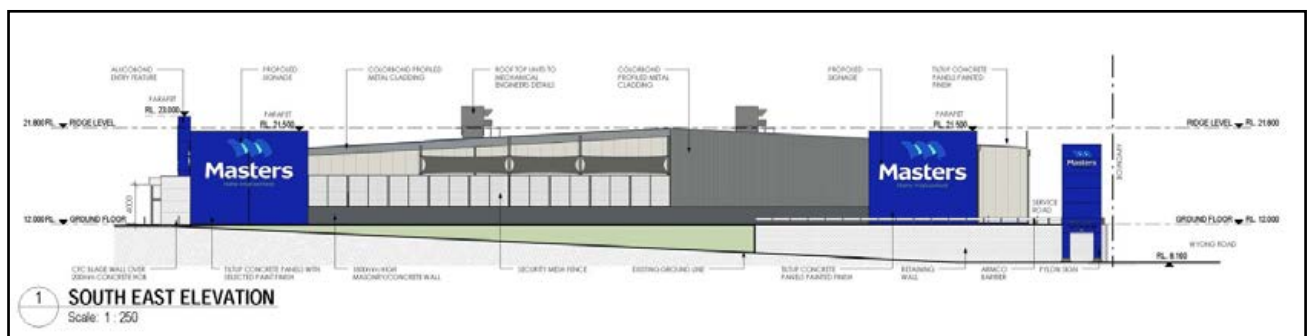


Figure 17: Tonkiss Street elevation.

Chapter 6.14 Tuggerah Precinct

Chapter 6.14 aims to guide future development within the Tuggerah Precinct. Clause 1.1 outlines the general objectives relating to the role and function of the Regional Centre. These objectives are addressed in the table below:

Table 2: DCP Chapter 6.14 Objectives.

OBJECTIVE	COMMENT
To strengthen and promote the Tuggerah Precinct as an integral component of the Tuggerah-Wyong Regional Centre.	The proposal provides additional retail choice which is considered to complement the existing retail development of the Tuggerah Precinct. The addition of greater retail choice enhances the viability of the Precinct as the retail core of the region.
To establish a clear identity and image for the Precinct as the primary focus of economic activity in the Shire and the Central Coast Region.	The proposal will enhance the identity and image of the Tuggerah precinct through the location of the existing major shopping centre and development of the Gateway site. The proposed development will strengthen the economic activity by providing complimentary retail to the existing Westfield shopping centre.
To promote the orderly use of Tuggerah development land in accordance with its status and development potential as a Regional Centre.	The proposal promotes the orderly development of the land through the establishment of the Concept Plan for Stages 1 & 2. The Concept Plan proposal is consistent with the objectives and a permissible use of the recently zoned B4 Mixed Use zone. The proposal will contribute to the identity of Tuggerah Precinct as a Regional Centre.
To encourage high quality urban design as appropriate to the presentation, perception and development of a multi-functional Regional Centre.	The proposal presents a quality urban design which fits with the context of the area as a Regional Centre. The proposed Masters and future bulky goods retail uses will add to the existing retail development in a complimentary manner. The architectural and landscape treatment of the proposed development is considered to be of high quality which is appropriate to the highly visual site presenting the perception of an upmarket, functional centre.
To provide appropriate controls and incentives to attract investment in the centre.	It is envisaged that the proposed Masters development will attract potential tenants for the bulky goods occupancy of Stage 2. The establishment of Stages 1 & 2 will encourage local investment and reduce expenditure that is identified as escaping to other retail catchments.
To promote employment generation in the Tuggerah Regional Centre.	The proposal promotes employment generation through the proposed Masters store development which will generate between 130 to 150 jobs when completed. During the construction period employment will also be generated commencing with clearing and site works to the construction of the building, roads, carpark and infrastructure.

To maintain and reinforce the Precincts existing competitive advantage centred on accessibility.	The proposal will provide additional retail choice to the existing retail premises within Westfield. The Tuggerah precinct is easily accessible through public transport and private vehicle due to its close proximity to bus, train and major arterial roads. The proposed Masters and Stage 2 bulky goods will maintain and reinforce the retail focus of the Tuggerah precinct.
To manage the traffic and parking for the benefit of the residents, business people, service personnel and visitors.	The proposed Masters development includes parking for 370 vehicles which is an additional 100 car spaces to that required under Council guidelines. The number of car spaces will result in no adverse impacts due to parking. The current proposal has been assessed to provide minimal impact in to the current traffic regime. The future development of the Stage 2 site will trigger required road upgrade works which include the signalisation of the intersection of Tonkiss Street & Wyong Road. These road upgrades have been included in a VPA entered into with the developer and the Minister of Planning.
To encourage a well-designed, safe and active public domain which contributes to the wellbeing of the community.	The proposed Masters development has been assessed against the principles of Crime Prevention Through Environmental Design which has found the development to present a safe environment. The proposal provides open areas that are well lit and promote natural surveillance. The public domain contains elements such as carpark and the building entry which can be viewed by patrons from various locations contributing to a safe and attractive public domain.
To encourage mixed use development (incorporating appropriate retail and commercial uses), which can include residential development where it is attached to other permitted buildings only.	The site has been identified for mixed use since the 1990s. The proposal provides appropriate retail choice with the proposed Masters and future bulky goods premises. This application is only for the concept plan and Stage 1 Masters development. Future development of the remaining site may investigate residential development opportunities and other appropriate uses.
To encourage a high quality building stock which can adapt over time to a range of uses.	The building has been designed to include a range of building elements and has a scale that could easily be modified to suit potential future uses if required.
To ensure that the built form defines a spatial hierarchy with a human scale which contributes to the legibility of the centre.	The building is a comfortable size that relates to the human scale. The careful location and size of entry doors and façade treatments assist to promote human scale. The proposed building design is suitable for the use and integrates suitably with the scale of other development in the locality.

To protect, rehabilitate and manage significant environmental features located within the Precinct	<p>The proposal will allow the clearing of some isolated or disturbed edges of larger stands of vegetation on the Gateway site. Appropriate offsets have been secured through the recent rezoning where the quality vegetation was rezoned to E2 Environment Conservation. This zoning secures conservation outcomes over both the existing Westfield and Tuggerah Gateway land.</p> <p>In addition, the development of the site includes the rejuvenation of the riparian corridor and flood mitigation measures to reduce the impact of overland flow to down stream property. The rejuvenation of the riparian corridor will protect and improve the viability of the riparian zone and the role it plays as an environmental feature.</p>
To reduce the impact of development on ecological systems and processes that sustains life.	The flood mitigation works include such items as the rehabilitation of the riparian corridor, construction of diversion drains and on-site detention tanks. These works will assist to reduce the impact of the development on the natural environment. The highest quality vegetation on the site is E2 land not impacted by this application.
To allow development that is compatible with the flood hazard of the land	Flood mitigation measures are proposed which include on-site detention, the reinstatement of the riparian corridor and a temporary diversion channel. The mitigation measures included with the development will minimise flood impacts. The flooding impacts have been reviewed by Council Engineers and considered satisfactory.

In accordance with the provisions of Clause 3.2.1 of Chapter 6.14 the proposed development is located within Area B1 – Old Abattoir Site. The DCP states:

“This area is to be reserved for future mixed use, centre support development involving uses associated with the Precinct. The Council will require the preparation of a Master Plan to support rezoning, but will only consider a proposal when it determines that the timing is appropriate.”

The proposed development is considered a suitable extension to the existing retail facilities at Tuggerah and is considered to be consistent with the provisions for development within the Tuggerah Precinct.

The rezoning process has been completed with the subject site zoned B4 Mixed Use. The B4 zone allows a range of uses which include retail and other commercial uses, residential, entertainment and community facilities. The current application is the first on the Gateway site and involves the establishment of a Masters Homemaker Improvement Centre and future bulky goods premises which is permissible in the B4 zone. The proposed development is consistent with the intended use of the site.

THE LIKELY IMPACTS OF THE DEVELOPMENT

a) Built Environment

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

Built Form

The proposal has been designed to present positively to Wyong Road and Tonkiss Street and provides a design response that integrates with the area. Key elements incorporated in the built form include:

- architectural treatment which includes a variety of materials and textures to the façade;
- the location of main entry directly off the new internal access road providing clear access;
- effective signage with significant landscaping; and
- public art.

These features provide a strong streetscape presentation while responding to existing character, site context and surrounding land uses.

The scale and bulk is in line with that of similar bulky goods and hardware retailers and is fit for purpose. The built form of the development is consistent with the size of the land parcel and the context of existing surrounding development. The bulk, scale, height and character of the proposed development is considered suitable for the site particularly noting the use is compatible with the zoning affecting the site.

Traffic generation

The Traffic and Parking Report submitted with the development application analysed the worst case scenario of traffic generation associated with the proposed development on the surrounding road network including the provision of new access points to Wyong Road and Tonkiss Street. The assessment found that the road network, including internal roads, have adequate capacity to cater for the forecasted additional traffic flows at a satisfactory level of service as a result of proposed Stage 1 - Masters Homemaker Centre. Traffic likely to be generated by the development can be accommodated within the road network and is within the range considered appropriate for the regional centre.

The VPA associated with the rezoning includes a threshold imposed by the DP&E upon the Gateway rezoning for an upgrade of the Wyong Road / Tonkiss Street / Woodbury Park Drive roundabout to traffic signals. The threshold for upgrade is any building works on the subject land resulting in a floor area of 14,000m² or greater. The first stage of the Concept Plan is for a floor area of 13,500m² (Masters) which defers the signalisation of the intersection to Stage 2 or any development that increases the floor area beyond 14,000m².

These roadworks form part of the broader transport infrastructure requirements as identified in the State Significant Project – Tuggerah Town Centre study for the DP&E.

It is expected that traffic generation by the proposed development will have its greatest effects during the weekday afternoons and Saturday peak periods when it combines with commuter and other traffic. The traffic assessment found that the additional Masters traffic would not create substantial adverse impacts and would result in the intersections operating at satisfactory levels of service during peak periods.

The development will necessitate the completion of road infrastructure in accordance with the relevant provisions of Council's Civil Works Design Guidelines. Conditions will be recommended requiring at least the provision of new accessways, reinforced concrete footpaths, road pavement upgrade, signage and line marking and augmentation of existing street drainage lines.

The development will be supported with a Road Safety Audit as part of the Construction Certificate in accordance with Council's Civil Works Design Guideline.

Internal Roads, Access and Parking

The internal roads and access points have demonstrated compliance with AS/NZS 2890.6 (2009) – "Off-street parking for people with disabilities". The main access road to the entire site is the Tonkiss Street access. In accordance with the Masterplan for the Gateway site, this road is required to become a public road when future development of the remaining site occurs. The development of the remaining parts of the site is currently unknown and will be subject to future rezoning and development applications. The road has been designed to enable appropriate servicing and the dedication as public road in the future.

The proposed off-street car parking dimensions, vehicle maneuverability and internal driveway grades will need to comply with AS/NZS 2890.1 (2004) - "Off-street car parking". The proposed loading areas, vehicle maneuverability and internal driveway grades will need to comply with AS 2890.2 (2002) – "Off-street commercial vehicle facilities". These requirements can be accommodated in the development conditions and considered at the Construction Certificate stage.

Service access has been designed to be separate from customer access. Service access will be via the service lane accessed from Tonkiss Street and operating in a one way direction along the northern boundary to the loading dock area. Trucks will then exit via the dedicated service egress to proposed Road 2.

The proposal includes 370 car spaces which is greater than the minimum of 270 spaces required under Council's DCP Chapter 2.11 Parking and Access. The parking provisions are therefore adequate with parking unlikely to create an adverse impact in the area as a result of the proposal.

Drainage

The site falls to the north eastern corner of the site (Wyong Road / Tonkiss Street / Woodbury Park Road intersection). A number of natural watercourses meander through the site from catchments to the south and the opposite side of the M1 Motorway. A series of culverts are located in the lowest part of the site, which discharge to an open channel located on the northern side of the existing roundabout (traverse diagonally). The submitted Civil and Services Report by Mott MacDonald dated December 2014, has identified the northern set of culverts as two, 2450 x 1200 Reinforced Concrete Box Culverts (RCBC).

The southern set of culverts has been identified as three, 3100 x 900 RCBC. The photo below details the southern set of culverts with the northern set shown in the background.



Figure 18: Photo showing both sets of culverts that discharge under Wyong Road/Tonkiss Street intersection. (Red circle identifies location of the northern culverts).

The majority of flows under existing conditions drain to the southern set of culverts. The northern culverts provide additional flood capacity during flood events.

Clarification was requested in regard to the proposed 'mixing chamber' located at the intersection of Tonkiss Street and Wyong Road. Revised civil engineering plans were submitted showing that low flows are intended to be directed through the northern set of culverts with the southern set of culverts designed to provide capacity during higher intensity storm events. A change in alignment of the southern set of culverts will improve the efficiencies of this culvert system. The commercial vehicle access road is to be cantilevered over this mixing chamber with an underside clearance of approximately 3 metres provided. A suitable easement for maintenance will be required to enable Council access to maintain the culverts.

Council's engineering staff have reviewed the proposal and considered that it adequately meets drainage and flooding needs.

Easement

An investigation of Deposited Plans 1084221 & 1056960 has identified a burden associated with one of these properties; an Easement for Transmission Line 30.48 wide. Transition channel works are proposed within this easement. Ausgrid has provided consent to the works in correspondence dated 15/6/2015.

Earthworks

Due to the required platform levels of the structure and carpark, a 4 metre retaining structure and batter slopes have been proposed. Council's Senior Subdivision Inspector has advised that the large stockpile onsite was from the original Westfield Tuggerah works.

The extent of fill required in the north eastern corner of the site is approximately 4 metres in height and it is expected that some of the stockpile may be used to create the building platform and benching of the site with the remainder consumed on site with the earthworks associated with the removal of the existing drains within the centre of the site.

This is considered acceptable given the existing topography of the site.

Waste Disposal

A waste collection area has been located at the rear of the building within the receiving area which is away from the general public domain. The area is an enclosed bin enclosure and waste vehicles can access via the commercial vehicle only accessway from Tonkiss Street. The bin enclosure is located to reduce conflict with the general public and minimise visual impacts. Conditions are proposed with regard to ongoing waste services.

Crime and Public Safety

In considering crime and public safety the Crime Prevention Guidelines have been referenced. The Guidelines identify four principles that can be used in design to prevent or minimise crime. They are Surveillance, Access control, Territorial reinforcement and Space Management.

The four principles have been considered by the applicant and summarised as follows:

Surveillance: the proposed development provides areas of space where people can see and interact with each other creating a safe public environment. Natural surveillance has been achieved through these open areas and internal security management. The lineal built façade reduces areas of conflicting sightlines and provides for casual surveillance. The development also presents well to Wyong Road, Tonkiss Street in addition to the internal street to maximise surveillance to the public domain.

Access control: design measures can be used to attract, channel or restrict pedestrian and vehicle movement. The proposal clearly defines pedestrian and vehicle entry points and clear signage to channel pedestrians into the development from the carpark in a suitable manner.

Territorial reinforcement: is a key element in the design of the proposed Masters development. The public are given a sense of ownership of internal areas and quality lighting, materials and finishes are proposed to be used to promote a positive environment. Servicing and delivery areas are separated to minimise potential conflicts.

Space management: is linked to territorial reinforcement and ensures that spaces are well used and maintained. The development will be maintained in a comfortable, clean and coordinated manner by the operators. Maintaining the centre in such a way is not only important for crime prevention and safety but is important to the commercial viability of the centre.

The development proposal is considered to present a safe environment through the design of the building and carpark. Natural surveillance and access control are key elements in creating a safe environment for those employed and visitors to the premises. The open nature of the carpark, line marking and signage provides a clear delineation of pedestrian and vehicle access to promote a safe pedestrian and vehicle traffic. The lineal design of the elevations reduces the possibility of unsafe areas that could harbor unsavory behavior and allows casual surveillance through straight sight lines. The ongoing maintenance and cleanliness of the development promotes a healthy and attractive environment that attracts people to the store.

Economic Impact

The site has been identified for centre support retail since the early 1990s. The rezoning application recently gazetted was supported by detailed economic assessment supporting the redevelopment of the Gateway site.

Wyong Council's Retail Centre's Strategy identifies a significant undersupply of bulky goods floor space in Wyong (21,000m² shortfall). The proposed Masters store will be a new introduction of a nationwide major tenant into the regional retail centre at Tuggerah-Wyong. The proposal will assist in the undersupply of bulky goods floor space in the region.

In terms of net community benefit the level of retail services and facilities will be improved by the proposed expansion to the retail offerings of Westfield Tuggerah and the proposed development of the subject site. The proposal will add to customer choice, competition and investment development within the major centre. The proposed development of the Gateway site provides the trade area and the Central Coast region with an improved key regional retail centre. The proposal will provide effective competition to the retail centre which provides additional benefits to the wider community.

The Tuggerah regional centre will remain viable with the addition of the proposed Masters Homemaker Improvement Centre. The proposal will add to diversity of retail development while providing for a wider range of goods and services which contribute to employment and economic growth within the Shire.

The proposed development is considered to be satisfactory in terms of impacts on the built environment.

b) Natural Environment

Flora

The proposed development of the site has been designed to avoid areas of high biodiversity values as far as possible through the rezoning process. The rezoning of the subject land allowed for the clearing of some isolated and disturbed edges of larger stands of vegetation on the Gateway site with appropriate offsets consolidating an ecological corridor of environmental conservation areas over both the Gateway site and the adjacent Westfield site. The setting aside of higher valued environmental conservation areas in an E2 Environmental Conservation zone will ensure a corridor of long term habitat is protected in the future.

The clearing of isolated and disturbed vegetation is proposed within the Concept Plan. The proposed works also include the establishment of a 25m wide vegetated riparian corridor adjacent to the Wyong Road frontage.

The site contains about 36 ha of Swamp Sclerophyll Forest has been mapped within around 1.5km of the site (NSW Land & Property Information 2015 & Bell 2002). The removal of 0.43ha of the Swamp Sclerophyll Forest EEC equates to a loss of around 1.2% of the local occurrence of this community. The removal of 0.43ha is unlikely to constitute a significant impact.

One threatened flora species *Melaleuca biconvexa* was identified on the site. The ecological assessment has concluded that the proposal is unlikely to have a significant effect on the local population of *Melaleuca biconvexa* both in terms of the NSW and national assessments of significance because:

- The species is relatively abundant in the locality and the region and the stems on site comprise a small, largely isolated sub-population of a much larger local population;
- The proposal will not remove all of the *M. biconvexa* from the study area and the removal of between 163 and 230 stems of the sub-population on site is unlikely to comprise an ecologically significant proportion of the wider local population and is not considered important to the long-term persistence of the species in the locality;
- A reasonably large number of *M. biconvexa* is conserved within E2 conservation lands in the immediate locality, including the larger priority conservation sub-population to the north of Wyong Road and a further 210 stems to be conserved within exhibited E2 lands south of the existing Westfield shopping centre;
- The small sub-population on site is not one of the nominated management sites for this species under the Saving our Species program in order to secure it from extinction in NSW for 100 years; and
- The proposal is unlikely to create any significant additional barriers to the movements of pollinators through this already highly urbanised landscape and is unlikely to adversely affect the lifecycle or viability of the wider local population given the dominant mode of reproduction in the Wyong Area is through vegetative means (suckering).
- Whilst the proposal is unlikely to have a significant impact on *M. biconvexa* in the locality, the proposed restoration of the riparian corridor on the site, including the re-establishment of Swamp Forest vegetation and plantings of *M. biconvexa* aims to offset the loss of this species and associated habitat within the Stage 1 development site and to promote the recovery of the species in the locality over the medium to long-term.

A NSW Assessment of Significance was also completed for another NSW listed threatened species *Rhizanthella slateri* (Eastern Underground Orchid) because the Coastal Narrabeen Moist Forest remnant on site provides good potential habitat (but it was not detected). This also concluded that the proposal is unlikely to have a significant impact on any local population of this species if present.

Fauna

Assessment of threatened species on the site has found a potential five threatened bat and a further two species possibly identified as being Eastern False Pippistrelle and Large Footed Myotis. Potential roosting/breeding habitat for the hollow dependent species is also present onsite in form of 7-9 hollow bearing trees which are all proposed for removal.

A NSW assessment of significance has been prepared for these NSW listed microbat species pursuant to section 5A of the EP&A Act and concluded that the current proposal is unlikely to impose a significant adverse impact on this species given:

- Proposed development would reduce the extent of native vegetation in the locality but would not isolate any areas of habitat nor sever any important wildlife corridors for these mobile species;
- The resources to be removed or disturbed are associated with fragmented remnant vegetation and are likely to have limited value for local populations in the context of extensive areas of alternative, less-disturbed habitat for these highly mobile species in the locality;
- The project would affect only a small proportion of the habitat available to local populations of the species given the extensive areas of alternative habitat in the vicinity of the site; and
- Local populations are likely to persist in alternative habitat outside the site and in retained vegetation within the site.

Consideration of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) listed migratory fauna species Cattle Egret (observed during survey) and Rufous Fantail, Black-faced Monarch and Rainbow Bee-eater were discussed in the assessment. It was concluded that the proposal is unlikely to impose “a significant effect” on any of the listed migratory fauna species as the site is highly modified and would have limited value for these migratory species. A Species Impact Statement or referral to the Commonwealth Environment Minister is not required for the proposal in terms of any of the identified threatened or protected migratory entity issues.

The Ecological Assessment Report recommends a number of mitigation measures including the preparation of a Construction Environmental Management Plan (CEMP). It is recommended that mitigation measures are incorporated into consent conditions to ensure that the site is cleared in an environmentally sensitive manner and that vegetation to be retained on the site and adjacent sites is protected. Based on the field surveys, habitat and impact assessments and provided that the mitigation measures listed above are complied with, it is concluded that the proposed development is not likely to have a significant impact on any threatened or migratory species, populations or ecological communities, or their habitats.

An existing dam in the north eastern corner was identified as potential habitat for nine frog species. While this dam is outside the construction area for Stage 1 and will not be impacted by construction works associated with Stage 1, it will require attention with the future development application for Stage 2. No further action was considered necessary with this application.

There will be no significant impact upon the natural environment as a result of the proposal.

All other relevant issues regarding the likely impacts of the development have been discussed throughout this report. In general, it is considered that the property is suitable for the proposed Concept Plan and Stage 1 – Masters Homemaker Improvement Centre subject to conditions.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

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

- Flooding
- Bushfire
- Acid Sulphate Soils

Flooding

The site is located within the Mardi Creek / Wyong River Catchment and Council's records indicate that the site is affected by flooding and/or minimum floor level requirements. Council's Senior Planning Engineer Hydrology has reviewed the Flood Impact Assessment dated September 2015 and is satisfied that flooding can be managed appropriately with no significant flooding impacts as a result of the development.

Mitigation measures to manage the effects of flood have been included in the proposal such as the provision of on-site flood detention (1400m³) and the construction of a drainage channel to divert upstream catchment runoff around the development site.

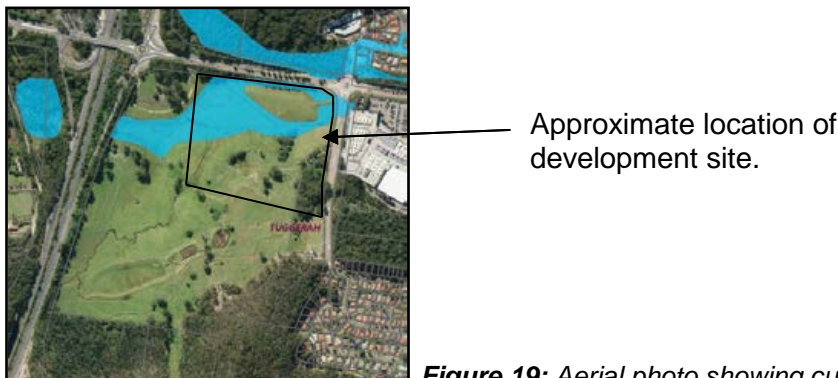


Figure 19: Aerial photo showing current flood prone land.

Bushfire

A review of Council's Bushfire mapping shows that most of the Gateway site is not bushfire prone with the exception of the boundaries which are in mostly in the bushfire prone area.

The stand of vegetation on the eastern part of the site fronting Tonkiss Street is shown as a potential source of fuel and the vegetation along the north of the site within Wyong Road reserve is also mapped as bushfire prone land. This vegetation is proposed to be removed as part of the Stage 1 development therefore removing the potential risk. The proposed Masters development is located in an area surrounded by existing and proposed managed road reserves. The subject land is separated from vegetation to the north by Wyong Road and will be bordered along the road frontage by the rehabilitated riparian corridor.

The site is unlikely to be at risk from bushfire. No referral to the RFS was required as the site was not integrated development.

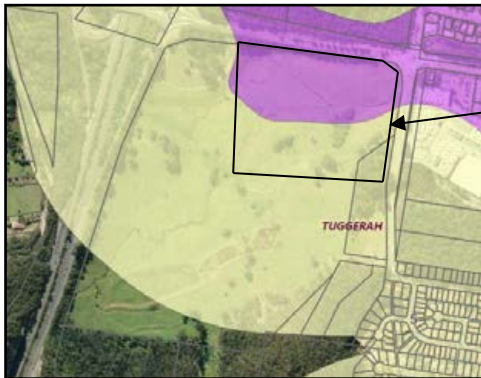


Approximate location of development site

Figure 20: Aerial photo showing bushfire prone land.

Acid Sulphate Soils

The site is identified as having Class 4 and Class 5 acid sulphate soils as previously discussed in the report. The proposal includes an Acid Sulphate Soils Management Plan to manage works in accordance with the Acid Sulphate Soils Manual. Any works undertaken can be appropriately managed via application of this manual. Compliance with this manual is included as a condition of consent.



Approximate location of development site

Figure 21: Aerial photo showing the portion of the site affected by acid sulphate soils .

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

Any Federal, State and Local Government interests and community interests.

There are no matters associated with the proposal that would be considered substantially contrary to the local or community interest. The proposal will create additional employment and retail opportunities for the Central Coast Region. The proposal facilitates the development of vacant land at the north eastern end of the Tuggerah Gateway into a modern retail and bulky goods development which is in accordance with the recent rezoning of the site. The proposal provides substantial improvements on the existing centre and will enhance the regional role of the centre through increasing the trade offer and competition.

The Tuggerah area has been within State and Local government interest since the early 1990s. The Tuggerah area was gazetted as a State Significant Site in 2009. The proposed development recognises the role of the site as a focal point of the Tuggerah regional centre by creating and reinforcing linkages within the site and enhancing the image of the centre from the surrounding road network. The proposal will improve and strengthen the significance of Tuggerah as part of the regional Tuggerah-Wyong centre. The site is ideally suited for the proposed development and the use is considered to have a positive benefit to the people of the locality and the wider community.

OTHER MATTERS FOR CONSIDERATION

Section 94A Contributions

Section 94A contributions are payable for the proposal under the *Environmental Planning and Assessment Act 1979* and are conditioned accordingly.

Water and Sewer Contributions

Water and sewer contributions are payable for the proposal under the *Water Management Act 2000* and will be included under the Section 306 Notice of Requirements for the proposal.

Voluntary Planning Agreement (VPA)

A VPA has been entered into between the developer and the Minister of Planning. The agreement relates to the provision of traffic infrastructure required as a result of the rezoning and defines necessary traffic upgrades. It is anticipated that these works will mitigate future traffic congestion in the area.

Central Coast Regional Strategy

The Central Coast Regional Strategy outlines the planning strategies for the Central Coast Region over the next 25 years and covers the local government areas of Wyong and Gosford.

The Strategy nominates Gosford as the Central Coast's existing regional city and Tuggerah-Wyong as the only major centres on the Central Coast. The population of the Central Coast is expected to grow by around 80,000 by 2031 with the majority of this growth in Wyong Shire.

Based on the Strategy, Wyong and Tuggerah will combine to perform economic, employment, civic, entertainment and recreation roles for the north of the Central Coast. For Tuggerah, expansion of retail floor space for the Wyong Shire catchment area, improvement of connections between employment locations and Tuggerah Railway Station and provision of new retail and business opportunities are greatly encouraged in the regional Strategy. This application contributes positively to achievement of the strategy outcomes.

Wyong Shire Retail Centres Strategy

Wyong Council has recently undertaken a review of retail centres in the Shire and has prepared a Strategy to manage and promote development in retail centres. The Wyong Shire Retail Centres Strategy was adopted by Council in 2013. The strategic framework for the centres within Wyong LGA will allow for:

- Centres to grow and respond to the changing retail environments;
- Centres that have the capacity to meet the growth in demand generated by population growth;
- Centres that provide residents with the widest possible range of shopping opportunities and commercial services;
- Conveniently located and accessible centres;
- Protection of the integrity of the existing centre network and viability of existing centres to ensure that they continue to provide for the need of the community;
- Protection and creation of employment opportunities in centres; and
- Sustainable centres in terms of infrastructure provision particularly transport infrastructure.

The hierarchy of centres within the Wyong Shire retail network identifies Tuggerah-Wyong as the major centre serving the whole LGA in terms of higher order comparison shopping, and provides a range of business, retail, cultural, entertainment and recreational activities.

The Strategy recognises that Tuggerah-Wyong is the major employment centre in the Wyong Shire. Expansion of the regional centre will result in the creation of jobs which will assist in addressing unemployment in the area.

It is expected that if the current retail centre at Tuggerah is expanded it could result in a greater proportion of expenditure from Wyong Shire households being retained within the Shire. This is likely to have a positive flow-on effect to other lower order centres by reducing the number of trips beyond the LGA for retail purchases and through support to local retailers and local jobs.

Heritage Assessment

The Gateway site is not identified under WLEP as having any heritage items. However, a Heritage Impact Statement (HIS) was undertaken for the rezoning process. This HIS included an Aboriginal Heritage Assessment and an Archaeological and Cultural Assessment.

The Aboriginal Heritage Assessment concluded that no archaeological sites were identified on the Gateway site. There was one area identified as having potential for Aboriginal artefacts which is a rocky outcrop located in the north western corner of the site adjacent to the Motorway. This area is not within the study area for this development application. However a standard condition of consent will be included advising that if any artefacts are uncovered during site construction works, all work is to cease until appropriate procedure can be followed.

The Archaeological and Cultural Assessment found that the majority of the site is not considered to have any heritage significance. The exception was an area on the eastern side which was once a slaughter house associated with the historic use of the land as an abattoir. The assessment identified that should the development involve excavation, relics may be exposed and an excavation permit under Section 140 of the NSW Heritage Act 1977 is required. It further stated that the excavation or removal of non-historic stockpiles of fill do not require an excavation permit. The proposed development of Masters and future Stage 2 has some land within this identified area. The works do not involve excavation but do involve the removal of a non-historic stockpile therefore the proposed works with Stage 1 do not require an excavation permit or supervision by a suitably qualified archaeologist. A condition of consent will also be included advising that if any artefacts are uncovered during site construction works, all work is to cease until appropriate procedure can be followed.

CONCLUSION

The proposal has been assessed using the heads of consideration in Section 79C of the *Environmental Planning and Assessment Act 1979*.

The development is considered to be consistent with the objectives of the controls for the site and consistent with Council's LEP and other DCP requirements. The proposal is considered to deliver a high standard of design and will benefit the social and economic development within the area.

The development of the Gateway site will benefit the local and wider community with the introduction of the Masters Homemaker Improvement Centre and the Stage 2 bulky goods component. The proposed development will strengthen the Tuggerah-Wyong area as a regional centre contributing positively to employment opportunity and investment within the local community and ultimately the upgrade of the intersection of Tonkiss Street and Wyong Road (with future stages). The layout and design of the proposal is well suited to the site, location and the future character and scale of development in the area. It is generally considered the proposed development is suitable for approval subject to conditions.

ATTACHMENTS

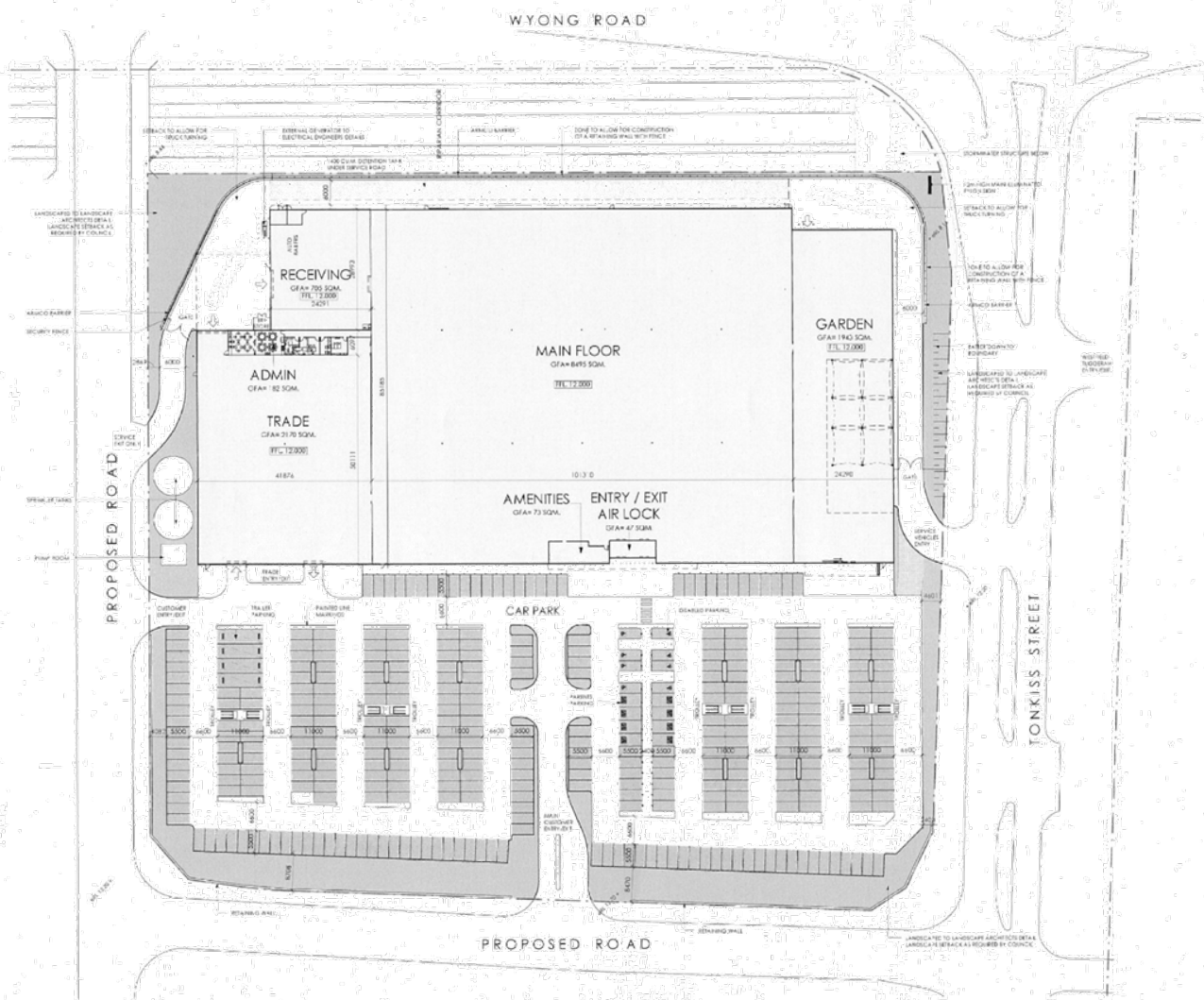
Attachment 1 – SEPP 64 Assessment Table

ATTACHMENT 1: SEPP 64 Schedule 1 Assessment Criteria

Cl.8	Matters for Consideration	Proposed
1	<p>Character of the area</p> <ul style="list-style-type: none"> Is the proposal compatible with the existing desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposed signage is compatible with the existing and desired character of the developing major commercial centre. The proposal is consistent with the theme for outdoor advertising within the subject site and surrounding environment (Westfield).</p>
2	<p>Special areas</p> <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The proposal does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.</p>
3	<p>Views and vistas</p> <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<p>The proposed signs integrate with the surrounds maintaining an attractive vista. The proposal does not compromise or obscure any views, dominate the skyline or reduce the vista.</p> <p>The proposed signage does not obstruct or clutter views of existing signage of neighbouring properties or any general advertising signs in the locality.</p>
4	<p>Streetscape, setting or landscape</p> <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>The scale and form of the signs are appropriate for the proposal and the streetscape, setting and landscape. The signage treatment of the proposed building is compatible with similar development constructed throughout metropolitan centres of NSW. The proposal contributes to visual interest by providing modern and visually appealing signs. The proposed signage will enhance the presentation of the building by adding visual interest in a co-ordinated manner to large wall elements of the building. The proposal does not protrude above buildings, structures or tree canopies and does not require ongoing vegetation management.</p>

5	<p>Site and building</p> <ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The proposed signage is appropriate for the scale of the site and building. The architectural integrity of the building is maintained by providing visual interest to the facades. The integration of the signs into the building facades is a positive urban design outcome with the use of graphics providing an innovative feature.</p>
6	<p>Associated devices and logos with advertisements and advertising structures.</p> <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>There are no such additional devices.</p>
7	<p>Illumination</p> <ul style="list-style-type: none"> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? 	<p>The proposed illuminated signs have been designed to comply with the provisions of the Transport Corridor Outdoor Advertising Signage Guidelines and Australian Standard AS4228-1997.</p> <p>Internal lighting will be sufficient to illuminate the primary Masters signage zone at night. No unacceptable glare or light spillage will be created.</p> <p>The relatively low level of light emission from the illuminated signs would not affect safety. It is expected that safety of pedestrians would be improved by a modest increase in the ambient level of light within the carpark and adjacent to the building.</p> <p>The lighting has been designed so that no lighting will impact any residential development in the vicinity of the site. The intensity of the illumination can be adjusted with light emissions to be substantially reduced to ambient night lighting levels similar to those already produced by street lighting and the adjoining Westfield centre signage.</p> <p>The lighting is not subject to a curfew due to the location of the site on a major arterial road. It is considered that some increase in lighting levels at this location will enhance the public safety and security in this portion of the locality.</p>
	<p>Safety</p> <ul style="list-style-type: none"> Would the proposal reduce the 	<p>The proposed signage is designed and located in a manner that does not distract</p>

	<p>safety for any public road?</p> <ul style="list-style-type: none">• Would the proposal reduce the safety for pedestrians or bicyclists?• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring• sightlines from public areas?	<p>drivers or impact on road safety in adjoining streets. No flashing or moving signage is proposed and low glare lighting is utilised. The sign location would not have an impact on sight lines to public areas. The RMS have raised no objection to the proposed signage.</p>
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SUB	AMENDMENT	DATE	CHKD
1	ISSUE FOR INFORMATION	23-10-14	
2	WIDTH OF SERVICE RD, GATE LOCATION & FENCE	27-10-14	
A	ISSUE FOR DA	14-11-14	
B	BOUNDARY AMENDED, SITE AREA REVISED, DETENTION TANK ADDED	05-12-14	
C	DETENTION TANK REVISED, SECONDARY CUSTOMER ENTRY/EXIT REVISED, SERVICE EXIT MOVED 1.5m SOUTH	12-12-14	
D	BALLERS ADDED IN RECEIVING	27-03-15	
E	2x DISABLED PARKING SPACES MOVED	24-05-15	
F	SPRINKLER TANKS MOVED	06-05-15	
J	TRADE ENTRY/EXIT, AMENITIES & ENTRY AIRLOCK REVISED TO SUIT FEASIBILITY PLAN C	22-05-15	
K	NET SIGNAGE REVISED	01-06-15	

NO PLANNING ADVICE HAS BEEN SOURCED FROM COUNCIL AND LOCAL AUTHORITIES IN THE PREPARATION OF THIS SITE MASTERPLAN.
ALL STRUCTURE, FENCE, RAILINGS, LANDSCAPE AREAS, CAR PARKING, NUMBERING AND THE USE ARE SUBJECT TO COUNCIL APPROVAL.

ENTRANCE, EXITS & CAR PARKING LAYOUTS ARE PRELIMINARY ONLY AND SUBJECT TO VARIOUS ENGINEERS DESIGN. SEE ACCESS POINTS SUBJECT TO ROAD DESIGN.
SEE BOUNDARIES AND SITE AREAS INDICATIVE ONLY & SUBJECT TO COMMUNITY LICENSED SURVEYOR.

TOTAL SITE AREA	• 32,995 SQM
DEVELOPABLE AREAS	
MAIN FLOOR	• 8,492 SQM
ADMIN, AMENITIES & ENTRY	• 1,392 SQM
EXTERNAL GARDEN	• 1,143 SQM
TRADE CENTRE	• 2,170 SQM
RECEIVING	• 2,288 SQM
TOTAL HARDWARE DIA	• 13,485 SQM
SITE COVERAGE	• 41.8%

CARPARKING	
DISABLED	• 19
STANDARD	• 44
PARTIALS	• 6
UNOCCUPIED	• 262
TOTAL CAR SPACES	• 329
	• 1.8%



SITE PLAN
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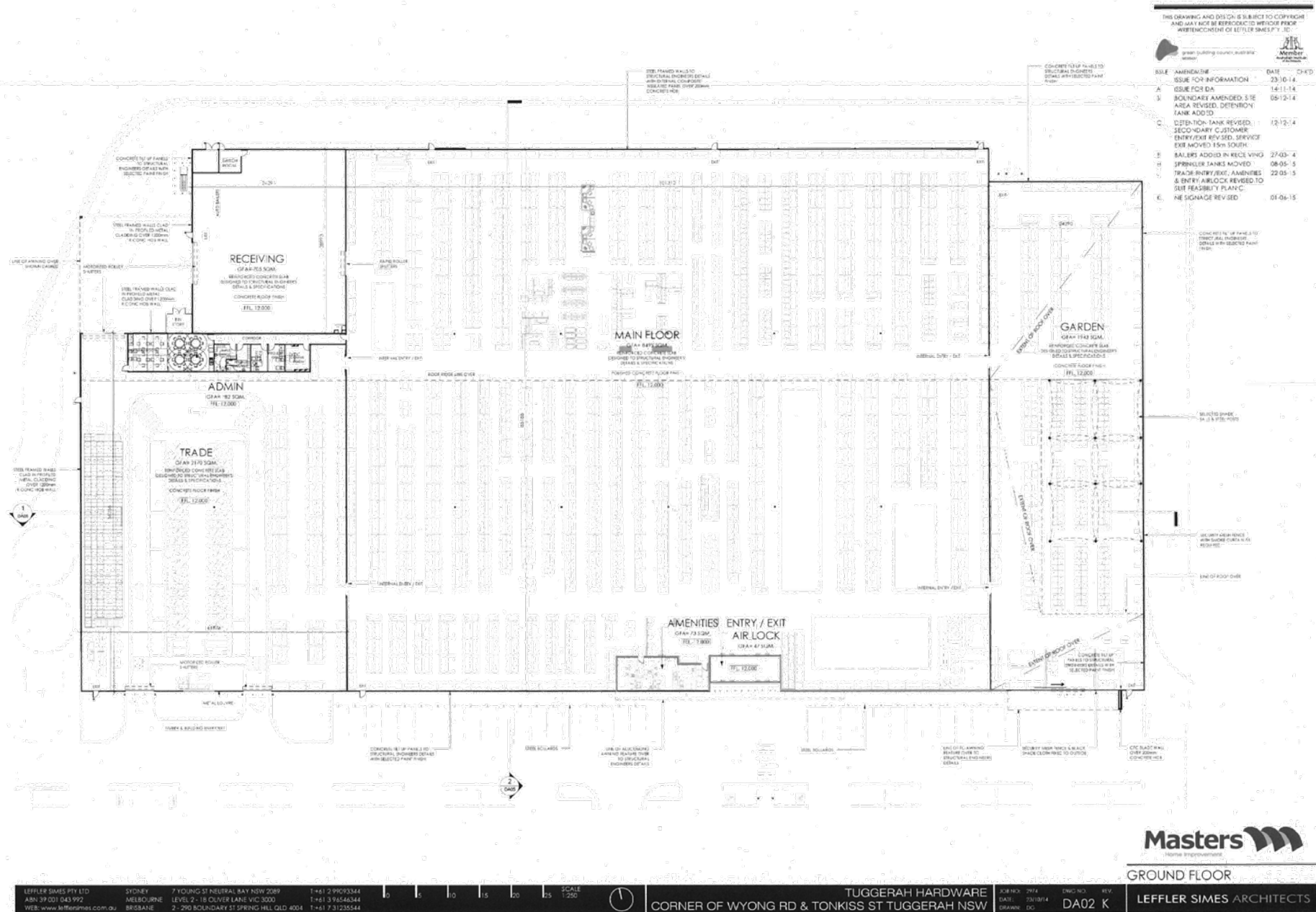
SYDNEY
7 TOUNG ST NEUTRAL BAY NSW 2089
LEVEL 2, 18 OLIVER LANE VIC 3200
2-290 BOUNDARY ST SPRING HILL QLD 4004

MELBOURNE
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T+61 3 96566344
T+61 7 31235544

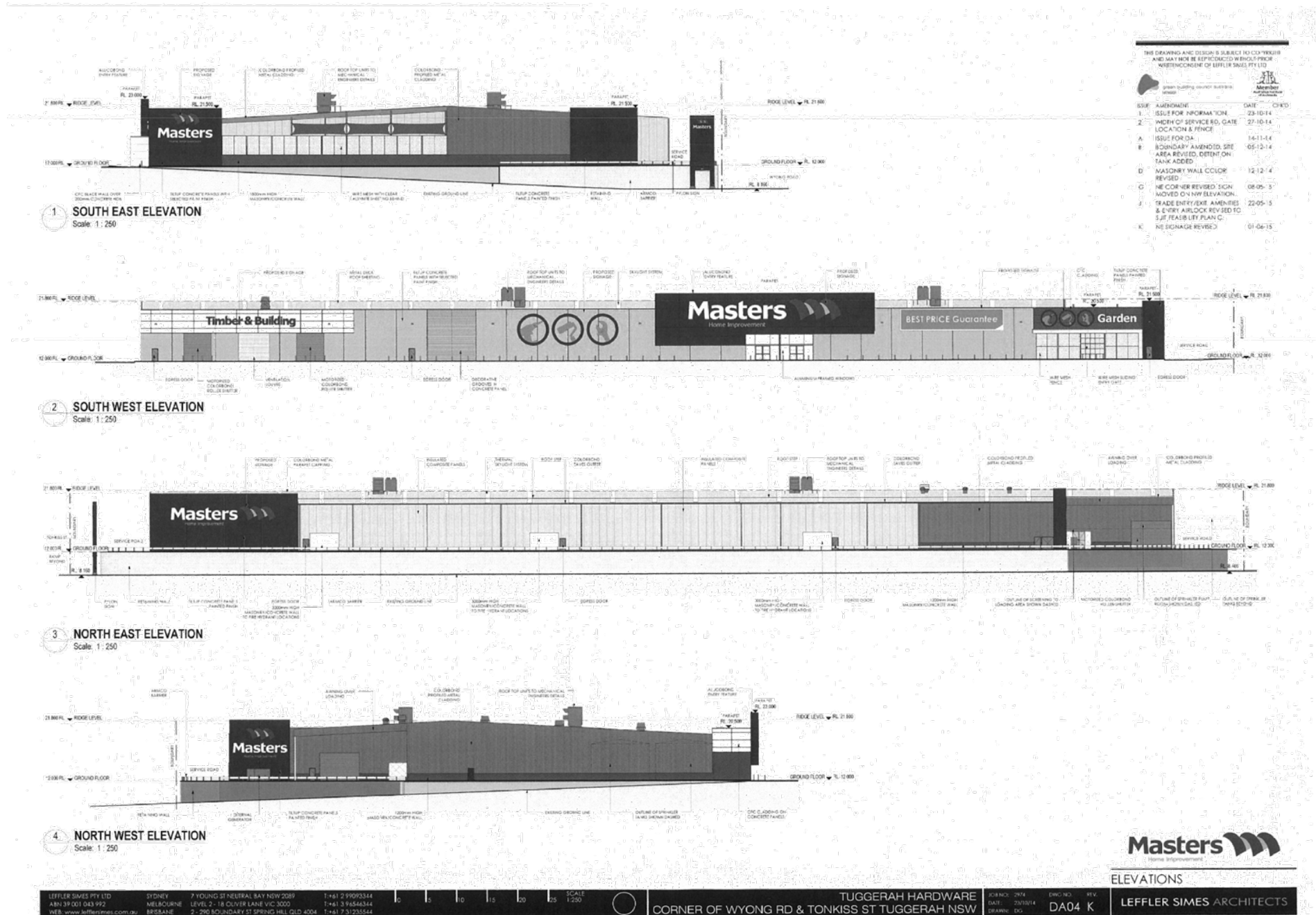
TUGGERAH HARDWARE
CORNER OF WYONG RD & TONKISS ST TUGGERAH NSW

JOB NO: 2974
DATE: 28/10/14
DRAWN: DG

SHEET NO: 014
DA01 K







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green building council australia Member No. 123456789	DATE: 22-10-24 CHD
ISSUE 1	AMENDMENTS
A	ISSUE FOR DA
B	BOUNDARY AMENDMENT, SITE AREA REVISED, DETENTION TANK ADDED
C	DETENTION TANK REVISED, SECONDARY CUSTOMER ENTRY/EXIT REVISED, SERVICE EXIT MOVED 15m SOUTH
D	TRADE ENTRY/EXIT ADJUSTMENTS & ENTRY AIRLOCK REVISED TO SUIT FEASIBILITY PLAN C
K	NE SIGNAGE REVISED

1 Section 1
DA02
Scale: 1:250

2 Section 2
DA02
Scale: 1:250



SECTIONS

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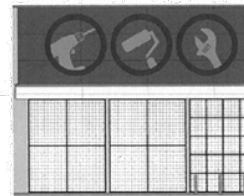
TUGGERAH HARDWARE
CORNER OF WYONG RD & TONKISS ST TUGGERAH NSW

PLAN NO: 2074
DATE: 28/10/24
DRAWN: DC

DA05 K



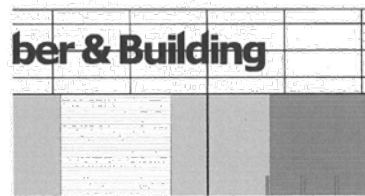
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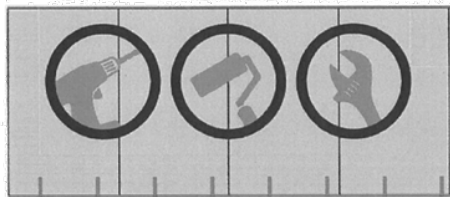
9 SMALL ICONOGRAPHY
Scale: 1:100



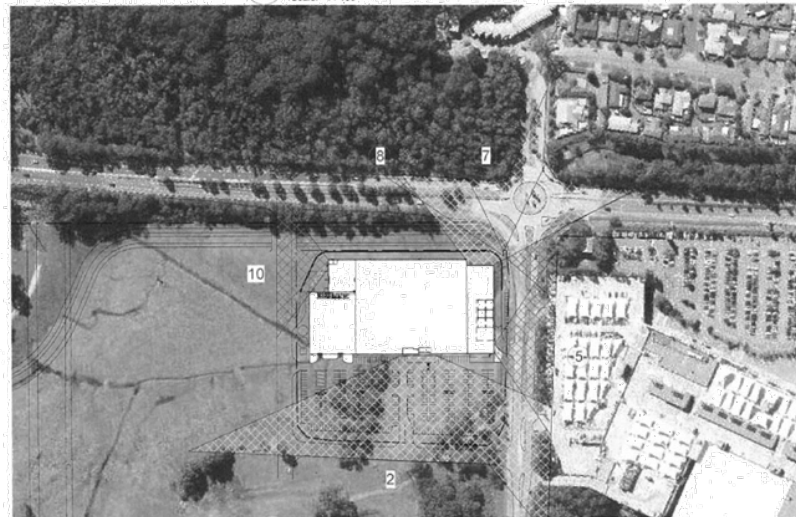
8 MAIN SIGNAGE 2
Scale: 1:100



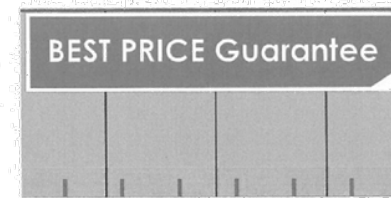
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Scale: 1:100



12 LARGE ICONOGRAPHY
Scale: 1:100



2 MAIN SIGNAGE 1
Scale: 1:100



3 VALUE SIGNAGE
Scale: 1:100



7 MAIN PYLON SIGN
Scale: 1:100



5 MASTERS SIGNAGE 2
Scale: 1:100



4 GARDEN CENTRE SIGNAGE
Scale: 1:100



AERIAL VIEW

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SCALE
1:100

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TUGGERAH HARDWARE
CORNER OF WYONG RD & TONKISS ST TUGGERAH NSW

FILE NO: 2014
DATE: 25/10/14
DRAWN: DG

DATE: 25/10/14
DRAWN: DG

DATE: 25/10/14
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status

Member
Architect
No. 116

REV	AGENDAMINE	DATE	CHG'D
1	ISSUE FOR INFORMATION	23-10-14	
A	ISSUE FOR DA	14-11-14	
B	BOUNDARY AMENDED, SITE AREA REVISED, DETENTION TANK & ADD	05-12-14	
C	DETENTION TANK REVISED, SECONDARY CUSTOMER ENTRY EXIF REVISED, SERVICE EXIT MOVED - 5m SOUTH	12-12-14	
J	TRADE ENTRY/EXIT, AMENITIES & ENTRY AIRLOCK REVISED TO S.J.E. FEASIBILITY PLAN C	22-05-15	
K	NE SIGNAGE REVISED	07-06-15	



SITE PLAN

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SCALE
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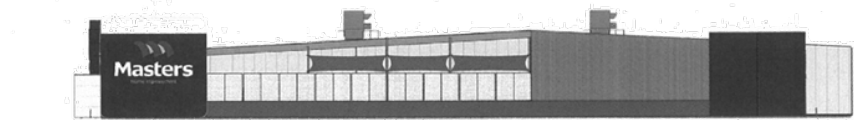
TUGGERAH HARDWARE
CORNER OF WYONG RD & TONKISS ST TUGGERAH NSW

JOB NO: 2014
DATE: 25/10/14
DRAWN: DG

ENCL NO: 1
REV: SA01 K



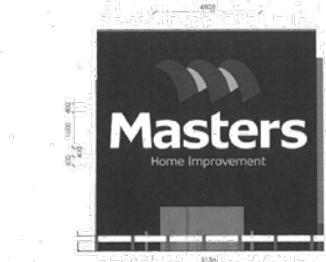
1 NORTH EAST ELEVATION SIGNAGE
Scale: 1:250



2 SOUTH EAST ELEVATION SIGNAGE
Scale: 1:250



7 NORTH WEST ELEVATION SIGNAGE
Scale: 1:250



4 MASTERS SIGNAGE 1 DETAILS
Scale: 1:100
SA03
2000 MM VERTICAL ICON
APPLIED TO FACED INDIVIDUAL CUP LETTERS WITH WHITE
APPLIED TO FACED DIRECT FIX



5 MASTERS SIGNAGE 2 DETAILS
Scale: 1:100
SA03
2000 MM VERTICAL ICON
APPLIED TO FACED INDIVIDUAL CUP LETTERS WITH WHITE
APPLIED TO FACED DIRECT FIX



8 MAIN SIGNAGE 2 NE CORNER
Scale: 1:100
SA03
2000 MM VERTICAL ICON
APPLIED TO FACED INDIVIDUAL CUP LETTERS WITH WHITE
APPLIED TO FACED DIRECT FIX

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ISSUE	AMENDMENT	DATE	CHG
1	ISSUE FOR INFORMATION	23-10-14	
A	ISSUE FOR DA	14-11-14	
C	DETENTION TANK REVISED, SECONDARY CUSTOMER ENTRY/EXIT REVISED, SERVICE EXIT MOVED 15m SOUTH	12-12-14	
F	SIGN 4 RELOCATED, SIGN B ADDED	08-05-15	
J	TRADE ENTRY/EXIT, ADVENTURES & ENTRY AIRLOCK REVISED TO SUIT FEASIBILITY PLAN C	22-05-15	
K	NE SIGNAGE REVISED	01-06-15	



SIGNAGE ELEVATIONS 2

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T +61 7 31235544

SCALE
1:100

TUGGERAH HARDWARE
CORNER OF WYONG RD & TONKISS ST TUGGERAH NSW

JOB NO: 2074
DATE: 21/10/14
DESIGN: DG

SA03

K

Date: 24 October 2015
Responsible Officer: Julie Garratley
Location: 60 Wyong Road, TUGGERAH NSW 2259
 Lot 3 DP 1084221
UBD Reference:
Owner: Orta Pty Ltd and Westfield Limited
Applicant: Scentre Ltd
Date Of Application: 19 December 2014
Application No: DA/1179/2014
Proposed Development: Staged development under Section 83B of the Environmental Planning & Assessment Act, 1979 - Hardware and building supplies development including associated site works (Masters Homemaker Improvement Centre)
Land Area: 399000.00
Existing Use: XXXX

PROPOSED CONDITIONS

Approved Plans

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

Title	Drawing No.	Revision	Date	Drawn By
Architectural Plans	DA01 to DADA05	K	1/6/15	Leffler Simes Architects
Signage Plans	SA00 to SA04	K	1/6/15	Leffler Simes Architects

Certificates – Application and Approval

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

- 4 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 5 The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.
- 6 Certification of compliance with the general terms of approval of the Office of Water as outlined in its correspondence dated 10 March 2015 prior to any Occupation Certificate.

The riparian corridor is to be rehabilitated in accordance with the Office of Water general terms of approval. Rehabilitation works are to extend from the intersection of Tonkiss Street and Wyong Road, to a point 450m along the riparian corridor to the west.

Voluntary Planning Agreement

- 7 The Voluntary Planning Agreement dated between the Minister for Department of Planning and Environment and Scentre Limited and Orta Pty Ltd is to be completed in accordance with the terms of that agreement.
- 8 The Voluntary Planning Agreement is to be registered in the relevant folios of the register for the land.

Staging

This consent permits the Concept Plan and Stage 1 – Masters Homemaker Improvement Centre and excludes the draining or filling of any dams on the site.

Separate development consent will be required for the Stage 2 - Bulky Goods of the Concept Plan submitted with the application.

Prior to Release of Construction Certificate:

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

Acid Sulphate Soils – Investigation and Reporting Requirements

- 9 Prior to the issue of a Construction Certificate, an Acid Sulphate Soils Assessment Report and Management Plan prepared by a suitably qualified person, must to be provided for the approval of the Accredited Certifier.

Contribution Payment Requirements

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

$$\text{Developer contribution} = \$261,921.15 \times \text{Current CPI} \div \text{Base CPI}$$

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

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

Ecology/Tree Requirements

- 11 Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.
- 12 Prior to release of any Construction Certificate/Commencement of Works (whichever occurs first), a suitably qualified and experienced Ecologist must prepare and submit to Council for approval a Wildlife Management Strategy (WMS). To show how mitigation against native animal welfare issues will be achieved. Works must be conducted in accordance with the approved WMS. The WMS is to include the following:
- Identification of fauna likely to occur on site and advise on management actions to minimise and mitigate any native animal welfare issues;
 - The Project Ecologist is to clearly mark each potential/actual habitat tree required to be removed;
 - A qualified and experienced consultant ecologist with the aid of a tree climber is to check the identified hollow-bearing trees for occupation by fauna just prior to removal and if safe to do so. If the hollow is occupied by any fauna species then either the species is allowed to finish its breeding cycle (if relevant) or the hollow be removed when it is unoccupied or the hollow entrances be stuffed with towels and sectionally dismantled and carefully lowered to ground to protect fauna within.
 - A hollow register is to be implemented. Clearing of hollow bearing trees is to occur outside the spring- summer breeding period for the threatened microbats identified on the site;
 - Clearing will commence with the most distant vegetation from secure habitat and progressively work toward the retained bushland in order to allow fauna to disperse;

- Any salvageable hollow logs / limbs will be carefully placed within the reconstructed riparian corridor and/or within the proposed E2 zoned area at the southern end of the site under the supervision of the Ecologist;
 - Any tree hollows removed are to be replaced with artificial nestboxes on a one for one basis for any natural hollow removed by the development and are to be made from either natural hollows or robust materials (minimum 18-20mm thick marine ply or solid timber with stainless steel or brass hinges and screws, glued using external grade glue and externally painted or stained with a non-toxic finish). Boxes are to include microbat boxes and a box suitable for the Glossy Black Cockatoo. They are to be securely fixed to trees on within the proposed E2 zoned area at the southern end of the site, using a durable external grade fixing system.
 - All nest boxes are to be erected at least three months prior to any clearing and/or removal of hollow bearing trees occurring on the development site.
 - Nest boxes are to be monitored and maintained by the Ecologist to determine their usage and to carry out repairs or replacement (as required) every six (6) months for a minimum period of three (3) years following erection. Monitoring reports are to be prepared by the Ecologist and forwarded to Council after each monitoring event.
- 13 A Construction Environmental Management Plan (CEMP) is to be prepared for the development and approved by the Accredited Certifier prior to issue of any Construction Certificate. The CEMP is to contain any mitigation measures and recommendations identified in the Ecological Impact Assessment by GHD dated December 2014.
- 14 The removal of the threatened *Melaleuca biconvexa* on the site is to be compensated at a minimum 3:1 ratio of stems to be planted for stems to be removed. Given that up to 230 stems are to be removed then at least 690 stems are to be used in replanting the riparian corridor. Source material is to be selected from the site or adjacent areas. Transplanting is not recommended as stock grown from seed appears to be more successful.
- 15 The following noxious weeds have been identified on the site and must be treated as in accordance with the requirements in the Noxious Weed Act 1993: Water Hyacinth (*Eichhornia crassipes*), Blackberry (*Rubus fruticosus* species aggregate) and Crofton Weed (*Ageratina adenophora*). Details on how this will be done are to be provided to Council prior to issue of any Construction Certificate / Commencement of Works. Once completed the Noxious Weed control works are to be certified to Council as carried out in accordance with the approved techniques by consultant ecologist.

Food Act Requirements

- 16 Prior to the issue of a Construction Certificate, detailed plans and specifications for the food handling areas are to be submitted to and approved by Council's Environmental Health Officer- Food.

Landscaping

- 17 Prior to the issue of a Construction Certificate, the landscape plan, prepared by Site Image Landscape Architects, job no. SS14-2932, dated 15/12/2013 is to be amended to reflect the final site layout and to include:
- locally occurring Keystone Species such as Swamp Mahogany (*E. robusta*), Cabbage Gum (*E. amplifolia*) and/or Flax-leaved Paperbark (*Melaleuca linariifolia*) instead of the White Box (*Eucalyptus albens*).
 - Suitable screening of the sprinkler tanks and pump room to proposed Road 2 and the customer entry/exit.
 - Details of planting to be used on green façade.

The amended landscape plan must be provided for the approval of the Accredited Certifier.

- 18 Prior to the Construction Certificate the Landscape Architect is to provide further details of the planting chambers within the carpark, particular attention is to be given to providing adequate volume of planting media to allow the selected species to reach their full landscape potential. This may include the use of structural soils or other support structures under some areas of the paved carpark. (Recommended soil volume is 5m³ per 100 mm of mature trunk diameter).

Potentially Contaminated Land Requirements

- 19 Prior to the issue of a Construction Certificate all recommended actions specified in the environmental assessment report titled "Stage 1 and Limited Stage 2 Environmental Site Assessment – Tuggerah Gateway Site Tuggerah" dated 9 February 2007, project reference 43187208 by URS Australia Pty Ltd are to be implemented.

Public Artwork Design and Approval Requirements

- 20 Prior to the issue of a Construction Certificate, the final design concept for the development's public artwork must be submitted to and approved by Council.

Roadworks - Design Requirements

- 21 Where conditions of this consent require approval from Council as the Roads Authority, a Subdivision Construction Certificate application 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.

- 22 Where conditions of this consent require approval from Council as the Roads Authority with the concurrence of the RTA, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Fees and charges calculated in accordance with Council's Management Plan and must be paid prior to the issue of any consent under the Roads Act 1993. Prior to approval, the developer will be required to enter into a Works Authorisation Deed (WAD) with the RTA for any works and traffic control on State roads.
- 23 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- The proposed left turn lane at the roundabout and left in left out on Wyong Road shall be designed in accordance with Austroads Guide to Road Design (2010) and RMS supplements. The proposed left turn lane shall be a minimum of 30 metres in length. No direct vehicular access will be permitted to/from the Pacific Motorway M1.
 - A comprehensive design review of road and traffic issues must be addressed as part of the detailed design submission.
 - Tonkiss Street – Main site intersection (south).
 - Tonkiss Street – street stormwater drainage systems.
 - Tonkiss Street – Footway formation graded at 4% from the top of kerb to the new property boundary. Pavement marking and signage.
 - Street trees at a maximum of 15.0 metre spacing.
 - Pavement design catering for 2 x 10⁷ equivalent standard axles.
 - 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 as required.

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

- 24 The submission of a comprehensive road signage and pavement marking design drawings identifying parking restrictions, accesses and traffic management facilities to Council for approval by the Local Traffic Committee prior to issue of the Construction Certificate.
- 25 Prior to the commencement of detailed design works within any public road, contact should be made with the National Community Service *"Dial before you Dig"* on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.
- 26 The submission to the Council as the Roads Authority of a detailed design Road Safety Audit for the external driveway crossings and intersections in both Tonkiss Street & Wyong Road. An audit team with at least one (1), Level 3 Road Safety Auditor (recognised on the NSW Register of Road Safety Auditors) shall prepare the audit report. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of design drawings.
- 27 The submission to the Accredited Certifier 'finalised' Road Safety Audit for the internal circulation roads, loading areas, pedestrian measures, internal car parks etc. An audit team with at least one (1), Level 3 Road Safety Auditor (recognised on the NSW Register of Road Safety Auditors) shall prepare the audit. Any deficiencies identified within the audit shall be resolved in accordance with the hierarchy of control commencing with eliminating the deficiency. A copy of the 'finalised' report shall be forwarded to Council for record.

Stormwater Drainage - Design Requirements

- 28 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
 - Stormwater disposal to the riparian channel located along the northern boundary.
 - The provision of an onsite stormwater detention system. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average reoccurrence interval (ARI) design storms.
 - 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.
 - Outlets to the creeks are to be designed to disperse flows and prevent scouring of the creek banks.
 - Stormwater traversing through the 'Masters' development adequately designed to cater for potential future developments to the south.

The plans must be prepared in accordance with AS/NZS3500.3:2004 and Council's *Civil Works Design Guidelines*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate. The plans shall be generally in accordance (with required amendments) with the submitted engineering plans by Henry & Hymas (refer Drawing No. 14B24, Revision 02, dated 9/12/2014).

- 29 Stormwater drainage works (channel re-diversion / upgrade) requires approval from Council under Section 68 of the Local Government Act 1993. Detailed design drawings prepared in accordance with Council's *Civil Works Design Guidelines* must be approved by Council prior to the issue of a Construction Certificate. The plan shall incorporate details of at least the following:

- Works in accordance with the NSW Office of Water General Terms of Approval
- Channel re-diversion along the northern boundary
- Retaining walls and the bridge over the riparian corridor are to be designed by a suitably qualified and experienced structural engineer.
- Piers located within the mixing chamber shall only be for the purpose of supporting the service vehicle access road.
- The mixing chamber designed to surcharge over the northern culverts (currently over the southern culverts with TOW at RL 8.00).
- Access for Council maintenance
- Scour, erosion and sedimentation measures

The plans shall be generally in accordance (with required amendments) with the submitted revised engineering plans by Mott MacDonald (refer Project No. 342845, Revision E, dated 24/8/2015). All other stormwater management works must be approved by the Accredited Certifier.

Vehicle Access and Parking - Design Requirements

- 30 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.
- The provision of appropriate kerbing to act as wheel stops adjacent to pedestrian pathways and perimeter landscaping. Adequate width is to be provided for pedestrian and mobility access.
- Suitable crash barriers provided.

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.

- 31 The submission to the Accredited Certifier of lighting design drawings for the carpark and public places. The design shall be prepared in accordance with the requirements of AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier prior to issue of a Construction Certificate.

Water and Sewer Services - Design Requirements

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

Prior to Commencement of Works:

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

Ecology/Trees Requirements

- 33 Prior to works associated with the development commencing and for the duration of construction works, the following protocols are to be implemented to ensure tree and vegetation protection upon the development site:
- Trees and vegetation to be retained adjacent to the development area are to be protected by the erection of 1.8 metre-high chain wire interlocking fencing as per the engaged Arborist and/or Ecologist's direction, AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's *Civil Works Design Guidelines*.
 - Erection of tree protection measures is to be confirmed to Council's Development Ecologist in writing by the Arborist and/or Ecologist prior to commencement of works, or alternatively Council must be notified to undertake an inspection of the works.
 - All fenced tree protection areas are to be clearly marked as "No Go Area" on the fencing itself.
 - No clearing of vegetation or storage of vehicles or machinery, waste, fill or materials or unauthorised access is to occur within the fenced tree protection areas.
 - The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.
 - The Ecologist and Arborist are to induct each civil contractor and sub-contractor in relation to the importance of these ecological protocols as part of their site induction program prior to commencement of works. Certification of this induction must be provided to Council prior to commencement of works.

- Any approved excavation or filling within a retained tree's canopy perimeter shall be in accordance with AS/NZ 4970:2009 Protection of Trees on Development Sites and Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development, as excavation or filling can lead to tree instability or death.

Erosion and Sediment Control Requirements

- 34 Prior to the commencement of construction a Soil and Water Management Plan (SWMP) 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 (PCA). The SWMP is to be prepared, reviewed and updated by persons suitably qualified to interpret "*The Blue Book*" or trained in the use of "*The Blue Book*" for preparation of Soil and Water Management Plans.

This SWMP shall be modified and updated during construction to reflect any changes to the on-ground/site conditions. A copy of any modifications or updates to the SWMP shall be approved by a suitably qualified person and provided to the PCA and provided to Council upon request. Further information and requirements in relation to works that Council's "Civil Construction Specification" apply, may be found in the appendix of that document.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent SWMP 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*. Filling and Haulage Requirements

- 35 Prior to works associated with the development commencing, details for the disposal of any spoil gained from the site and/or details of the source of fill materials to be imported to the site, are to be provided and approved by the Principal Certifying Authority.

Roads - Preconstruction Requirements

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

- 37 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.
- 38 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

Site Requirements

- 39 Prior to works associated with the development commencing, the Principal Contractor is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development.
- 40 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
- be a standard flushing toilet connected to a public sewer system; or
 - have an on-site effluent disposal system approved under the *Local Government Act 1993*, or be a temporary chemical closet approved under the *Local Government Act 1993*, supplied by a suitably licensed contractor.
- 41 A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works.
- 42 Prior to works associated with the development commencing, an application for a Hoarding Permit, including the payment of fees in accordance with Council's Management Plan must be completed prior to the erection of any hoarding/safety fencing associated with the development.

During Construction Works:

The following conditions must be satisfied during construction works.

Acid Sulphate Soils – Construction Requirements

- 43 Upon completion of excavation works, documentary evidence is to be provided for the approval of the Principal Certifying Authority demonstrating compliance with the requirements of the Acid Sulphate Soils Management Plan submitted with respect to the development.

Dust Control Requirements

- 44 Suitable dust suppression measures shall be implemented and maintained by the developer during demolition, excavation and construction works associated with the development. Such measures are required to minimise the emission of dust and other impurities into the surrounding environment.

Earthworks and Haulage - Construction Requirements

- 45 During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.
- 46 All materials other than fill imported to the site for civil works, shall have a resource recovery exemption made under the Protection of the Environment Operations (Waste) Regulation 2005.
- 47 All site fill material shall be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste published by the Department of Environment, Climate Change and Water NSW (now Office of Environment and Heritage). Site fill material shall be certified as VENM or ENM by a practising Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works.

Potential Archaeological Artefacts

- 48 During construction works, if any archaeological artefacts are uncovered during the development works, works in that immediate area must cease. A qualified archaeologist is to be contacted and the appropriate procedure followed.

Potentially Contaminated Land Requirements

- 49 During the construction phase of the development, any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and required remediation must be notified to Council immediately upon discovery.
- 50 The Principal Certifying Authority must be notified should asbestos contaminated soils be exposed during works, and an occupational hygienist must assess the site and determine:
- if the asbestos material is bonded or friable;

- the extent of asbestos contamination; and
- safe work procedures for the remediation of the site.

The safe work procedures must reflect the level of the hazards and the proposed use of the land. A clearance certificate from an occupational hygienist must be obtained following the completion of all remediation work.

Roads & Maritime Services

- 51 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.
- 52 All construction access and deliveries are to be via Tonkiss Street. No construction access or deliveries are to be permitted from Wyong Road.

Services/Utility Requirements

- 53 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.
- 54 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;
 - Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Site Requirements

- 55 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.

Waste Management Requirements

- 56 During the construction phase of the development, all building materials must be re-used, recycled or disposed of in accordance with the Waste Management Plan by Hydrox Nominees Pty Ltd dated October 2014 submitted with the subject application.

Prior to Release of Occupation Certificate:

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

Dilapidation Rectification Requirements

- 57 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.

Ecology/Tree Requirements

- 58 Hollow tree removal, hollow log placement and nestbox design and placement are to be certified by the consultant ecologist prior to issue of any occupation certificate.

Food Act Requirements

- 59 No food handling, (as defined by the NSW Food Act 2003), is permitted in the food premises prior to the issue of the Occupation Certificate.
- 60 All liquid trade waste is required to pass through a basket arrestor with fixed screens, fitted to all floor wastes and sinks, before being discharged into the sewerage system.
- 61 Compliance with the requirements of the New South Wales Food Act 2003, the Food Regulation 2010, and AS4674–2004 – Design, Construction and Fitout of Food Premises, and AS1668, Part 11 – Mechanical Ventilation, for all food preparation and food storage areas, including liquor areas.
- 62 The installation of hand wash facilities with a minimum dimension of 500mm x 400mm providing warm running water through a common mixing spout with hands-free tap operation (consisting of elbow or wrist operated tap levers, foot or hip operated tap levers, or electronic sensor tap operation).

Landscaping Requirements

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

- 64 Prior to the issue of an Occupation Certificate, a detailed maintenance schedule for all landscaping areas associated with the development, including the green façade, is to be provided to and approved by the Principal Certifying Authority.

Lighting Requirements

- 65 Prior to the issue of an Occupation Certificate, suitable lighting to the site shall be provided in accordance with the requirements of AS/NZS 1158 and AS/NZS 2890.1.

Liquid Trade Waste – Requirements

- 66 Where the proposed use of the development discharges waste other than domestic sewage, then the submission of a liquid trade waste application and subsequent approval by Council as the Water and Sewer Authority, to discharge liquid trade waste into the sewerage system is required prior to issue of the Occupation Certificate.
- 67 After the trade waste facility has been constructed, an “*Application for final inspection of a new Liquid Trade Waste Facility*” must be submitted to Council as the Water and Sewer Authority. Council’s final approval for the liquid trade waste facility is required prior to the issue of the Occupation Certificate.

Other Authorities – Compliance Requirements

- 68 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.

Public Artwork – Compliance Requirements

- 69 Prior to the issue of an Occupation Certificate, the public artwork is to be constructed and/or installed in accordance with Council’s Development Control Plan 2013 Chapter 2.15 – *Public Art* and this is to include a certificate of completion being signed by the artist and this certificate being submitted to Council.

Roads – Compliance Requirements

- 70 All road signage and pavement marking works must be completed in accordance with the plans approved by the Local Traffic Committee and approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.
- 71 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior to issue of any Occupation Certificate.

- 72 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Council's *Civil Works Construction Specification* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.
- 73 Any road works and or traffic control facilities within a state road must be completed in accordance with the approved Civil Works design drawings and RTA Works Authorisation Deed, and be jointly approved by Council as the Roads Authority and the RTA prior to the issue of any Occupation Certificate.
- 74 The submission to the Council as the Roads Authority of certification from an Accredited Service Provider (ASP) that the street lighting installation has been completed in accordance with AS/NZS 1158 and AS 4282-1997, the approved design drawings and will achieve a minimum of twenty (20) year design life. The certification must be received by Council prior to the issue of any Occupation Certificate.
- 75 The submission to the Council as the Roads Authority of a 'pre-opening stage' Road Safety Audit for the entire development 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 issue of any Occupation Certificate.

Road Widening

- 76 Prior to the issue of any Occupation Certificate, the proposed road widening for the Tonkiss Street entry intersection and Tonkiss Street frontage (including the Wyong Rd/Tonkiss Street intersection) shall be registered with the Land Title Office.

Stormwater – Compliance Requirements

- 77 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.
- 78 The construction of stormwater drainage works external to the site and discharging into a public system or public land in accordance with the approved Stormwater Management Plan and Council's *Civil Works Construction Specification*. All works must be approved by Council under Section 68 of the Local Government Act 1993 prior to issue of any Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.
- 79 Prior to the issue of any Occupation Certificate, a 'Restriction on the Use of Land' shall be created on the title of the land restricting any alteration to the on-site stormwater detention system. The terms of the Restriction are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the restriction.
- 80 Prior to the issue of any Occupation Certificate, a 'Positive Covenant' shall be created on the title of the land requiring the registered proprietor to ensure the

continued maintenance and performance of the on-site stormwater detention structure. The terms of the positive covenant are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the restriction.

- 81 The original completed request forms (Department of Lands' standard forms 13PC and 13RPA) must be submitted to Council for authorisation. A copy of the work-as-executed plan (details overdrawn on a copy of the approved stormwater management plan) and Civil Engineer's certification must accompany the completed request forms. Documentary evidence of the registration of the Positive Covenant and 'Restriction on the Use of Land' shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Subdivision– Compliance Requirements

- 82 The consolidation of Lot 3 DP 1084221 and Lot 2 DP 1056960 into one lot by registered subdivision prior to the issue of any Occupation Certificate. Documentary evidence of the Consolidation Plan registration with the Land and Property Management Authority must be submitted to the Accredited Certifier prior to the issue of any Construction Certificate.

Vehicle Access and Parking – Compliance Requirements

- 83 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 any Occupation Certificate.

Waste Management Requirements

- 84 Prior to the issue an Occupation Certificate, hot and cold hose cocks shall be located in close proximity to the waste storage area to facilitate cleaning.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 85 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.
- 86 The obtaining of a satisfactory final plumbing & drainage inspection advice or Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority, prior to issue of the Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Work as Executed Requirements

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

Ongoing Operation:

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

Advertising Sign Requirements

- 88 The approved advertising sign/s must be constructed and maintained in a presentable and satisfactory state of repair for the life of the development.

Deliveries – Service Vehicles

- 89 All delivery vehicles shall approach via Tonkiss Street and depart via Wyong Road. No delivery vehicles shall traverse through the residential area to the south of the subject site.

Hours of Operation Requirements

- 90 For the purposes of preserving the amenity of neighbouring residents to the north east, hours of operation are restricted to between:
- 7.00am and 9.00pm Monday to Friday
 - 7.00am and 7.00pm Saturdays
 - 7.00am and 6.00pm Sundays and Public Holidays.

Industrial/Commercial Operational Requirements

- 91 Loading and unloading of vehicles and delivery goods and merchandise and the like to and from the premises must be carried out within the loading area as it is shown on the endorsed plan.
- 92 The loading bay area and truck turning area shall be kept unobstructed when not in use.
- 93 Maintenance of all buildings, surrounds and parking areas within the site shall be carried out in such a manner to render the site to be neat, tidy and clean at all times.
- 94 All delivery activities including loading and unloading shall be restricted to the hours between;

Monday to Friday - 7.00 am to 7.00 pm and
Saturday, Sunday and Public Holidays - 8.00 am to 5.00 pm

Lighting

- 95 All lighting shall be designed so as to ensure that glare does not adversely impact upon any adjoining property.

Site Appearance, Maintenance and Security Requirements

- 96 The owner/operator(s) of the site must maintain the external finishes of the building(s), structures, walls and fences for the life of the development and any graffiti must be removed in a timely manner.
- 97 All site landscaping is to be maintained for the life of the development in accordance with the approved landscape plan, as amended by the conditions of this consent, and with the approved maintenance schedule.

Stormwater – Ongoing Maintenance Requirements

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

Waste Management – Compliance Requirements

- 99 All waste generated on the premises shall be stored in a manner so that it does not pollute the environment.

Section 94A Levy

\$261,921.15

4.4 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2015/00040-02 - D12122642

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

Report on Outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Table of Outstanding Questions and Notice of Motions - 11 November 2015 | D12127201 |
|---|---|-----------|

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
115	Chief Executive Officer's Unit	Stephen Naven	<p>7.2 Notice of Motion - Government Rating Outrage</p> <p>50/15 That Council <u>note</u> with great concern the likely significant escalation of the 2015 rate burden on the local lower to mid-market property sector.</p> <p>51/15 That Council <u>note</u> the significant escalation is as a consequence of the recent property market increases and unfair rerating formulas dictated to Council by the State Government Valuer General and Office of Local Government.</p> <p>52/15 That Council <u>call</u> on the State Government to conduct a thorough review into the Valuer General's and Office of Local Government's outdated and discriminatory rating methods that will place undue hardship on many in our community.</p> <p>53/15 That Council <u>investigate</u> a shire wide, online petition in partnership with the community, to give ratepayers a voice to call upon the State Government to reject this outrageous and out of touch taxing.</p> <p>54/15 That Council <u>include</u> in its 2015 Strategic Planning Process a review of all options to assist in reducing the impact of the Government's looming rerating charges.</p>	<p>28 January 2015</p> <p>Cr Best</p>	Response to be provided at Ordinary Meeting 25 November 2015.
150	Development and Building	Jamie Loader	<p>6.1 Notice of Motion - Council's Animal Care Facility</p> <p>539/15 That Council recognise the outstanding work over the past few years by staff and more recently by the current animal care contractor and that this management team has delivered an outcome of near zero euthanising of stray and abandoned pets.</p> <p>540/15 That Council recognise that the current Charmhaven Animal Care Facility is approaching end of its asset life.</p> <p>541/15 That Council take a more strategic and regional approach through opening dialogue with Gosford City Council and the current animal care contractors both at Charmhaven and Erina, with the view to establishing a regional, Central Coast animal care facility that will service the future needs of the Coast as a whole.</p> <p>542/15 That Council consider any such centrally located regional facility in tandem with innovative satellite offices in the region's north and far south to assist residents in outer areas to access these important services.</p>	<p>Cr Best</p> <p>27 May 2015</p>	Investigations are underway, with a response to be provided 25 November 2015.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			543/15 <i>That Council request the General Manager to provide a report back to Council.</i>		
162	Property and Economic Development	Mike Dowling	<p>7.2 Notice of Motion - Shire Wide Events and Promotions Board</p> <p>758/15 <i>That Council reaffirm its' principal direction from the February workshop to investigate options for management and promotion of tourism, employment and investment within the shire including forming a shire wide events and promotions body.</i></p> <p>759/15 <i>That Council negotiate changes to the existing agreements to give effect to Council's new direction with:</i></p> <ul style="list-style-type: none"> a) <i>The Entrance Centre Management</i> b) <i>Greater Toukley Vision</i> c) <i>Central Coast Tourism</i> d) <i>Wyong Regional Chamber of Commerce</i> <p>760/15 <i>That Council request the General Manager to provide a report back to Council.</i></p>	Cr Taylor 22 July 2015	Response to be provided at a future meeting.
165	Community and Recreations Services	Julie Vaughan	<p>7.2 Notice of Motion - Formation of Council's Disability Supports Committee (DSC)</p> <p>812/15 <i>That Council <u>request</u> the General Manager provide a report, in partnership with key stakeholder groups, around the formation of a broad based disability needs support committee that would seek to assist, guide and provide our ageing population, the temporally injured and the profoundly disabled with the necessary levels of community care.</i></p> <p>813/15 <i>That Council <u>recognise</u> the importance of such a committee in assisting Council in crafting it's Disability Inclusion Plan (DIP) & to assist in ushering in the National Disability Insurance Scheme (NDIS), however the committee's role should be seen more holistically & beyond the DIP & the NDIS.</i></p> <p>814/15 <i>That, while Council notes the important of providing suitable traditional disability access, Council also <u>recognise</u> the complexity and far reaching nature of modern disabilities beyond physical access issues.</i></p>	Cr Best 12 August 2015	Meeting to be held with stakeholders during September 2015 and a report to be tabled at 25 November 2015 Ordinary Meeting.
166	Community and Recreations Services	Sue Ledingham	<p>7.3 Notice of Motion - Nude Tourism Trend</p> <p>815/15 <i>That Council <u>note</u> Wyong Shire's Beautiful Birdie</i></p>	Cr Best 12 August 2015	Report will be tabled at the Employment and Economic Development Committee meeting 4 November 2015.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>Beach is reportedly one of only three 'official' Nude Beaches on the north coast of NSW and the only one on the Central Coast. Despite this facility being in easy day access to a population catchment in the millions, Birdie Beach free bathing is not mentioned in any Central Coast Tourism promotions / Web material.</i></p> <p>816/15 <i>That Council <u>recognise</u> Tourism is one of our major employers & the increasing popularity of Nude Bathing / Nude Tourism such as the recent phenomena of P&O's, Pacific and Orient's, Nude Cruises. It is with this understanding that Council in partnership with Central Coast Tourism and National Parks explore opportunities to better promote our region to this most lucrative tourism market.</i></p> <p>817/15 <i>That further Council <u>request</u> an options report to the Employment and Economic Development Committee (EEDC) from Central Coast Tourism (CCT) including the prospect of holding a unique community event to showcase and market our beautiful beaches including free bathing at Birdie Beach.</i></p>		
170	Infrastructure and Operations	Peter Ham	<p>1.6 Mayoral Minute - Vandalism Reward Doubling</p> <p>837/15 <i>That Council <u>double</u> its current reward under its Policy for Reporting Vandalism in respect of the EDSAAC Bateau Bay amenities/clubhouse building destroyed by fire last weekend.</i></p> <p>838/15 <i>That Council <u>publicise</u> this increased reward extensively through Council's media and communication channels.</i></p> <p>839/15 <i>That Council <u>publicise</u> the names of those convicted, subject to any prosecution.</i></p>	Cr Eaton 26 August 2015	Response to be provided at a future meeting.
171	Property and Economic Development	Mike Dowling	<p>6.1 Notice of Motion - Free Wi-Fi The Entrance Memorial Park Precinct</p> <p>869/15 <i>That Council, in principle, seek to install free Wi-Fi in the Entrance Memorial Park Precinct as part of the multimillion dollar refurbishment starting next month.</i></p> <p>870/15 <i>That Council request the General Manager to report on the cost of such an installation, ongoing operating costs, benefits to the local retailers and the wider community and any other relevant issues.</i></p>	Cr Webster 26 August 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
172	Property and Economic Development	Andrew Pearce	<p>6.2 Notice of Motion - \$3.4million Litter Land</p> <p>871/15 That Council note with concern, despite the excellent efforts of Staff, the escalation of roadside litter on our main corridors and particularly on our beach road accesses.</p> <p>872/15 That Council recognise the unacceptable cost to our ratepayers of this deliberate litter that is now exceeds more than \$3,400,000 in this term of Council alone.</p> <p>873/15 That Council consider far more strident enforcement options including publishing those offenders prosecuted to combat the emerging tag of 'Litter Land'.</p> <p>874/15 That Council request the General Manager, in the lead up to the summer litter season, to provide a litter reduction report exploring education and enforcement options, with a view to limiting the outrageous cost of deliberate litter to our ratepayers.</p> <p>875/15 That Council request the General Manager to make representations to Mr Harris, Ms Catley, Mr Mehan the Local State Members and call on them to gain support for this initiative.</p>	Cr Best 26 August 2015	Response to be provided at Ordinary Meeting to be held 25 November 2015.
178	Development and Building	Jane Doyle	<p>Q37/15 Threatened, Vulnerable and Endangered Trees</p> <p>"Could Staff please advise if there is a list of threatened species relevant to Wyong Shire which can be easily accessed by the Community?</p> <p>If not, could staff please make a list available on the Council web site as removal of some of these trees with knowing their listing could expose residents to a substantial fine."</p>	Cr Vincent 9 September 2015	Response to be provided at 25 November 2015.
180	Property and Economic Development	Mike Dowling	<p>1.6 Mayoral Minute - The Entrance Surf Club Lease</p> <p>984/15 That Council <u>request</u> The Entrance Surf club enter into suitable arrangements with Council for the clearance of the outstanding rates and charges.</p> <p>985/15 That Council <u>request</u> for additional purpose to be added to the Reserve under Section 121A of the Crown Lands Act 1989.</p> <p>986/15 That Council <u>amend</u> the lease to include a sub-lease permitting a café/restaurant to be included in the footprint of The Entrance Surf Club.</p> <p>987/15 That Council <u>share</u> the rental derived from the</p>	Cr Eaton 23 September 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>988/15 commercial operation with The Entrance Surf Club. That Council <u>require</u> The Entrance Surf Club to spend their share of the rental on Surf Life Saving activities and/or equipment, and provide annual financial statements to show how these funds have been distributed.</p>		
181	Community and Recreation Services	Brett Sherar	<p>8.1 Notice of Motion - Shark Summit</p> <p>1037/15 That Council <u>note</u> the increased number of shark attacks in and around our coastal waters due to the rise in shark numbers.</p> <p>1038/15 That Council <u>take</u> proactive and pre-emptive steps to mitigate further local attacks.</p> <p>1039/15 That Council <u>recognise</u> that not only do the current shark attacks highlight the need for better public safety they have the potential to affect summer time tourism and its associated employment.</p> <p>1040/15 That, having regard to the far reaching potential of these events, Council <u>convene</u> in partnership with Surf Life Saving and Professional Life Guards a Shark Summit that includes all key stakeholder groups, rescue organisations, applicable agencies, tourism representatives and specialist marine experts.</p> <p>1041/15 That Council <u>request</u> the Acting Chief Executive Officer to report on the feasibility of auditing our ocean coast line with a view to identifying suitable sites to create shark proof ocean bathing areas/enclosures, however this does not include traditional netting.</p> <p>1042/15 That staff <u>investigate</u> the effectiveness and practicality of making available to bathers, technology such as the shark shield devices on a short term hire basis.</p>	Cr Best 23 September 2015	Item 104/15: Shark Summit scheduled for 4 November 2015 at Wyong Council Chambers.
182	Chief Executive Officer's Unit	Steve Naven	<p>8.2 Notice of Motion - \$10million Rate Relief</p> <p>1043/15 That Council <u>congratulate</u> all staff for their excellent team efforts in addressing the \$30million deficit.</p> <p>1044/15 That Council <u>recognise</u> that these efforts have</p>	Cr Best 23 September 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>1045/15 now resulted in a \$10.6million surplus, this reflects a \$41million total turn around in just 5 years. That Council <u>note</u> the key initiatives deployed to achieve this extraordinary turn around are:</p> <ul style="list-style-type: none"> • “Right-sizing” the organisation – aligning inputs to priority outputs • Service Delivery Review removing \$8m from the cost base • Using our own resource, not consultants • Benchmarking and testing alternate service delivery models • Better budgeting – focusing on community priorities • Better discipline in meeting budgets • More effective measurement. Closer monitoring of spend • Better procurement practices and outcomes. <p>1046/15 That, as a consequence of this excellent financial management, Council <u>note</u> that it does not intend to apply a special rate variation when it makes rates for the 2016/17 rating year and revert to a maximum increase of 3% (the assumed standard rate pegging), thereby saving our rate payers \$10.7 million dollars.</p> <p>1047/15 That Council now continues to <u>work</u> through the identified infrastructure backlog using the current unallocated surplus of \$10.6million and future year surpluses.</p> <p>1048/15 That the Mayor, through the Council column, publically <u>thank</u> our community for their support, patience and understanding throughout this difficult period of restructure.</p>		
186	Infrastructure and Operations	Peter Murray	<p>Q42/15 Kanwal Traffic Calming Devices</p> <p>“Mr Mayor,</p> <p>As the local area Councillor, my question is on behalf of the good folk of Walker Avenue/ Braithwaite, Kanwal. I am hearing of outrageous driving behaviour that is endangering public safety, I appreciate it's a policing matter, however could you have staff look into the possibility of installing some traffic calming devices in this area, particularly leading from the high</p>	Cr Best 23 September 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>pedestrian area, Kanwal shops?"</i>		
189	Community and Recreations Services	Brett Sherar	<p>8.1 Notice of Motion - Wyongah to Tuggerawong Pathway</p> <p>1100/15 <i>That Council <u>note</u> its cycleway program for the next 2 years is fully committed to the Magenta pathway that will deliver 33 km of road cycleway around our lakes.</i></p> <p>1101/15 <i>That Council <u>include</u> this project in the Pathway Strategy.</i></p> <p>1102/15 <i>That Council <u>consult</u> with the community before any decision on the pathway.</i></p> <p>1103/15 <i>That Council <u>advise</u> the proponents that due to existing Council commitments the proponents need to find external funding in order to prioritise this matter.</i></p>	Cr Troy 14 October 2015	<p>1101/15 and 1102/15: This project will be included in the consideration for the Pathway Strategy based on the outcome of the community consultation before being included in future capital budgets.</p> <p>1103/15: This advise has been provided to the proponents verbally. A formal, written response will be sent within the next week.</p>
190	Chief Executive Officer's Unit	Steve Naven	<p>8.2 Notice of Motion - Amalgamation / Questionable Financial Stability?</p> <p>1104/15 <i>That Council <u>note</u> that further to Chief Financial Officer's Councillor Briefing presented on the 9 September 2015 around Wyong's year-end financial results that outline Council's excellent economic turnaround over the past 5 years. The key drivers to this achievement were:</i></p> <ul style="list-style-type: none"> • <i>"Right-sizing" the organisation – aligning inputs to priority outputs</i> • <i>Service Delivery Review removing \$8m from the cost base</i> • <i>Using our own resource, not consultants</i> • <i>Benchmarking and testing alternate service delivery models</i> • <i>Better budgeting – focusing on community priorities</i> • <i>Better discipline in meeting budgets</i> • <i>More effective measurement. Closer monitoring of spend</i> • <i>Better procurement practices and outcomes.</i> <p>1105/15 <i>This has now resulted in a \$10.6million surplus and thereby providing Council the opportunity to</i></p>	Cr Best 14 October 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>1106/15 not levy the scheduled 2016/17 approved extra ordinary rate rise. That further Council <u>note</u> with concern investment report item 6.1 from 23 September 2015 that provides some commentary/financial comparisons between Gosford and Wyong Councils. Of significant note is Gosford's decline in cash Table 9, Graph 1 declining investment portfolio returns, Table 10 and Graph 2 declining portfolio returns. (Tables and Graphs attached below).</p> <p>1107/15 That as Wyong and Gosford Councils are partners in the billion dollar water supply and that there is a real prospect of amalgamation, it is responsible and incumbent upon Council to establish a thorough and accurate economic analysis heading into any further partnerships. Consequently Council respectfully <u>request</u> Gosford City Council provide full and unfettered access to its 2014/15 accounts, Including all supporting documentation for a proper analysis.</p> <p>1108/15 That Council <u>recognise</u> the importance of working cooperatively and transparently with our sister Central Coast Council. It is with this understanding, that Wyong reciprocates access to all necessary statements that will assist Gosford in any similar financial analysis.</p>		
191	Property and Economic Development	Mike Dowling	<p>Q44/15 Fenced off Beach Access</p> <p><i>"It has been brought to my attention by a ratepayer that some residents of Gomul Street, Noraville have fenced off the beach access in their street and have locked a gate that only they have the keys to. Could staff please advise how this is possible?"</i></p>	Cr Troy 14 October 2015	Response to be provided at Ordinary Meeting 9 December 2015.
192	Mayor's Office	Jean Pooley	<p>Q45/15 Transport for NSW's Depot Proposal</p> <p><i>"Mr Mayor</i></p> <p><i>I understand you are meeting with a group of ratepayers from Kangy Angy around the TFNSW's (Transport for NSW) rail depot proposal; this is an important issue and I for one request that you formally report the initiatives and outcomes of your</i></p>	Cr Best 14 October 2015	Response to be provided at Ordinary Meeting 25 November 2015.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			meeting? Thank you"		
194	Property and Economic Development	Mike Dowling	Q47/15 Renewable Energy Projects "Could staff please advise what renewable energy projects Council may have planned for the future. i.e. The methane extraction plant at Buttonderry Waste Managed Facility and Solar Cell installations?"	Cr Troy 14 October 2015	Response to be provided at a future meeting.
195	Infrastructure and Operations	Greg McDonald	7.1 Notice of Motion - Norah Head / Cabbage Tree Bay "Missing Link" 1169/15 That Council notes the excellent work carried out by staff in delivering the complex engineering of the Cabbage Tree Bay (CTB) seawall and more recently the CTB ocean ramps, further it is noted both these facilities were severely tested in the April 2015 storms with no reported damage. 1170/15 That Council notes these much needed multimillion dollar Bay works have now highlighted the extremely poor condition of Mazlin Reserve Cliff Face and in particular the Norah Head Search and Rescue site, this has now become known as the "Missing Link". 1171/15 That Council recognises that both these sites are the ownership of the State Government and are their full responsibility. 1172/15 That Council seeks to work with the State Government through convening an initial meeting of all key stakeholder groups with a view to making a whole of community representation seeking upgrade funding in the 2016/17 State Budget. 1173/15 That Council notes the outstanding support Karen McNamara our Federal Member for Dobell and State Agencies provided in assisting Council and the community in delivering the much needed Cabbage Tree Bay Ocean Ramp and the bay retaining wall.	Cr Best 28 October 2015	Response to be provided at a future meeting.
196	Infrastructure and Operations	Greg McDonald	7.2 Notice of Motion - Toukley Speed Bump Shambles	Cr Best 28 October	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>1164/15 That Council, on behalf of the community, again call on the RMS to rip up the failed and controversial Toukley speed bumps.</p> <p>1165/15 That Council notes the reports that these 'safety devices' have actually caused accidents involving both pedestrians and motorists, further there is emerging anecdotal evidence that shop trade is also beginning to be affected.</p> <p>1166/15 That Council call on the RMS to release its 'Black Spot' funding submission, including the statistics it relied upon to convince the Federal Government to fund these controversial speed bumps."</p> <p>1167/15 That Council further notes that some 50 accidents have been reported in the last 6 years on this road, with only 4 actually occurring in the Toukley CBD. Further, Council notes that there are two other 40km/h speed zones in Main Road Toukley that do not rely on speed bumps for their effective management.</p>	2015	
197	Development and Building	Scott Cox	<p>Q48/15 Species Offset on a Development Site</p> <p><i>"I have been asked by a ratepayer as to what happens to species such as Tetratheca Juncea on a development where an offset is traded in lieu of a protected or endangered species. Does the offset have to be directly related to the species on the development site?"</i></p>	Cr Greenwald 28 October 2015	Response to be provided at a future meeting.
198	Chief Executive Officer's Unit	Steve Naven	<p>Q49/15 Gosford City Council Financial Confusion</p> <p><i>"Mr Mayor, further to Cr Best's and my formal notice of motion at Council's 14 October 2015 Ordinary Meeting around Gosford City Council's accounts that relied upon staff report 6.1 at Council's 23 September 2015 Ordinary Meeting outlining but not limited to Gosford City Council's significant reduction in cash, substantial forecast losses of \$27m and borrowings up by \$20m to a total of \$200million. Mr Mayor, you must pardon me, as I am now, along with the community are quite confused coming on the back of new Gosford City Council financial statements announcing an extraordinary profit of some \$35million, how can this be?"</i></p>	Cr Best 28 October 2015	Response to be provided at a future meeting.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
14 OCTOBER 2015**

No#	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
193	Development and Building	Q46/15 Follow up on Proliferation of Illegal Camping	Cr Troy 14 October 2015	Response table in 11 November 2015 Ordinary Meeting Business Paper.

5.1 Answers to Question on Notice

TRIM REFERENCE: F2004/07718 - D12124811 AUTHOR: JL

5.1 Proliferation of Illegal Camping

The following question was asked by Councillor Best at the Ordinary Meeting on 14 October 2015.

"I recall some months ago Deputy Mayor Webster made representation on behalf of the good folk of North Entrance and Jenny Dixon / Norah Head with regard to the proliferation of illegal camping. Staff indicated they would look into the matter with a view to addressing the issue prior to the summer 2015 season, to date I have not seen nor heard of any action around this important issue, Could you urgently advise where this matter is up to?"

Three (3) new signs prohibiting camping have been erected at Jenny Dixon Reserve. There are now four (4) Local Government Section 632 signs covering the area, enabling Council Rangers to enforce illegal camping. The signs have been placed at the major entry points of the reserve and close to areas where illegal camping has occurred in the past, i.e. close to picnic shelters, barbeques and play equipment. The new signs at Jenny Dixon Reserve were erected between 19th and 22 October 2015.

Illegal camping tends to occur during the Christmas school holidays and as such Rangers will be conducting regular patrols of known hot spots such as Jenny Dixon Reserve at Norah Head and Karagi Reserve at North Entrance. Rangers will undertake early morning patrols and also evening patrols to combat this issue. An on the spot penalty of \$110 applies for persons proved to be camping illegally.

Also attached to the report is a map of Karagi Reserve showing where signs prohibiting camping are located. Signs have been in place in these locations for some years and are proving to reduce the incidents of illegal camping.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Map Showing Sign Location for Illegal Camping | D12129142 |
| 2 | Map showing Sign Location -Karagi Reserve | D12129843 |

