



# Central Coast Council

Welcome to Central Coast Council

## Central Coast Council Business Paper Ordinary Council Meeting **23 October 2017**



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# Meeting Notice

**The Ordinary Council Meeting  
of Central Coast Council  
will be held in the Council Chamber,  
Level 1, 49 Mann Street, Gosford on  
Monday 23 October 2017 at 6.30pm,  
for the transaction of the business listed below:**

**Acknowledgement of Country  
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Brian Bell  
**Chief Executive Officer**

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

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23 October 2017 Ordinary Council Meeting

Author: Jade Maskiewicz, Meeting Support Coordinator  
Manager: Sonia Witt, Section Manager, Business Services  
Executive: Brian Glendenning, Executive Manager, Governance

Chapter 14 of the *Local Government Act 1993* (the LG Act) regulates the way in which councillors and relevant staff of Council conduct themselves, to ensure that there is no conflict between their private interests and their public functions. Section 451 of the LG Act states:

- "(1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.*
- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:*
  - (a) at any time during which the matter is being considered or discussed by the council or committee, or*
  - (b) at any time during which the council or committee is voting on any question in relation to the matter.*
- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*
- (4) Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:*
  - (a) the matter is a proposal relating to:*
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
    - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
  - (a1) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and*
  - (b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*

## 1.1 Disclosure of Interest (contd)

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(5) *The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*

- (a) be in the form prescribed by the regulations, and*
- (b) contain the information required by the regulations."*

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

### **Recommendation**

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

### **Attachments**

*Nil.*





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

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23 October 2017 Ordinary Council Meeting

Author: Jade Maskiewicz, Meeting Support Coordinator  
Manager: Sonia Witt, Section Manager Business Services  
Executive: Brian Glendenning, Executive Manager Governance

### **Summary**

Confirmation the minutes of the previous Ordinary Meeting held on Monday 9 October 2017.

It is noted that a motion or discussion with respect to the Minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

### **Recommendation**

***That Council confirm the minutes of the previous Ordinary Meeting held on Monday 9 October 2017.***

### **Attachments**

**1** Minutes - Ordinary Council Meeting - 9 October 2017      D12844764



## **Central Coast Council**

### **Minutes of the Ordinary Meeting of Council**

**Held in the Council Chamber**

**2 Hely Street, Wyong**

**on 9 October 2017**

**Commencing at 6.30pm**

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#### **Present**

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

#### **In Attendance**

Brian Bell (Chief Executive Officer), Mike Dowling (Group Leader Assets, Infrastructure and Business), Julie Vaughan (Group Leader Connected Communities), Scott Cox (Group Leader Environment and Planning), Brian Glendenning (Executive Manager Governance), Vivienne Louie (Chief Financial Officer), Shane Sullivan (Unit Manager Governance and Business Services).

The Mayor, Jane Smith, declared the meeting open at 6.30pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor, Jane Smith read an acknowledgement of country statement.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 2.1, 2.2 and 3.7 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

Councillor Best arrived at 6.31pm.

## **1.1 Disclosure of Interest**

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### **2.2 Mayoral Minute - Railyards at Kangy Angy**

Councillor Matthews declared a less than significant non pecuniary interest in the matter as her husband is an employee of Sydney Trains which is a division of Transport NSW and remained in the chamber.

### **Motion to Further Suspend Standing Orders for presentations**

Councillor Best declared a conflict of interest after the presentations as he is the Managing Director of Central Coast Group Training and that two of the staff receiving awards are his employees. He noted that he did not declare this conflict earlier in the meeting as it was a procedural motion of which he did not have notice. Councillor Best left the Chamber at 7.22pm during the presentations and returned at 7.24pm and was not present during the presentation.

**Moved:** Councillor Smith  
**Seconded:** Councillor Vincent

#### **Resolved**

**571/17 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:**  
**Unanimous**

### **Procedural Motion – Address by Invited Speakers**

**Moved:** Councillor Vincent  
**Seconded:** Councillor Holstein

#### **Resolved**

**572/17 That Council invite the following speakers to address Council:**

- **Ms Joy Cooper, speaking against the motion of item 2.1 - Mayoral Minute - Mangrove Mountain Landfill.**
- **Mr Stephen Goodwin, speaking in favour of the motion of item 2.1 - Mayoral Minute - Mangrove Mountain Landfill.**

**For:**  
**Unanimous**

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**1.2 Confirmation of Minutes of Previous Meeting**

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**Moved:** Councillor Holstein

**Seconded:** Councillor Sundstrom

**Resolved**

**573/17 That Council confirm the minutes of the previous Ordinary Meeting held on Wednesday 30 August 2017.**

**574/17 That Council confirm the minutes of the previous Extraordinary Meeting of Council held on Monday 25 September 2017 with the following changes:**

**a Correction to voting for item 1.4 of the 25 September 2017 meeting**

**b Councillor Greenaway being recorded as having voted against item 1.1.**

**For:**

**Unanimous**

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**2.1 Mayoral Minute - Mangrove Mountain Landfill**

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Ms Joy Cooper addressed Council at 6.35pm.

Mr Stephen Goodwin addressed Council at 6.39pm.

**Moved:** Mayor Smith

- 1 That Council note with great concern the recent media reports around waste activities and alleged illegal tipping at Spencer and Mangrove Mountain.**
- 2 That Council form an Advisory Committee to oversee actions to address issues relating to the Mangrove Mountain Golf Course / Landfill and Spencer dumping.**
- 3 That the Advisory Committee considers and oversees actions to:-**
  - a. investigate and report on the current situation**
  - b. determine appropriate actions**
  - c. oversee the implementation of actions**
- 4 That the Advisory Committee includes the following members and representation:**
  - Mayor**
  - Deputy Mayor**
  - CEO**
  - Council's Legal Counsel**
  - Council staff as appropriate**
  - Community stakeholders**
  - Appropriate Independent Experts**

- 5     *That the Advisory Committee has its initial meeting within one month of the date of this resolution.*
- 6     *That the minutes of the Advisory Committee be reported to Open Council.*

*Amendment Moved:*     Councillor MacGregor

*Seconded:*               Councillor Vincent

- 1     *That Council note with great concern the recent media reports around waste activities and alleged illegal tipping at Spencer and Mangrove Mountain.*
- 2     *That Council form an Advisory Committee to oversee actions to address issues relating to the Mangrove Mountain Golf Course / Landfill and Spencer dumping.*
- 3     *That the Advisory Committee considers and oversees actions to:-*  
      *a. investigate and report on the current situation*  
      *b. determine appropriate actions*  
      *c. oversee the implementation of actions*
- 4     *That the Advisory Committee includes the following members and representation:*  
  - *Mayor*
  - *A committee of at least 3 Councillors*
  - *CEO*
  - *Council's Legal Counsel*
  - *Council staff as appropriate*
  - *Community stakeholders*
  - *Appropriate Independent Experts*
- 5     *That the Advisory Committee has its initial meeting within one month of the date of this resolution.*
- 6     *That the minutes of the Advisory Committee be reported to Open Council.*
- 7     *That the committee considers the membership of the committee taking in to consideration any previous involvement in alleged illegal tipping or waste activities in Spencer or Mangrove Mountain.*
- 8     *That the advisory committee report back to a subsequent Council meeting with an explanation of how this advisory committee complements or contradicts any other (current or future) inquiries in to these alleged activities by bodies such as ICAC or any other government or non-government bodies or agencies.*
- 9     *That Council request the meetings be open to the public.*

*For:*

*Unanimous*

*The amendment was put and declared carried. The amendment becomes the motion*



**Resolved**

- 575/17      That Council note with great concern the recent media reports around waste activities and alleged illegal tipping at Spencer and Mangrove Mountain.**
- 576/17      That Council form an Advisory Committee to oversee actions to address issues relating to the Mangrove Mountain Golf Course / Landfill and Spencer dumping.**
- 577/17      That the Advisory Committee considers and oversees actions to:-**
- a. investigate and report on the current situation**
  - b. determine appropriate actions**
  - c. oversee the implementation of actions**
- 578/17      That the Advisory Committee includes the following members and representation:**
- Mayor**
  - A committee of at least 3 councillors**
  - CEO**
  - Council's Legal Counsel**
  - Council staff as appropriate**
  - Community stakeholders**
  - Appropriate Independent Experts**
- 579/17      That the Advisory Committee has its initial meeting within one month of the date of this resolution.**
- 580/17      That the minutes of the Advisory Committee be reported to Open Council.**
- 581/17      That the committee considers the membership of the committee taking in to consideration any previous involvement in alleged illegal tipping or waste activities in Spencer or Mangrove Mountain.**
- 582/17      That the advisory committee report back to a subsequent Council meeting with an explanation of how this advisory committee complements or contradicts any other (current or future) inquiries in to these alleged activities by bodies such as ICAC or any other government or non-government bodies or agencies.**
- 583/17      That Council request the meetings be open to the public.**

**For:**

**Unanimous**

---

**2.2 Mayoral Minute - Railyards at Kangy Angy**

---

Councillor Matthews declared a less than significant non pecuniary interest in the matter as her husband is an employee of Sydney Trains which is a division of Transport NSW and remained in the chamber.

Ms Joy Cooper addressed Council at 6.35pm.

Mr Stephen Goodwin addressed Council at 6.39pm.

**Moved: Mayor Smith**

**Resolved**

**584/17 That Council request a detailed briefing from the relevant State Government agencies within a fortnight on this and if this is not achievable that a letter be sent to Transport NSW.**

**585/17 Council obtain a briefing on the transfer of the section of the old Pacific Highway between Ourimbah roundabout and Tuggerah roundabout.**

**For:  
Unanimous**

**Suspension of Standing Orders**

Councillor Vincent left the chamber at 7.18pm and returned at 7.19pm during consideration of this item.

**Moved: Councillor Burke  
Seconded: Councillor Smith**

**586/17 That Council suspend standing orders of Council and hold a minute's silence in recognition of the passing of former Gosford City Council Councillor Bob Ward.**

**For:  
Unanimous**

The meeting then held a minute's silence.

**Further Suspension of Standing Orders****Moved: Mayor Smith****Seconded: Councillor MacGregor****Resolved****587/17 That Council further suspend standing orders to allow for two presentations.****For:****Unanimous**

Councillor Best declared a conflict of interest after the presentations as he is the Managing Director of Central Coast Group Training and that two of the staff receiving awards are his employees. He noted that he did not declare this conflict earlier in the meeting as it was a procedural motion of which he did not have notice. Councillor Best left the Chamber at 7.22pm during the presentations and returned at 7.24pm and was not present during the presentation.

Presentations were made to Council's Environmental Education Officer, Nick Carson with two prestigious awards; Government Education Award for Outstanding Contribution to Environmental Education in New South Wales 2017 and NSW Environmental Educator of the Year.

A further presentation was made to Council's Supervisor Sports Facility and Roadside Landscapes, Trent Burnham for winning "Supervisor of the Year" and Calum Lee for "1<sup>st</sup> Year Apprentice of the Year" at the Central Coast Group Training awards.

**Procedural Motion****Moved: Mayor Smith****Seconded: Councillor MacGregor****Resolved****588/17 That Council resume standing orders.****For:****Unanimous**

**Procedural Motion**

**Moved:**            **Councillor Best**  
**Seconded:**      **Councillor Vincent**

**Resolved**

**589/17      That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:**

**Item    Title**

- 3.7    Commercial Office at 101 Erina Street, East Gosford
- 3.8    Kincumber Shopping Centre at 43-45 Avoca Drive Kincumber
- 4.1    Nomination of Council representatives to Joint Regional Planning Panel
- 4.2    Central Coast Council Business Activities
- 4.3    Setting of fee to be paid to the Mayor, Deputy Mayor and Councillors
- 4.4    Grants and Sponsorship Review Panel
- 4.5    Audit, Risk and Improvement Committee Membership
- 4.6    Public exhibition of proposed amendments to the adopted Councillor Expenses and Facilities Policy
- 5.2    Sponsorship Program Update
- 6.1    Open and Transparent Council
- 6.2    Electoral Leniency

**For:**  
**Unanimous**

**Procedural Motion**

**Moved:**            **Councillor Vincent**  
**Seconded:**      **Councillor Burke**

**Resolved**

**590/17      That Council adopt the following items en-masse and in accordance with the report recommendations.**

**Item    Title**

- 3.1    Commercial Building No 3 Yandina Road, West Gosford
- 3.2    Commercial Office at 100-104 Mann Street, Gosford
- 3.3    Angel Delight – 230 Manns Road, West Gosford
- 3.4    Commercial Office at 192 Mann Street, Gosford
- 3.5    Fairhaven Services for 17 Kincumber Street, Kincumber
- 3.6    Commercial Premises at 6 Stockyard Place, West Gosford
- 3.9    Commercial Premises - 2A Watt Street, Gosford
- 3.10    Coast Book Exchange – 153 Mann Street, Gosford
- 3.11    Coffee Shop, 344 Mann Street, North Gosford
- 3.12    Office – 355 Mann Street, North Gosford
- 3.13    Oriental Leisure Centre at Unit 4 283 Mann Street, Gosford

**Item Title**

- 3.14 29 Wollong Street, North Gosford  
5.1 Investment report for August 2017  
5.3 Pecuniary Interest Disclosure Returns

**For:****Unanimous****Motion of Urgency****Moved: Councillor Best****Seconded: Councillor Holstein**

**591/17 That Council consider a motion of urgency in respect of s. 291A of the Local Government Act 1993 as a motion must be resolved at the first meeting of Council to determine if a countback or by-election will occur if an elected member of this Council is not able to fulfil their term of Council, otherwise the option would be lost.**

**The motion was put and declared lost.**

**For:**

**Marquart, Holstein, Gale Collins, Pilon,  
McLachlan, Greenaway, Burke and Best**

**Against:**

**Mehrtens, Sundstrom, McGregor, Vincent,  
Hogan, Matthews and Smith**

**3.1 Fire Safety Inspection Report for Commercial Building No 3 Yandina Road,  
West Gosford**

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**Moved: Councillor Vincent****Seconded: Councillor Burke****Resolved**

**592/17 That Council note the result of the site inspection carried out on the 16 August 2017.**

**593/17 That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.**

**594/17 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.**

**For:****Unanimous**



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**3.2 Fire Safety Inspection Report for Commercial Office at 100-104 Mann Street, Gosford**

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**Moved: Councillor Vincent****Seconded: Councillor Burke****Resolved**

**595/17 That Council note the result of the site inspection carried out on the 15 August 2017.**

**596/17 That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.**

**597/17 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.**

**For:****Unanimous**

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**3.3 Fire Safety Inspection Report for Angel Delight - 230 Manns Road, West Gosford**

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**Moved: Councillor Vincent****Seconded: Councillor Burke****Resolved**

**598/17 That Council note the result of the site inspection carried out on the 16 August 2017.**

**599/17 That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.**

**600/17 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.**

**For:****Unanimous**

**3.4 Fire Safety Inspection Report for Commercial Office at 192 Mann Street, Gosford**

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**Moved: Councillor Vincent****Seconded: Councillor Burke****Resolved****601/17 That Council note the result of the site inspection carried out on the 15 August 2017.****602/17 That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.****603/17 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.****For:****Unanimous****3.5 Fire Safety Inspection Report for Fairhaven Services for 17 Kincumber Street, Kincumber**

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**Moved: Councillor Vincent****Seconded: Councillor Burke****Resolved****604/17 That Council note the result of the site inspection carried out on the 20 July 2017.****605/17 That Council resolve to not exercise its power to issue an order 6 or 8 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.****606/17 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.****For:****Unanimous**

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**3.6 Fire Safety Inspection Report for Commercial Premises at 6 Stockyard Place, West Gosford**

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**Moved: Councillor Vincent****Seconded: Councillor Burke****Resolved****607/17 That Council note the result of the site inspection carried out on the 16 August 2017.****608/17 That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.****609/17 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.****For:****Unanimous**

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**3.7 Fire Safety Inspection Report for Commercial Office at 101 Erina Street East Gosford**

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**Moved: Councillor Best****Seconded: Councillor Holstein****Resolved****610/17 That Council note the result of the site inspection carried out on the 15 August 2017.****611/17 That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.****612/17 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.****For:****Unanimous**

**3.8 Fire Safety Inspection Report for Kincumber Shopping Centre at 43-45 Avoca Drive, Kincumber**

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**Moved:** Councillor Holstein  
**Seconded:** Councillor Mehrstens

**Resolved**

**613/17 That Council note the result of the site inspection carried out on the 20 July 2017.**

**614/17 That Council resolve to not exercise its power to issue an order 6 or 8 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.**

**615/17 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.**

**For:**  
**Unanimous**

**3.9 Fire Safety Inspection Report for Commercial Premises - 2 A Watt Street, Gosford**

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**Moved:** Councillor Vincent  
**Seconded:** Councillor Burke

**Resolved**

**616/17 That Council note the content of the Fire Safety Inspection Report from Fire and Rescue NSW (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act (EP&A), 1979.**

**617/17 That Council receive a further report to be provided to the next Council meeting in accordance with 121ZD(2)(b) of the EP&A Act.**

**For:**  
**Unanimous**

**3.10 Fire Safety Inspection Report for Coast Book Exchange - 153 Mann Street, Gosford**

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**Moved: Councillor Vincent****Seconded: Councillor Burke****Resolved**

**618/17 That Council note the content of the Fire Safety Inspection Report from Fire and Rescue NSW (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act (EP&A), 1979.**

**619/17 That Council determine that no further action is required as recommended by Fire and Rescue NSW.**

**620/17 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.**

**For:****Unanimous****3.11 Fire Safety Inspection Report for Coffee Shop 344 Mann Street, North Gosford**

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**Moved: Councillor Vincent****Seconded: Councillor Burke****Resolved**

**621/17 That Council note the content of the Fire Safety Inspection Report from Fire and Rescue NSW (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act (EP&A), 1979.**

**622/17 That Council receive a further report to be provided to the next Council meeting in accordance with 121ZD(2)(b) of the EP&A Act.**

**For:****Unanimous**



**3.12 Fire Safety Report for Office at 355 Mann St, North Gosford**

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**Moved: Councillor Vincent****Seconded: Councillor Burke****Resolved**

**623/17 That Council note the content of the Fire Safety Inspection Report from Fire and Rescue NSW (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act (EP&A), 1979.**

**624/17 That Council receive a further report to be provided to the next Council meeting in accordance with 121ZD(2)(b) of the EP&A Act.**

**For:****Unanimous****3.13 Fire Safety Inspection Report for Oriental Leisure Centre at Unit 4 283 Mann St, Gosford**

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**Moved: Councillor Vincent****Seconded: Councillor Burke****Resolved**

**625/17 That Council note the content of the Fire Safety Inspection Report from Fire and Rescue NSW (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act (EP&A), 1979.**

**626/17 That Council receive a further report to be provided to the next Council meeting in accordance with 121ZD(2)(b) of the EP&A Act.**

**For:****Unanimous**

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**3.14 Fire Safety Inspection Report for 29 Wollong St, North Gosford**

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**Moved:** Councillor Vincent

**Seconded:** Councillor Burke

**Resolved**

**627/17 That Council note the content of the Fire Safety Inspection Report from Fire and Rescue NSW (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act (EP&A), 1979.**

**628/17 That Council receive a further report to be provided to the next Council meeting in accordance with 121ZD(2)(b) of the EP&A Act.**

**For:**

**Unanimous**

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**4.1 Nomination of Council Representatives to Joint Regional Planning Panel**

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**Moved:** Councillor Vincent

**Seconded:** Councillor Sundstrom

**Resolved**

**629/17 That Council nominate, pursuant to cl. 2(1)(b) of Schedule 4 to the Environmental Planning and Assessment Act 1979, the following Councillors to be members of the Hunter and Central Coast Joint Regional Planning Panel:**

**a. Councillor MacGregor**

**b. Councillor Burke**

**630/17 That Council nominate, pursuant to cl. 8(2) of Schedule 4 to the Environmental Planning and Assessment Act 1979 the following two Councillors, each to be an alternate of the Councillors nominated in resolution 1 above to the Hunter and Central Coast Joint Regional Planning Panel:**

**a. Councillor Sundstrom**

**b. The Mayor, Councillor Smith**

**631/17 That Council determine that the remuneration to be paid to each nominee when exercising functions as a member of the Hunter and Central Coast Joint Regional Planning Panel is \$700.00 per meeting, inclusive of GST and expenses.**

**632/17 That Council note that the above nominations are to take effect immediately and to be for a term of three years.**

- 633/17**     *That Council request the Chief Executive Officer notify the secretariat of Hunter and Central Coast Joint Regional Planning Panel in writing of the above nominations.*
- 634/17**     *That Council request the Chief Executive Officer notify the current Council representatives of Hunter and Central Coast Joint Regional Planning Panel in acknowledgement of their significant contribution and advising of the changes to the representation from Council.*

**For:**

**Unanimous**

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#### **4.2            Central Coast Council Business Activities**

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**Moved:**            **Councillor Vincent**  
**Seconded:**       **Councillor Matthews**

**Resolved**

- 635/17**     *That Council approve the classification of those activities in this report as Business Activities in accordance with National Competition Policy.*
- 636/17**     *That Council declare its Business Activities in accordance with National Competition Policy and the Code of Accounting Practice and Financial Reporting.*

**For:**

**Unanimous**

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#### **4.3            Setting of fees to be paid to the Mayor, Deputy Mayor and Councillors**

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**Moved:**            **Councillor Burke**  
**Seconded:**       **Councillor Marquart**

**Resolved**

- 637/17**     *That Council note the determination made by the Local Government Remuneration Tribunal on 12 April 2017 in respect of Councillor and Mayoral fees.*
- 638/17**     *That Council fix the annual fee to be paid to each councillor at \$28,950, pursuant to s. 248(2) of the Local Government Act 1993.*
- 639/17**     *That Council fix the annual fee to be paid to the Mayor at \$84,330, pursuant to s. 249(3) of the Local Government Act 1993.*
- 640/17**     *That Council determine, pursuant to s. 249(5) of the Local Government Act 1993, that an annual fee of \$8,433 be paid to the Deputy Mayor, that fee to be deducted from the annual fee paid to the Mayor in accordance with resolution 3 above.*

**For:**  
**Councillors Greenaway, MacGregor,**  
**Matthews, Mehrstens, Sundstrom, Best,**  
**Burke, Gale Collins, Holstein, Marquart,**  
**McLachlan and Pilon**

**Abstain (recorded as Against):**  
**Mayor Smith, Councillors Vincent and**  
**Hogan**

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#### **4.4 Grants and Sponsorship Review Panel**

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**Moved:** Councillor Vincent  
**Seconded:** Councillor Gale Collins

**Resolved**

**641/17 That Council appoint the Mayor and two (2) Councillors to the Grants and Sponsorship Review Panel.**

- Councillor Matthews
- Councillor Pilon

**642/17 That Council nominate alternate delegates:**

- Councillor Holstein
- Councillor Greenaway

**For:**  
**Unanimous**

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#### **4.5 Audit, Risk and Improvement Committee Membership**

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**Moved:** Councillor Burke  
**Seconded:** Councillor Gale Collins

**Resolved**

**643/17 That Council appoint the following two Councillors to be members of the Audit, Risk and Improvement Committee:**

- a** Councillor Vincent
- b** Councillor Greenaway

**644/17 That Council also appoint the following two Councillors to be alternate members of the Audit, Risk and Improvement Committee, to attend meetings in the absence of one or both of the two Councillor members:**

- a** Councillor Matthews
- b** Councillor Sundstrom

**For:**  
**Unanimous**

**4.6 Public exhibition of proposed amendments to the adopted Councillor Expenses and Facilities Policy**

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Councillor Best left the chamber at 8.13pm and returned at 8.15pm during consideration of this item.

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

**Seconded:** **Councillor Burke**

**Resolved**

**645/17 That Council defer this item for a Councillor briefing to be held as soon as possible (within a few weeks) to discuss the matter further.**

**For:**

**Unanimous**

**5.1 Investment report for August 2017**

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**Moved:** **Councillor Vincent**

**Seconded:** **Councillor Burke**

**Resolved**

**646/17 That Council receive the Investment report for August 2017.**

**For:**

**Unanimous**

**5.2 Sponsorship Program Update**

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**Moved:** **Councillor Vincent**

**Seconded:** **Councillor Mehrtens**

**Resolved**

**647/17 That the Council receive the report on the Sponsorship Program Update.**

**For:**

**Unanimous**

**5.3 Pecuniary Interest Disclosure Returns**

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**Moved:** **Councillor Vincent****Seconded:** **Councillor Burke****Resolved**

**648/17 That Council note that the Chief Executive Officer tabled pecuniary interest disclosure returns, pursuant to s.450A(2) of the Local Government Act 1993.**

**For:****Unanimous****6.1 Open and Transparent Council**

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Councillor MacGregor left the chamber at 8.24pm and returned at 8.26pm during consideration of this item.

**Moved:** **Councillor Best****Seconded:** **Councillor Holstein****Resolved**

**649/17 That having regard to the amalgamation of the former Wyong and Gosford Councils, Council resolve to request that the Chief Executive Officer provide a comprehensive report on the amalgamation project plan and objectives/deliverables clearly articulating and importantly demonstrating what has been achieved to date and what is still required to be completed.**

**650/17 That Council further resolve to request that the Chief Executive Officer provide a report on what expenditures have been made out of the \$20M State Government Amalgamation Fund, what funds are remaining and what percentage of the amalgamation process has been effectively delivered.**

**For:****Unanimous**

**6.2 Electoral Leniency**

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Councillor Greenaway left the chamber at 8.28pm and returned at 8.30pm during consideration of this item.

**Moved:** **Councillor Best**

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

**Resolved**

**651/17 That Council notes that the first election of the Central Coast Council involved a new local government area divided in to 5 wards, which were likely to be unfamiliar to and potentially confusing to some resident electors.**

**652/17 That Council request that the NSW Electoral Commissioner exercise appropriate discretion and leniency when exercising the following statutory discretions:**

- a When determining, for the purposes of s. 314(1) of the Local Government Act 1993, whether a resident appears to not have sufficient reason for failing to vote at the September 2017 election; and;**
- b When determining, pursuant to s. 314(6)(f) of that Act, whether a reason given by any such resident is acceptable to the Commissioner.**

**For:**

**Unanimous**

**QUESTIONS ON NOTICE**

**Q2/17 Lake Munmorah & Norah Heads Master Plans  
Councillor Greg Best**

Mr General Manager, I regularly frequent a number of Progress & Precinct Committees. In doing so I have been repeatedly approached by Lake Munmorah & Norah Heads residents groups seeking advice around when their long-awaited and promised Master Plans will finally be released. It has been a number of years since these communities were engaged by Council to develop these important documents which will steer the development direction of these communities, and indeed define them.

Mr General Manager, could you please report to the next Council Meeting the progress of these important community Master Plans?

**Q3/17      Holiday Parks Revenue**  
**Councillor Doug Vincent**

Could staff please provide a report on the holiday parks \$10.1m revenue and how it is spent and if the expenditure is compliant with the Crown Lands Act?

**Q4/17      Concept for Disability Precincts**  
**Councillor Doug Vincent**

Could staff please advise if the concept of disability precincts have been considered for the Central Coast region and report if the concept could be implemented across the Central Coast?

**Procedural Motion**

**Moved:**            **Councillor Burke**  
**Seconder:**      **Councillor Marquart**

**Resolved**

**653/17      That Council approve Councillor Best's leave of absence for the 23 October 2017 Ordinary Meeting of Council.**

**For:**  
**Unanimous**

**Procedural Motion**

**Moved:**            **Councillor Matthews**  
**Seconder:**      **Councillor MacGregor**

**Resolved**

**654/17      That Council approve Councillor Hogan's leave of absence for the 23 October 2017 Ordinary Meeting of Council.**

**For:**  
**Unanimous**

**THE MEETING** closed at 8.35pm.



**Item No:** 2.1  
**Title:** Mayoral Minute - Proposed Central Coast Airport  
**Department:** Councillor

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23 October 2017 Ordinary Council Meeting

Author: Mayor Smith

## Background

In 1996, following community concerns about the development of Warnervale Airport (as it was then named), the NSW Parliament passed the *Warnervale Airport (Restrictions) Act 1996* (WAR Act) to restrict certain activities and development at the Warnervale Airport. Subsequently, the airport land was included in the Warnervale Economic Zone (WEZ) for industrial development.

The site is at the upper catchment of Porters Creek Wetland, the largest freshwater wetland on the Central Coast. Much of Porters Creek wetland is identified as a SEPP14 wetland with the north east areas (including much of the location of WEZ) described as a "Wetland Management Area" in Chapter 3.10 of Wyong Shire Development Control Plan 2013.

In early 2015, Wyong Council started planning for a Regional Airport at Warnervale, despite the site being subject to the WAR Act.

In May 2015 the former Wyong Council applied to the then NSW Minister for Planning to have the WAR Act repealed. That Minister initiated a review of the WAR Act. In August 2017 the current Minister for Planning refused that request

On 28 October 2015 the former Wyong Council resolved to proceed with the Warnervale Airport development on the 28 October 2015, and adopted a masterplan. That 2015 masterplan has never been out on public exhibition

This Council has continued to spend funds to clear native vegetation and build assets such as roads, runways, buildings, a flood levee, fencing and security cameras in and around the Airport. In addition, an Airport Manager was employed and expressions of interest called to develop the airport. There are also substantial other expenses such as planning, advertising, staff time and legal and planning consultants.

Key Planning documents do not provide for an airport including:

- 1) Central Coast Regional Plan 2016 prepared by the NSW Government, excluded an airport of any description and;
- 2) The NSW Government advised in August 2017, that the WAR Act would be retained.

Given that the proposed regional airport is not included in key planning documents and the State government's recent decision to retain the WAR Act, it is appropriate for Council to reconsider the future direction of this site in consultation with the community.

*I formally move:*

*That Council request the Chief Executive Officer do each of the following:*

- 1 Make an 'authorised proactive release' of information relating to the future development of the Wyong Economic Zone (including the Warnervale Airport/Central Coast Airport) under s. 7 of the Government Information (Public Access) Act 2009, with such information to be made available on the Council website.*
- 2 Provide a report to Council in respect to any documents that the Chief Executive Officer determines should not be disclosed, including the reasons for coming to that decision.*
- 3 Provide a report to the ordinary meeting of the Council on 27 November 2017 on the draft Masterplan for the Central Coast Airport.*
- 4 Provide a briefing on the proposed strategic development of the Wyong Economic Zone prior to 27 November 2017.*
- 5 Suspend all works on the Central Coast Airport until the 27 November 2017 meeting of the Council, except where those works are required by law or the suspension of those works would put Council in breach of existing contractual obligations and/or expose Council to claims for damages or variation under any such contract.*

#### **Attachments**

*Nil.*



**Item No:** 3.1  
**Title:** Development Applications Approved with a Variation to Development Standards  
**Department:** Environment and Planning

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23 October 2017 Ordinary Council Meeting

Author: Tanya O'Brien, Unit Manager Development Assessment  
Executive: Scott Cox, Director Environment and Planning

## **Report Purpose**

To report to Council a summary of development applications which have been approved with a variation to development standards for the July to September 2017 quarter.

## **Recommendation**

***That Council receive and note the report on development consents that included variation to relevant development standards.***

## **Background**

### **Variations to development standards**

Each quarter all Councils are required to report to the Department of Planning and Environment the development applications that have been granted consent involving variation to relevant development standards.

*Gosford Local Environmental Plan 2014 (GLEP)* and *Wyang Local Environmental Plan 2013 (WLEP)* permit variations to some development standards, as long as the development is considered to meet the following objectives:

- (a) To provide an appropriate degree of flexibility in applying certain development standards to particular development.
- (b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In each case, the relevant development application must also address the objectives of the development standard being varied.

*State Environmental Planning Policy No 1 (SEPP 1)* also permits variations to the development standards within *Interim Development Order Number 122 (IDO122)*, which applies to some land within the former Gosford local government area.

### **3.1 Development Applications Approved with a Variation to Development Standards (contd)**

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Council requires that a written request to vary a development standard be considered in each case, which must address the following matters:

- Why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- That there are sufficient environmental planning grounds to justify contravening the development standard.

A review of Council records has identified that consent was granted to 34 development applications from 1 July 2017 to 30 September 2017 that included a variation to a development standard within WLEP, GLEP or IDO122. A copy of the variation to development standard register for the July-September 2017 quarter is attached.

#### **Attachments**

- 1** Summary of Variations 1st July to 30 September 2017      D12854966

## SUMMARY OF DEVELOPMENT STANDARD VARIATIONS - CENTRAL COAST COUNCIL - 1ST JULY TO 30 SEPTEMBER 2017

DA No	Lot No	DP No	Street No	Street/Suburb	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
011.2017.00052086.001	LOT: 4 DP: 609909	609909	14	Albert St Wagstaffe	Residential - Alterations & Additions	GLEP 2014	R2 Low Density Residential	Clause 4.3 Height of buildings	The variation is of a very minor nature (85mm) and is located at the ridge which forms the centerline of the dwelling. As such the breach in height is located at approx. the middle of the lot and is a reasonable distance from the lot boundary and adjoining dwellings. The amended roofline forms a gable which runs the length of the lot instead of the width. As such the eave height at the boundary is actually lower than the existing development which in turn actually improves the views from the adjoining dwelling directly to the south. The proposal has been notified and has received no submissions.	1% variation.	COUNCIL	06/07/2017
011.2016.00051218.001	LOT: 3 DP: 100803	100803	37	Endeavour Dr Avoca Beach	Residential - Single new dwelling	GLEP 2014	R2 Low Density Residential	Clause 4.3 Height of buildings, Clause 4.4 Floor space ratio	The slope of land means it would be difficult to meet standard and there will be no impact on amenity of neighbours due to the adjoining building footprints and the proposed design relative to those footprints.	Height: 9%	COUNCIL	10/07/2017
011.2017.00052281.001	LOT: 1 DP: 37991	37991	54	Albany St Point Frederick	Residential - Single new dwelling	GLEP 2014	R2 Low Density Residential	Height of buildings and Clause 4.4 Floor space ratio	Slope of the land makes compliance difficult to achieve. The development is in keeping with current development within the street and character in the locality.	Floor Space Ratio: 6% Building Height: 9%	COUNCIL	19/07/2017
DA/433/2016	LOT: 26 DP: 3763		43	Howarth St Wyong	Residential - Other	WLEP 2013	B4 Mixed Use	Clause 4.3 Height of buildings	Proposed building height is 18.56m. The front building exceeds the permissible height by 5.56m. Non compliance considered reasonable as it complies with the master plan for the area, and is appropriate relative to other structures in the area.	43%	COUNCIL	27/07/2017
DA/433/2016	LOT: 26 DP: 3763		43	Howarth St Wyong	Residential - Other	SEPP (Affordable Rental Housing) 2009	B4 Mixed Use	Clause 29(2)(e) Car parking	62 rooms generates the need for 12.4 car spaces which is required to be rounded up to 13 car spaces. The basement car park provides 12 boarding house car spaces which is a shortfall of 1 car space. Considered acceptable due to location proximate to public transport, retail and services.	14.3%	COUNCIL	27/07/2017
011.2017.00051991.001	LOT: 1 DP: 1029611	1029611	210	Terrigal Dr Terrigal	Residential - New multi unit	GLEP 2014	R1 General Residential	Clause 4.4 Floor Space Ratio	This minor variation results in a better design outcome for the multi unit development on site.	1.6%	COUNCIL	28/07/2017
011.2016.00050070.001	LOT: 2 SP: 38243	38243	160	Araluen Dr Hardys Bay	Residential - Alterations & Additions	GLEP 2014	R2 Low Density Residential	Clause 4.4(2) Floor space ratio	The variation does not itself contribute to visual bulk or discerningly increase privacy/overshadowing impacts. Considered acceptable due to design merits.	18%	COUNCIL	03/08/2017
011.2016.00050379.001	LOT: 2 DP: 316489	316489	162	Booker Bay Rd Booker Bay	Residential - New second occupancy	GLEP 2014	R1 General Residential	Clause 4.1B Minimum Lot size requirement for attached dual occupancy	Minor variation to land size development is generally compliant with Council development controls and results in minimal amenity impacts.	1.25% - lot size	COUNCIL	04/08/2017
011.2017.00051516.001	LOT: 6 DP: 9934	9934	42	Ash St Terrigal	Residential - New second occupancy	GLEP 2014	R1 General Residential	Clause 4.1B Minimum Lot Size for attached Dual Occupancy and Clause 4.3 Building Height	Small variation to Clause 4.1b is justified by compliance of the design with all relevant planning controls. The proposed design is considered to be of high architectural merit and warrants approval. Height variation results from the sloping nature of the site.	Clause 4.1B variation is 6.9% Clause 4.3 variation is 5.8%	COUNCIL	04/08/2017

DA/725/2017	LOT: 1 DP: 1115619		113	Toowoomba Bay Rd Toowoomba Bay	Residential - Alterations & Additions	WLEP 2013	R1 General Residential	Clause 4.3 Height of buildings	Compatible with the current and desired character of the area. The minor variation has no material impact upon adjoining properties	0.25m - height	COUNCIL	7/08/2017
011.2016.00051311.001	LOT: 12 DP: 547612	547612	6	Jacaranda Cr Tascott	Subdivision Only	GLEP 2014	R2 Low Density Residential	Clause 4.1(3) Minimum allotment size of 550.0 m2	Proposed Lot 1 has sufficient site area, width and depth to accommodate the existing dwelling-house and associated ancillary structures given the existing land characteristics of the site and as demonstrated on the proposed plan of subdivision.	3.47%- lot size	COUNCIL	08/08/2017
011.2017.00051645.001	LOT: 1 DP: 706394	706394	15	Dunbar Rd Woy Woy	Residential - Seniors Living	SEPP (Housing for Seniors or People with a Disability) 2004	R2 Low Density Residential	Clause 50(h) Car parking and Clause 40(4)(c) Height of building located in the rear 25% area of the site must not exceed 1 storey in height	Clause 50(h) - It is considered that the proposal provides a satisfactory level of parking. The shortfall is minimal and more than sufficient visitor parking is provided. The design of the proposal is not considered to unduly impact on on-street parking in the vicinity of the site. The proposal is suitably located for access to bus services and provides suitable accommodation that is high in demand due to the ageing population. The proposal provides a satisfactory transition in scale to surrounding development. Adequate separation distance exist, landscape setbacks are proposed. The area of the non-compliance adjoins the golf club and there is no impact on the course or club facilities.	Clause 50(h) - 16.5% Clause 40(4) - Minor encroachment of the upper floor of Unit 15 into the rear 25% of the site by 2.6m	COUNCIL	10/08/2017
011.2017.00052432.001	LOT: 3 DP: 211956	211956	35	Jirramba Ave Saratoga	Residential - Single new dwelling	GLEP 2014	R2 Low Density Residential	Clause 4.4 Floor space ratio	Variation considered acceptable due to a small site with many other similar sized dwellings nearby.	4.2%	COUNCIL	11/08/2017
011.2017.00052376.001	LOT: 2 DP: 24932	24932	3	Parry Ave Terrigal	Residential - Alterations & Additions	GLEP 2014	R2 Low Density Residential	Clause 4.3 Height of buildings	The proposed addition will result in a 14% variation for a relatively minor portion of the overall building. The design incorporates a raking skillion roof rising in a northerly direction to maximise solar access to roofed pavilion located on eastern side of the building.	14% variation to height control for a relatively minor portion of the building.	COUNCIL	15/08/2017
011.2017.00052384.001	LOT: 52 DP: 5029	5029	33	Steyne Rd Saratoga	Subdivision Only	GLEP 2014	R2 Low Density Residential	Clause 4.1B Minimum Lot Size	Suitable area provided to accommodate a future development on the site.	6.38%	COUNCIL	16/08/2017
011.2016.00051240.001	Lot: B DP: 354245	354245	10	Fielder St West Gosford	Residential - New multi unit	GLEP 2014	R1 General Residential	Clause 4.3 Height of buildings 18m, and Clause 4.4 Maximum floor space ratio 2:1	The variations comply with the objectives of the R1 zone and the objectives of the standards. The variations do not result in significant additional impacts due to good design.	Height variation of 14.2%. FSR variation or 21.5%.	COUNCIL	17/08/2017
011.2017.00051515.001	LOT: 16 DP: 21445	21445	20	Lushington St East Gosford	Residential - New multi unit	GLEP 2014	R1 General Residential	Clause 4.1B Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings	The physical constraints of the land make the development standard impossible to comply with. No impacts to the amenity of neighbours expected as a result of the minor variation.	2.2% lot size variation	COUNCIL	17/08/2017
011.2017.00051660.001	LOT: 1 DP: 634341	634341	735	The Scenic Rd MacMasters Beach	Subdivision Only	IDO 122	7(c2)Scenic Protection Rural IDO122	Clause 18 of Interim Development Order 122 relating to minimum lot size.	Variation supported to achieve an adequate potential building site on the high point of the property for proposed Lot 101, to minimise the impact of vehicle access and services on the vegetation on the property, and to provide better firefighting access to the proposed building site. The variation also provides for better solar access to any future dwelling on proposed lot 101.	4.6% lot size variation	COUNCIL	17/08/2017

011.2017.00052232.001	LOT: 8 DP: 1136135	1136135	3	Sailfind Pl Somersby	Industrial	GLEP 2014	B5 Business Development	Clause 4.3 Height of buildings Maximum building height	The non-compliant building height is due to the topography of the site and to maintain a horizontal building roof line for business warehouse consistency and functionality.	11.76% height of buildings variation	COUNCIL	24/08/2017
011.2017.00051809.001	Lot: A DP: 39240	39240	48	Webb St East Gosford	Residential - New multi unit	GLEP 2014	R1 General Residential/ RE1 Public Recreation	Clause 4.3 Height of buildings	The variation is in response to the slope of the land and the potential for flooding of the rearward portion of the site. Building raised up to achieve Council's minimum flood planning level.	2.67% height of building variation	COUNCIL	25/08/2017
011.2017.00052402.001	LOT: 4 DP: 224575	224575	59	Diamond Rd Pearl Beach	Residential - Alterations & Additions	GLEP 2014	R2 Low Density Residential	Clause 4.3 Height of buildings	Building raised to achieve Council's minimum flood planning level	0.33% height of building variation	COUNCIL	29/08/2017
011.2017.00052581.001	LOT: 17 DP: 229384	229384	35	Lake View Rd Wamberal	Residential - Alterations & Additions	GLEP 2014	R2 Low Density Residential	Clause 4.4 Floor space ratio	The proposed variation is not considered to be excessive and proposed additions which incorporate architectural features (e.g. roofed balconies and building articulation) will significantly improve the street appearance of the dwelling.	9% variation to floor space ratio	COUNCIL	29/08/2017
011.2017.00052552.001	LOT: 21 DP: 1201606	1201606	125	Albany St Point Frederick	Residential - Single new dwelling	GLEP 2014	R2 Low Density Residential	Clause 4.4 Floor space ratio	The proposed development is located on a battle-axe block on the water front, it has taken into consideration neighbouring views and privacy and is not excessive in bulk or scale.	5% variation to floor space ratio	COUNCIL	06/09/2017
011.2017.00052157.001	LOT: 489 DP: 14592	14592	6	Gem Rd Pearl Beach	Residential - Alterations & Additions	GLEP 2014	R2 Low Density Residential	Clause 4.3 Height of buildings	Building raised to achieve Council's minimum flood planning level	29% height of buildings variation	COUNCIL	07/09/2017
011.2017.00051496.001	LOT: 3 DP: 1136135	1136135	6	Sailfind Pl Somersby	Industrial	GLEP 2014	B5 Business Development	Clause 4.3 Height of buildings	The variation to the 8.5m height standard arises because of site slope and flooding constraints.	11.7% height of buildings variation	COUNCIL	08/09/2017
011.2017.00052346.001	LOT: 1 DP: 10186	10186	401	Ocean Beach Rd Umina Beach	Residential - New second occupancy	GLEP 2014	R1 General Residential	Clause 4.4. Floor space ratio	The development complies with the objectives of Clause 4.4 and no impacts to the amenity of neighbours is expected from the noncompliance.	Floor Space Ratio Variation 3.7%.	COUNCIL	08/09/2017
011.2017.00052671.001	LOT: 78 DP: 270857	270857	47	Reginald Dr Terrigal	Residential - Single new dwelling	GLEP 2014	R2 Low Density Residential	Clause 4.3 Height of buildings	The extent of encroachment into maximum building height of 8.5m is limited to the upper most roof ridge which runs in a north-south direction (maximum 3.3m in length) and is located in the central portion of the site.	7.6% height of building variation	COUNCIL	08/09/2017
011.2017.00052444.001	LOT: 15 DP: 206562	206562	31	High St Saratoga	Residential - Alterations & Additions	GLEP 2014	R2 Low Density Residential	Clause 4.3 Height of buildings	The building height is due to the topography of the site and fits within the building envelope and height controls in the rear elevations.	3.5% - height	COUNCIL	11/09/2017
011.2016.00049556.001	LOT: 203 DP: 1044058	1044058	280	Mann St Gosford	Residential - New multi unit	GLEP 2014	B4 Mixed Use	Clause 4.3 and 8.9. Height of buildings	The proposal complies with the objectives of the zone and development standard. The variation has no significant additional environmental impacts on adjoining sites. The proposed variation is minor and results in a high quality development.	Height Variation of 7.4%.	COUNCIL	19/09/2017
011.2017.00051888.001	Lot: 447 DP: 7029	7029	105	Empire Bay Dr Empire Bay	Residential - Single new dwelling	GLEP 2014	R2 Low Density Residential	Clause 4.3 Height of buildings	The slope of the land means it would be difficult to meet the standard and there will be no impact on the amenity of neighbours.	14% - height	COUNCIL	25/09/2017

011.2017.00052752.001	LOT: 6 DP: 204609	204609	20	Cottee Cr Terrigal	Residential - Alterations & Additions	GLEP 2014	R2 Low Density Residential	Clause 4.3 Height of buildings	The proposal is for provision of a pitched roof to replace existing skillion roof. The non compliance with the control occurs in the central portion of the steeply sloping site and will have no adverse impact on adjoining premises. Further the extent of encroachment is limited to upper level ridge only which runs in an east to west direction with the remainder of the roof height being compliant.	9% - Height	COUNCIL	25/09/2017
011.2017.00052777.001	Lot: A DP: 326535	326535	220	Steyne Rd Saratoga	Residential - Single new dwelling	GLEP 2014	R2 Low Density Residential	Clause 4.3 Height of buildings	Minimum floor level for flood control mitigation.	17% - Height	COUNCIL	26/09/2017
011.2017.00052242.001	LOT: 7 DP: 11007	11007	9	Priestman Ave Umina Beach	Residential - New multi unit	GLEP 2014	R1 General Residential	Clause 4.1B Minimum lot size	The development is not considered to impact on the amenity of residents or adjoining properties. Being single story units, the development will not adversely impact on adjoining properties in terms of privacy or overshadowing. The proposal is generally consistent with development controls for multi dwelling housing. It is considered that the extent of the variation is insignificant and the lot size is adequate to accommodate the proposed multi dwelling housing development without compromising external and internal amenity.	4% - Lot Size	COUNCIL	28/09/2017
011.2017.00051554.001	LOT: 1017 DP: 30925	30925	90	Del Monte Pl Copacabana	Residential - Single new dwelling	GLEP 2014	R2 Low Density Residential	Clause 4.3 Height of buildings and Clause 4.4 Floor space ratio	Height - The amendments to the original design has lowered the impact on the environment and adjoining properties. The design allows for view sharing to occur while also reducing the impact on the streetscape. The overall development is considered to meet the objectives of the standard and zone. FSR - The proposed FSR variation does not impede on visual appearance of the dwelling and the overall footprint is not impacted upon by the additional floor space. The design of the development is considered reasonable in the circumstances of the site.	Height 12.9% and floor space ratio 10.8%	COUNCIL	29/09/2017

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Total 34





**Item No:** 3.2  
**Title:** Planning Proposal -1 Reads Road, Wamberal -  
Outcomes of Public Exhibition - RZ/87/2016  
**Department:** Environment and Planning

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23 October 2017 Ordinary Council Meeting

Author: Robert Drew, Town Planner  
Manager: Scott Duncan, Section Manager, Land Use and Policy  
Executive: Scott Cox, Director Environment and Planning

### Report Purpose

The purpose of this report is for Council to consider a planning proposal that seeks to amend the *Gosford Local Environmental Plan 2014* by rezoning the land from zone 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under *Interim Development Order No. 122 – Gosford* to R2 Low Density Residential under *Gosford Local Environmental Plan 2014* at 1 Reads Road, Wamberal.

This report provides an overview of the outcomes of public exhibition and community consultation undertaken in respect of the planning proposal.

This report recommends that Council support finalisation of the planning proposal.

### Recommendation

- 1 That Council support the planning proposal as exhibited to rezone 1 Reads Road, Wamberal from zone 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under Interim Development Order No. 122 – Gosford to R2 Low Density Residential under Gosford Local Environmental Plan 2014.**
- 2 That Council request the Chief Executive Officer to exercise the delegation issued by the Department of Planning and Environment (21 March 2017) for PP/87/2016 and proceed with the steps for drafting and making of Amendment No. 31 to Gosford Local Environmental Plan 2014.**
- 3 That Council advise all those who made public submissions of its decision.**

At its Ordinary Meeting held on 23 November 2016, the Central Coast Council resolved as follows:

- 480/16 That Council prepare a planning proposal for Lot 1 DP 802041 Reads Road Wamberal, that seeks to amend the Gosford Interim Development Order 122 (IDO 122) and the Gosford Local Environmental Plan 2014 (GLEP 2014) by converting 7(c2) Conservation and Scenic Protection (Rural Small Holdings) R2 Low Density Residential under Gosford Local Environmental Plan (GLEP 2014) with a minimum lot size of 1850m<sup>2</sup> pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act 1979.

- 481/16      *That Council forward the planning proposal to the Department of Planning and Environment (DP&E) requesting a gateway determination , as well as requesting delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the EP&A Act, 1979.*
- 482/16      *That Council undertake community and public authority consultation in accordance with the gateway determination requirements.*
- 483/16      *That Council consider a further report on the results of the agency and community consultation.*
- 484/16      *That Council request from the Department of Planning & Environment delegations for the Chief Executive Officer (or delegate) to finalise and make the draft LEP.*

The NSW Department of Planning and Environment (DP&E) issued a gateway determination on 21 March 2017. The gateway determination outlined requirements for community consultation. The gateway determination also issued Council with plan making delegations for the planning proposal.

Council has now undertaken community consultation in accordance with the gateway determination.

### **The Site**

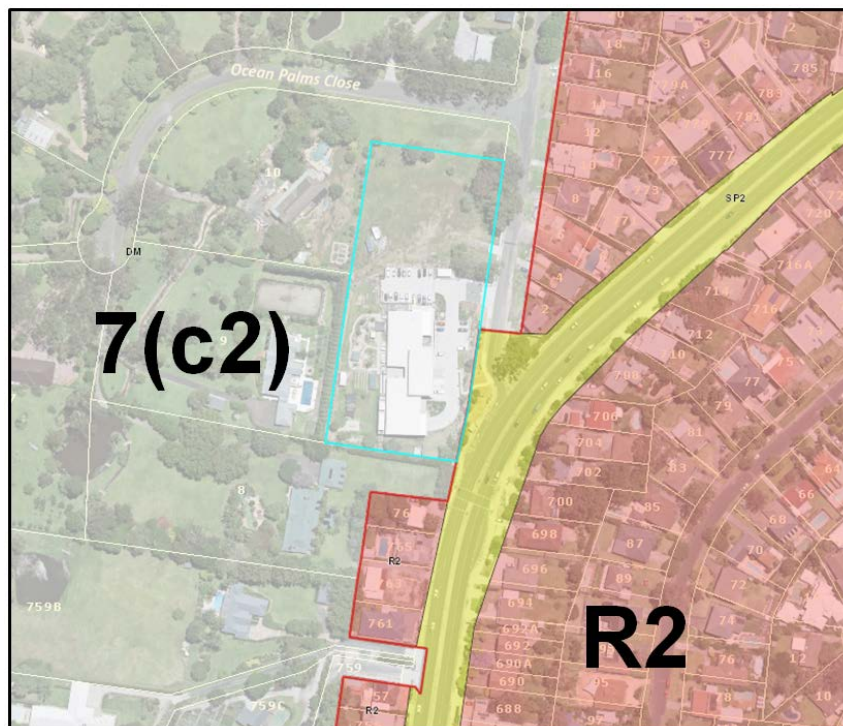
The planning proposal relates to the land known as 1 Reads Road Wamberal, being Lot 1 DP 802041 (Figure 1).

The site is approximately 10,170m<sup>2</sup> in area and regular in shape. The land comprises an existing childcare centre toward the south of the site. The north of the site is vacant.



**Figure 1:** Locality Context Aerial (subject site outlined in blue)

The site is currently zoned 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under *Interim Development Order No. 122 – Gosford* (IDO 122) (Figure 2).

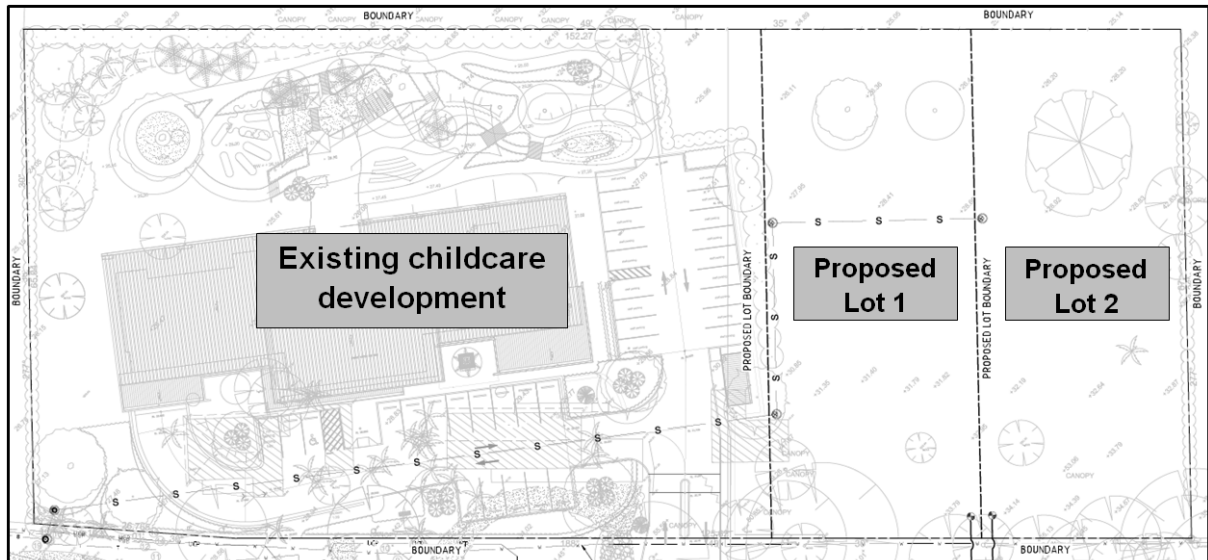


**Figure 2:** Current zoning (subject site outlined in blue)

### **The Proposal**

The planning proposal seeks to rezone the subject site from 7(c2) under IDO 122 to R2 Low Density Residential under *Gosford Local Environmental Plan 2014* (GLEP 2014). The planning proposal proposes a minimum lot size of 1,850m<sup>2</sup>.

The proposed amendment will facilitate the provision of two additional low-density torrens title residential lots at the north of the site (Figure 3).



**Figure 3:** Concept outcome indicating additional two residential lots (min 1,850m<sup>2</sup> lot size)

### **Consultation**

The gateway determination did not require consultation with government agencies.

The planning proposal was publicly exhibited between 27 July and 10 August 2017. Exhibition of the planning proposal was undertaken in accordance with the DP&E's Guide to Preparing Local Environmental Plans (August 2016) and the gateway determination.

### **Community Consultation**

Three (3) submissions were received during the public exhibition period. The matters raised by the submissions are summarised and responded to below.

Submission: *The proposal will contribute to and exacerbate on-street parking along Reads Road.*

### **3.2 Planning Proposal -1 Reads Road, Wamberal - Outcomes of Public Exhibition - RZ/87/2016 (contd)**

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Comment:

The proposed minimum lot size for the site is 1,850m<sup>2</sup> which has the potential to create two additional lots subject to the consent of Council.

All carparking for any future residential development could easily be accommodated on site therefore having no requirement for on street parking.

Submission: *The proposal is inconsistent with the objectives of the Coastal Open Space System.*

Comment:

The site is not Coastal Open Space System (COSS) nor proposed as COSS land. This site is clear of vegetation and does not contribute to any vegetation corridors.

Submission:

*Changes to housing density in the locality will affect the surrounding amenity of the area.*

Comment:

The potential for two additional dwellings on a land area of approximately 3,700m<sup>2</sup> will not have an adverse impact on the residential density of Reads Road nor surrounding area.

#### **Internal Consultation**

Comments were sought from relevant sections of Council as part of the public exhibition period.

Environmental Strategies:

No concerns were raised by Council's Environmental Strategies Section.

Water and Sewer:

Council's Water and Sewer Section raised no objections to the proposal proceeding. Additional water and sewer infrastructure and relevant contributions will be required prior to development for residential purposes.

### **Assessment**

The assessment of the planning proposal has identified that it has strategic merit for the following reasons:

- The proposal is consistent with Council's Urban Edge Zone Review which identified that sites zoned R2 Low Density Residential must be serviced, or be able to be serviced, by Council's water and sewer infrastructure. The subject site is able to be connected to Council's water and sewer systems and therefore has characteristics consistent with an R2 Low Density Residential zone.
- The proposed minimum lot size will maintain the existing lot size transition between urban and non-urban land uses in the area.

The planning proposal is consistent with the Central Coast Regional Plan (CCRP) 2036 as it contributes to the provision of well-serviced housing in the area.

A Water and Sewer System Capacity analysis and Preliminary Site Investigation for Contamination report were undertaken to support the application as part of the gateway determination. These analyses were reviewed by relevant internal sections of Council who raised no objections.

### **Statutory compliance and strategic justification**

The planning proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPP), Ministerial S.117 Directions and the relevant guidelines set out within the regional plans, including the CCRP 2036.

The proposal is consistent with these considerations and is suitable to be forwarded to the DP&E for finalisation.

### **Delegation**

Council has been issued with the delegation of the Minister to make the amending Local Environmental Plan (LEP). Following the departure of the former Chief Executive Officer (CEO), Rob Noble, Council has advised the DP&E that Council's new delegate for this function is the Acting CEO, Brian Bell.

### **Conclusion**

The planning proposal as presented has strategic merit and will enable the pragmatic and orderly development for low-density residential development. In addition to this, the planning proposal is consistent with relevant strategies for the Central Coast.

It is therefore recommended that the Planning Proposal be supported by Council.

### **Attachments**

- 1** Summary of Planning Proposal      D12832128

SUMMARY	PLANNING PROPOSAL
Applicant:	Doug Sneddon Planning P/L
Owners:	Reads Group Pty Ltd
Application No:	87 / 2016
Description of Land:	Lot 1 DP 802041
Address:	1 Reads Road WAMBERAL
Site Area:	1.17 hectares
Current Zoning:	7(c2) Scenic Protection – Rural Small Holdings
Proposed Amendment:	Rezone land to R2 – Low Density Residential





**Item No:** 3.3  
**Title:** Draft Central Coast Open Pile Burning Policy  
**Department:** Environment and Planning

---

23 October 2017 Ordinary Council Meeting

**Author:** Scott Duncan, Section Manager Land Use and Policy  
**Manager:** Matthew Prendergast, Unit Manager Strategic Planning  
**Executive:** Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is for Council to consider the draft Central Coast Open Pile Burning Policy.

This report recommends that Council adopt the draft Central Coast Open Pile Burning Policy for the purpose of public exhibition.

### **Recommendation**

- 1 That Council adopt the draft Central Coast Open Pile Burning Policy for the purpose of public exhibition.**
- 2 That Council exhibit the draft Central Coast Open Pile Burning Policy for a period of 28 days.**
- 3 That Council consider a further report on the outcomes of community consultation.**
- 4 That Council note that if the draft Central Coast Open Pile Burning Policy is adopted by Council it will be necessary to seek the following from the Environmental Protection Authority before that Policy can be implemented:**
  - a. The listing of the Central Coast Council as an approval authority for the burning of vegetation under Part 2 and 3 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**
  - b. Request the removal of the former Gosford City Council from Part 1 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**
  - c. Request the removal of the former Wyong Shire Council from Part 2 and 3 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**

### Background

The Central Coast Council and the NSW Rural Fire Service (RFS) receive numerous requests from rural landowners to burn dead vegetation in order to carry out routine maintenance of their land. The RFS does not have the legislative capacity to authorise pile burning.

Open pile burning is regulated across NSW by the *Protection of the Environment Operations (Clean Air) Regulation 2010* (POEO (Clean Air) Regulation) under the *Protection of the Environment Operations Act 1997* (POEO Act). Under this regulation, local councils voluntarily choose the level of control over burning that is best suited to their Local Government Area (LGA).

For pile burning to be permissible within an LGA, it must be listed under Parts 2 and 3 of POEO (Clean Air) Regulation. Most regional local councils permit open pile burning, for example Hornsby, Hawkesbury City, Blue Mountains City, Maitland City, Port Stephens and Lake Macquarie.

Open pile burning is also permitted within the former Wyong LGA. The former Wyong Shire Council Policy for Control of Open Burning and Notice of Approval to Burn Dead and Dry Vegetation (Pile Burning) permits certain rural residential landowners/managers to carry out pile burning of dry and dead vegetation in the open on their property subject to a number of conditions.

The former Gosford City Council publicly exhibited a Draft Open Pile Burning Policy in September 2015, but it was never adopted.

### The Proposal

The draft *Central Coast Open Pile Burning Policy* (the draft Policy) (Attachment 1) seeks to consolidate the provisions of the former Wyong Shire Council Policy for Control of Open Burning and provisions of the draft for the final Gosford policy. It provides a self-regulated approval process for pile burning on land that meets certain conditions.

The proposed policy will apply to land that meets the following criteria:

- Comprises an area of greater than 4,000m<sup>2</sup>; and
- Zoned RU1 Primary Production, RU2 Rural Landscape, RU6 Transition, R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living or RE2 Private Recreation; or
- Zoned 7(a) Conservation or 7(c2) Scenic Protection under *Interim Development Order 122*.

The draft Policy will enable landowners to manage their properties in the following manner:

- Burning of only one pile of vegetation on the land at any one time.
- The pile must be less than 2 metres in diameter and less than 1.5 metres in height.
- A Fire Permit must be obtained from the RFS for open burning during the Bushfire Danger Period (usually 1 October to 31 March).
- The vegetation must be dry or dead and generated from the premises on which the vegetation grew with a diameter of 150mm or less.
- Adjacent property owners and the RFS must be given 24 hours notice (verbal or written) of an intention to burn.
- An open fire must be supervised at all times by a responsible adult.
- Burning must comply with all RFS rules, standards and guidelines, and must not cause nuisance to neighbours or a smoke hazard to traffic.

The policy does not provide approval for the destruction and removal of vegetation, land clearing, burning of vegetation resulting from the clearing of land, or burning land for bushfire hazard reduction purposes.

All other restrictions on fires would remain in place and strict fire hazard controls be adhered to, to ensure burning is carried out in safe and controlled manner. This would include NSW Standards for Pile Burning and Total Fire Ban rules. Approvals for Fire Permits and Hazard Reduction Certificates will still be required from the RFS under the *Rural Fires Act 1997*.

### Assessment

The following matters have been considered in preparing the draft Policy:

- The impact on regional air quality
- The impact on local air quality
- The feasibility of re-use, recycling or other alternative means of disposal
- The views of the sector of the public likely to be affected by the proposed approval
- The views of the Environment Protection Authority (EPA) in relation to a proposed approval to any 'class of persons'

Policies of all adjoining LGAs have also been considered, where Lake Macquarie City, Cessnock City, Hawkesbury City and Hornsby are all listed in Part 2 and 3 of the *POEO (Clean Air) Regulation*. These adjoining councils have similar policy requirements for rural land that is 4,000m<sup>2</sup> or greater, with open piles constructed to be in accordance with the NSW RFS Pile Burn Standards. These standards explain how to safely conduct an open pile burn and give consideration to the effects on the environment through standards regarding construction of piles, the notification process and burning of piles.

In order to facilitate a new policy for open pile burning, Council will need to request the EPA to make a legislative amendment to the *POEO (Clean Air) Regulation*. The amendment will be required to add the Central Coast Council to Parts 2 and 3 of Schedule 8. This listing will identify the Central Coast Council as an approved authority for open pile burning. Further, it would remove the former Gosford and Wyong Councils from Part 1, and Parts 2 and 3 respectively.

#### **Community Consultation**

It is proposed that the draft Policy be placed on public exhibition for a period of 28 days. The outcomes of the exhibition will be reported to Council for consideration, inclusive of a revised draft policy that considers any submissions received.

#### **Strategic Justification and Statutory Compliance**

The proposed consolidation of former Councils existing and draft policies is an opportunity for the Central Coast Council to consolidate planning controls, ensuring consistency across the Central Coast.

#### **Financial Impact:**

There will be no financial impact as a result of adopting the draft Policy for exhibition purposes.

#### **Conclusion**

This report seeks support from the Central Coast Council to exhibit a draft Open Pile Burning Policy to enable residents in rural communities to manage their properties in terms of bushfire management. The policy will support routine land management practices and provide consistency across the Central Coast.

The outcomes of the exhibition will be reported to Council for consideration, inclusive of a revised draft policy that considers any submissions received.

#### **Attachments**

1	Draft Central Coast Open Pile Burning Policy	D12848304
2	Existing and Draft Policy Comparison and Assessment	D12848306
3	Former Gosford City Council Draft Open Burning Policy	D12836964
4	Former Wyong Policy for Control of Open Burning	D12836963

## Open Pile Burning Policy

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Issue Date: **OCTOBER 2017**

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### REVISION HISTORY

Version and Date	Created by	Adopted	Amendment notes
Version 1 20 September 2017	Environmental Strategies Section, Strategic Planning Unit, Environment & Planning Directorate	Ordinary Council Meeting 23 October 2017	

## POLICY OBJECTIVE

Council is authorised to grant approval for the purposes of open pile burning of dry and dead vegetation to a 'class of persons' under Schedule 8, Parts 2 and Part 3, of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

This policy:

- Identifies the 'class of persons' granted approval to pile burn dry and dead vegetation in the open on prescribed parcels of land.
- Specifies conditions of consent to pile burn dead and dry vegetation material.

## POLICY STATEMENT

- The burning of anything in the Central Coast local government area is prohibited except in accordance with an approval under Schedule 8 Part 2, or Part 3, of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- Council will provide approval for the open burning of dead and dry vegetative material on parcels of land that meet the prescribed criteria. Such approval is intended for properties not in urban areas that have a large number of mature trees, which are likely to generate larger than average quantities of vegetative debris.
- Council cannot provide approval for the burning of non-vegetative waste.
- Burning must minimise smoke impacts and ensure the fire is managed safely.
- Before granting the approval for open burning of dead and dry vegetative material, Council has taken into consideration the following issues:
  - the impact on regional air quality;
  - the impact on local air quality;
  - the feasibility of re-use, recycling, or other alternative means of disposal;
  - the views of the sector of the public likely to be affected by the proposed approval; and
  - the views of the Environment Protection Authority in relation to a proposed approval to any class of persons.

## CONDITIONS OF CONSENT

Open pile burning may be carried out by a standing 'class of person' for the burning of dead and dry vegetative material in piles in the open subject to the following conditions:

1. Parcels of land must be:
  - Greater than 4,000m<sup>2</sup> in area; and

- Zoned E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, RE2 Private Recreation, RU2 Rural Landscape or RU6 Transition; or
  - 7(a) Conservation or 7(c2) Scenic Protection under *Interim Development Order 122*.
2. Only one pile of vegetation may be burnt at any one time.
  3. The maximum size of any such pile must not be larger than 2 metres in diameter and a maximum of 1.5 metres in height.
  4. Approval is only granted for the burning of dry and dead vegetation that was generated on the premises on which the vegetation grew.
  5. Vegetation must be of a diameter of 150mm or less.
  6. An open pile burn fire must be at least 20 metres from any dwelling structure, building, or unmanaged vegetation.
  7. All combustible material within 4.5 metres of the fire must be removed.
  8. Adequate water supplies must be immediately on hand to extinguish the fire if required.
  9. Adjacent property owners and the NSW Rural Fire Service must be given 24 hours notice (verbal or written) of an intention to burn.
  10. An open fire must be supervised by a responsible adult at all times.
  11. Burning should only take place when weather conditions are suitable with winds under 15km/h.
  12. Burning should not cause nuisance to neighbours or a smoke hazard to traffic. Where nuisance or smoke hazard occurs the fire is to be immediately extinguished.
  13. Activities must be undertaken in accordance with the NSW Rural Fire Service/Fire and Rescue NSW documents *Standards for Pile Burning* and *Before You Light That Fire*.

## OTHER PROVISIONS

Approval to burn under this policy is only for the purpose of disposal of dead and dry vegetative material through pile burning in the open on large rural residential properties.

- Council does not approve the burning of non-vegetative waste or prohibited articles.
- A Fire Permit must be obtained from the NSW Rural Fire Service for open burning during the Bushfire Danger Period (usually 1 October to 31 March).
- A Fire Permit must be obtained from Fire and Rescue NSW or the NSW Rural Fire Service for any open burning that might threaten a building, at any time of year, for their respective fire districts.



- This approval does not remove the necessity, or exempt the person from the requirement, to obtain relevant permits or licences under other legislation including the *Rural Fires Act 1997*, *Protection of the Environment Operations Act 1999* and *Threatened Species Conservation Act 1995*.
- No open burning can be undertaken on declared 'No Burn Days' (related to air pollution) or 'Total Fire Bans' (related to bush fire safety) that may be declared. This approval is suspended on such days.
- It is the responsibility of the approval holder to identify whether one of these days is occurring prior to lighting their fire. Further information can be found on the NSW Environment Protection Authority [website](#).
- An open burn fire must not be lit, or must be extinguished, if the closest air monitor exceeds an Air Quality Index (AQI) of 66 (fair – yellow) or worse for particulate matter PM10 or PM2.5. Further information can be found on the NSW Office of Environment & Heritage [website](#).

This policy does NOT provide:

- Approval to burn the land for bush fire hazard reduction;
- Approval to clear vegetation or clear land; or
- Approval to burn vegetation resulting from the clearing of land related to development consent under the *Environmental Planning and Assessment Act 1979*.

Burning should minimise smoke impacts and air pollution associated with open burning in order to protect local and regional air quality, local amenity, and human health. Importantly, the open pile burn must be managed safely and in accordance with the NSW Rural Fire Service legislative requirements.

The Environment Protection Authority may provide approval for any burning of material other than dry vegetation under Part 3. This must be obtained prior to notifying Council or emergency services.

Land owners/managers may also have obligations or require a Fire Permit under the *Rural Fires Act 1997* and should make enquiries of NSW Fire and Rescue (where land is within a NSW Fire and Rescue District) or the NSW Rural Fire Service to ensure that they comply with their obligations under that Act.

Bushfire hazard reduction burns are assessed and approved by the NSW Rural Fire Service under the *Rural Fires Act 1997*.

Approval for ecological burns can be sought from the NSW Environment Protection Authority.

## ASSOCIATED DOCUMENTS

The following associated documents and procedures should be read in conjunction with this Policy:

1. [RFS Pile Burning Standards](#)
2. [RFS Before You Light Your Fire](#)

**Attachment 2:** Assessment of similarities and differences between former Gosford and Wyong draft policies.

Provision	Gosford City Council	Wyong Shire Council	Central Coast Council	Justification
Land to which this policy applies	Properties larger than 8,000m <sup>2</sup> east of the M1 Pacific Motorway.  Properties larger than 4,000m <sup>2</sup> west of the M1 Pacific Motorway.	Properties larger than 4,000m <sup>2</sup> .  On land zoned 1(a), 1(c), 6(a), 6(b), 7(a), 7(b), 7(c), 7(f), 7(g) or 10(a) under Wyong LEP 1991.	Properties larger than 4,000m <sup>2</sup> .  On land zoned E2, E3, E4, RE2, RU2 and RU6.  7(a) Conservation or 7(c2) Scenic Protection under Interim Development Order (IDO) 122.	Update of zones to be consistent with Standard Instrument LEP template.  Proposed resolution of Deferred Matters under CCLEP2018.  Consistent with Lake Macquarie City Council policy adopted in April 2017.
Maximum diameter of vegetation	150mm branch and stem diameter.	300mm branch and stem diameter.	150mm branch and stem diameter.	Consistent with document 'RFS Pile Burning Standards'.
Exclusion areas	Not within 200m distance from sensitive sites.	Not included.	Not included.	Ambiguity in defining sensitive sites and maintaining an updated map.
Notice of approvals to neighbours	48 hours written notice.	24 hours verbal or written notice.	24 hours verbal or written notice to adjacent neighbours and RFS.	Consistent with document 'RFS Pile Burning Standards'.
Weather conditions	Suitable wind direction and weather conditions must be taken into account.	Winds under 19km/h and predicted to remain so.	Winds under 15km/h and predicted to remain so.	Aligns with Lake Macquarie City Council policy adopted in April 2017.

## DRAFT OPEN BURNING POLICY

### GOVERNANCE AND PLANNING – SUSTAINABLE CORPORATE AND CITY PLANNING

#### POLICY OBJECTIVE

To grant approval with conditions to a “class of persons” for the disposal by burning, of dead and dry vegetation which accumulates on prescribed parcels of land and that cannot reasonably be disposed of:

- Through Council's kerbside garden organics waste service
- By transport to an appropriate waste management facility
- By re-using, mulching or composting.

#### POLICY STATEMENT

“Persons” to which this applies includes owners and occupiers of land within the Gosford local government area, identified as “Open Burning Approved” on the map attached to this policy. These Persons are hereby granted approval subject to the provisions of s13(2) of the *Protection of the Environment Operations (Clean Air) Regulation 2010*, for the pile burning of dead and dry vegetation and subject to meeting all of the stated conditions below.

**NOTE 1: This approval DOES NOT apply to burns conducted for the purpose of bushfire hazard reduction. Bushfire hazard reduction burns are assessed and approved by the NSW Rural Fire Service under the *Rural Fires Act 1997*.**

**NOTE 2: This approval DOES NOT apply to ecological burns to stimulate or assist seed germination and regeneration of native vegetation. Approval for ecological burns can be sought from the NSW Environmental Protection Authority.**

#### Conditions of Approval

1. Owners and occupiers of land that is 4,000 square metres or greater west of the M1 and 8,000 square metres or greater east of the M1 and where the land boundary is not within 200 metres of the following sensitive sites:
  - Childcare centres
  - Emergency Services Sites
  - Mobile Home Villages and Caravan Parks
  - Retirement aged care facilities
  - Hospitals
  - Schools.
2. Only pile burn dead and dry vegetation that has originated from the land on which the burning is to be undertaken.
3. Only pile burn vegetation with a diameter 150mm or less, that cannot be disposed of by alternatives means such as re-use, recycling, mulching, composting, through Council's kerbside garden organics waste service, or by transport to an appropriate waste management facility.
4. Only pile burn in the period outside the Bushfire Danger Period (generally from 1 April to 30 September) and when no “Total Fire Ban” has been issued by the NSW Rural Fire Service (RFS). To check on the Bushfire Danger Period and whether a Total Fire Ban has been issued, residents can contact the Local Fire Control Centre on telephone 4340 2911.
5. The person conducting the burn must give notice to the Rural Fire Service (Local Fire Control Centre on telephone 4340 2911) not less than 24 hours prior to an intended burn and again not less than one hour prior to the commencement of the burn.

6. Only pile burn when the NSW Environmental Protection Authority (EPA) has not issued a "No Burn Notice", due to air quality issues. To find out if a No Burn Notice has been issued residents can contact the NSW EPA on telephone 131 555.
7. Burning must at all times be carried out in a manner that will prevent air quality impacts, smoke impacts to neighbours or to traffic. Wind direction and weather conditions must be taken into account when determining the potential for pollution and impact to neighbours or to traffic.
8. The person conducting the burn must notify in writing all adjoining neighbours and people likely to be affected by smoke at least 48 hours before the fire is lit. This will allow for smoke sensitive people such as asthmatics, to plan to be away from the area during the burn.
9. Burning is to be conducted in accordance with the NSW RFS "Standards for Pile Burning" February 2006 and NSW RFS "Before You Light That Fire"
10. Pile burning can only be conducted between the hours of 8:00 am and 5pm on any day.
11. Burning is not permitted within 20 metres from any dwelling, other building or unmanaged vegetation (where managed vegetation is grass mown to a height of less than 100mm, orchards, and areas where horticulture takes place), or within 4.5 metres of any combustible material.
12. A responsible adult over the age of 18 must be on site at all times with enough water and fire fighting equipment to be immediately on hand to extinguish the fire, if required, for the full duration of the burn.
13. Any residue waste from the burning must be disposed of in an environmentally satisfactory manner and in accordance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*. On completion of the burn, the burnt area must be maintained in a condition that minimises or prevents the emission of dust from the area and prevents sediment or ash from fires being washed from the area into waters.

### Prohibited Burning

It is prohibited to burn:

- Vegetation removed under the 10/50 Vegetation Clearing Code of Practice or from land clearance, green vegetation, domestic waste, treated timber, tyres, coated wire, paint containers and residues, solvent containers and residues or building material such as plastics, wooden pallets or cardboard boxes
- During the Bushfire Danger Period (generally 1 October to 30 March)
- When a Total Fire Ban has been issued by the RFS
- When a No Burn Notice has been issued by the EPA
- Any native vegetation that comprises an endangered ecological community (EEC) or habitat for threatened species which requires an assessment and approval under the *Rural Fires Act 1997*
- On properties not identified on the "Open Burning Approved" map.

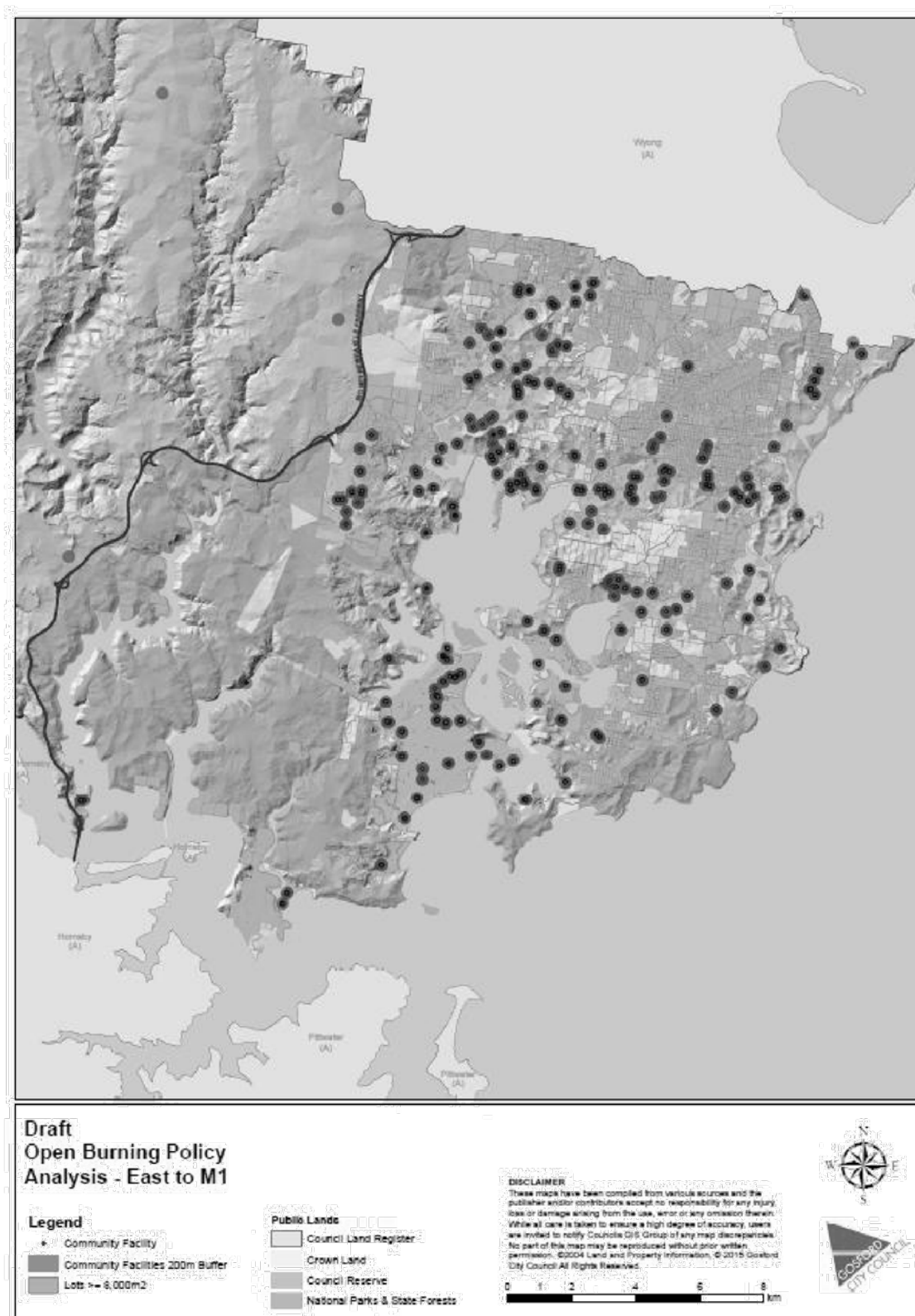
### Policy Review

The objective of this policy is to address a waste issue that cannot easily be resolved due to the existing waste services contract. It is preferred that this policy be reviewed for potential removal in the event that the next waste contract is able to address this issue.

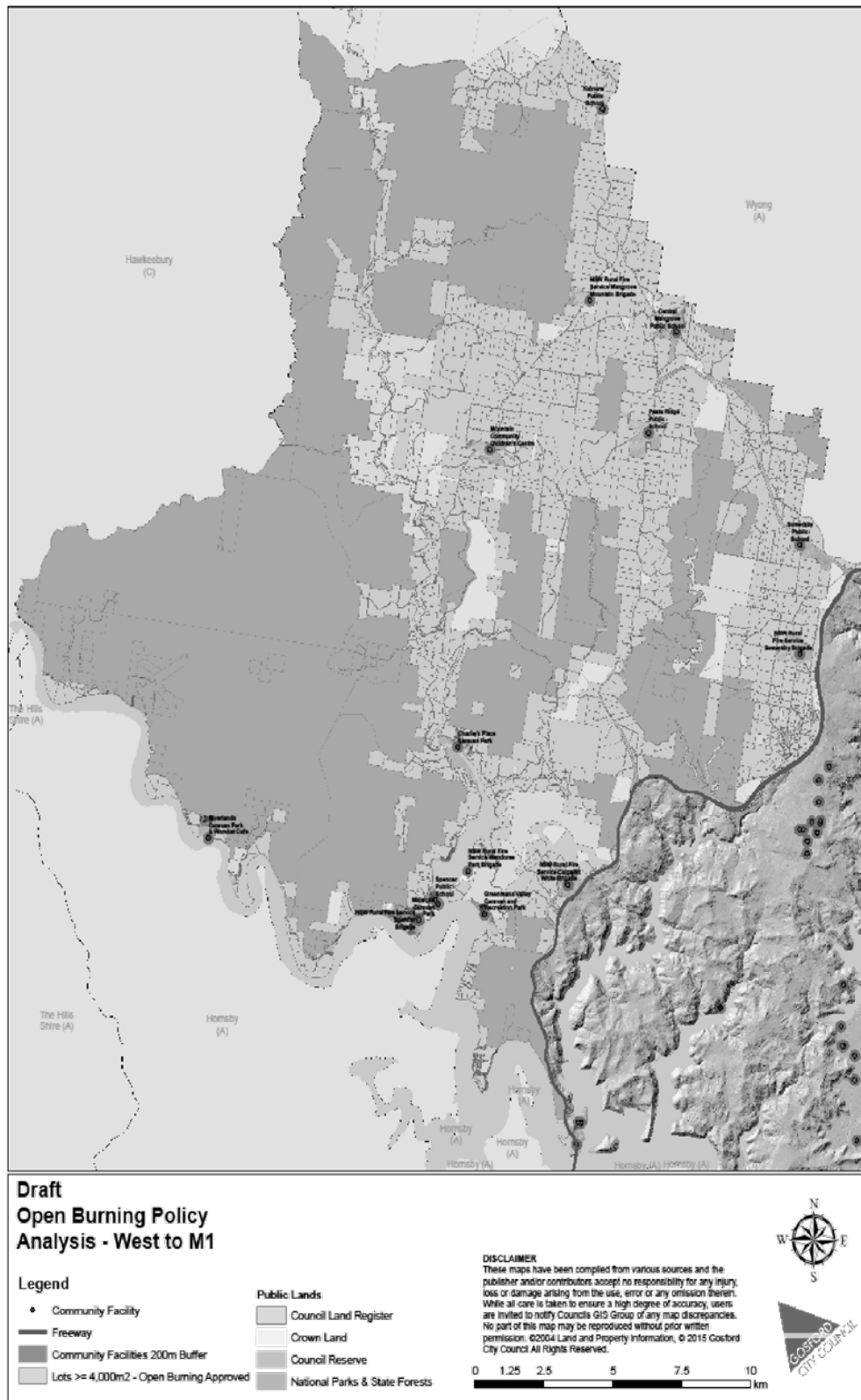
### MAP

The map (attached), may be altered as necessary by the Chief Executive Officer.

## ATTACHMENT - MAP - OPEN BURNING APPROVED EAST OF THE M1



## ATTACHMENT - MAP - OPEN BURNING APPROVED WEST OF THE M1





## Wyong Shire Council

### POLICY FOR CONTROL OF OPEN BURNING

Policy No: WSC065

Policy Author: David Lemcke, Environment & Natural Resources

**History of Revisions:**

Version	Date	Authority	TRIM Doc. #
1	July 2012	Director Environment & Planning	D03055848
2			
3			

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**A. POLICY SUMMARY**

- A.1 This policy provides WSC with direction on the issuing of approvals to burn dead and dry vegetative material in the open in accordance with the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- A.2 The policy outlines under what conditions an approval to burn dead and dry vegetative materials in the open will be granted, and what information must be submitted to WSC.
- A.3 The policy provides approval for a "class of persons" to undertake pile burns on specified land. This approval is provided to assist residents and land owners to conduct ongoing maintenance of their property and take responsibility to mitigate bush fire risks.
- A.4 Pile burns are only one part of the suite of measures residents may need to undertake to help manage bush fire risk. Residents in bush fire prone areas should refer to information provided by the NSW Rural Fire Service for further assistance – [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

**B. POLICY BACKGROUND**

- B.1 Open burning is regulated across the State of New South Wales by the *Protection of the Environment Operations (Clean Air) Regulation 2010*. The intention of the Regulation is to manage the air pollution issues associated with burning, with a view to protecting local and regional air quality, local amenity and human health.
- B.2 Councils in NSW can restrict or control burning within their Local Government Areas by choosing to list on Schedule 8 of the Regulation.
- B.3 The listing of WSC as a Part 2 / Part 3 area on Schedule 8 of the *Protection of the Environment Operations (Clean Air) Regulation 2010* facilitates the burning of dead and dry vegetative material which accumulates on the prescribed parcels of land during normal use of that land, and that cannot reasonably be disposed of via mulching, composting, green waste services etc.
- B.4 Part 2 of Schedule 8 states that a person must not burn any vegetation in the open or in an incinerator except in accordance with an approval.
- B.5 Part 3 of Schedule 8 states that a person must not burn anything (other than vegetation) in the open or in an incinerator except in accordance with an approval.
- B.6 The burning of these materials can only occur under approved circumstances and under appropriate conditions detailed in section E of this policy.
- B.7 This policy does **NOT** provide:
- approval to burn the land for bush fire hazard reduction; or
  - approval to clear vegetation; or
  - approval to burn vegetation resulting from the clearing of land subject to development consent under the *Environmental Planning and Assessment Act* (1979), or any other approval.
- B.8 WSC is allocated the authority to issue approvals for the burning of dead vegetation under Part 2 of Schedule 8 of the Regulation.
- B.9 Under the regulation, WSC has the power to issue approval for a "class of persons" to burn vegetation, or, for all other residents, individually through the approval of an application to burn.

**D. POLICY STATEMENTS**

- D.1 The burning of anything in WSC local government area is prohibited except in accordance with an approval under Schedule 8 Part 2, or Part 3, of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- D.2 WSC will provide approval for the open burning of dead and dry vegetative material to parcels of land that meet the prescribed criteria (Part 2). Such approval is intended for properties generally not in urban areas that have a large number of mature trees, which are likely to generate larger than average quantities of vegetative debris.
- D.3 Burning must minimise smoke impacts and ensure the fire is managed safely.
- D.4 The Environment Protection Authority may provide approval for any burning of material other than dry vegetation under Part 3 – this must be obtained prior to notifying WSC or emergency services.
- D.5 Before granting the approval for open burning of dead and dry vegetative material WSC has taken into consideration the following issues:
- The impact on regional air quality
  - The impact on local air quality
  - The feasibility of re-use, recycling or other alternative means of disposal
  - The views of the sector of the public likely to be affected by the proposed approval
  - The views of the Environment Protection Authority in relation to a proposed approval to any class of persons.

**E. POLICY IMPLEMENTATION - PROCEDURES****E.1 Class of Person approval:**

A standing *class of person* approval for the burning of dead and dry vegetative material may be issued to the following land owners / managers under Section 13 (2) (a) of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

Land managers in these areas need to make application to burn a pile of dead vegetation on their property.

The land must meet the prescribed criteria and the land manager must agree to comply with the "General Conditions of Consent".

Parcels of land must be:

- i. greater than **4000m<sup>2</sup>** in area; and
- ii. zoned **1(a), 1 (c), 6(a), 6(b), 7(a), 7(b), 7(c), 7(f), 7(g) or 10(a)** under the Wyong Local Environmental Plan 1991.

- E.2 The relevant Application for Open Burning of Vegetation form must be filled out, submitted to WSC and any fee paid at least seven (7) days prior to the first proposed date of the pile burn. Council aims to provide the approval within seven (7) days after submission to WSC. This allows time for audit of piles by WSC staff prior to lighting. WSC staff will undertake audits as necessary.

- E.3 WSC will keep a record of all applications and approvals for pile burning. WSC will undertake selective audits as required to ensure compliance with submitted information.
- E.4 Once the application is approved the applicant has ninety (90) days from the date of approval to undertake the pile burn. If the pile burn is not undertaken within this time a new application will be required.
- E.5 One annual fee is payable per property and covers all pile burn applications for that property in the calendar year in which the payment is made.
- E.6 Land managers outside of the areas noted at E.1., approval will only be granted subject to an application and assessment of the burning proposal by either WSC (*Part 2 listing*) or the Environment Protection Authority (*Part 3 listing*).
- E.8 Approval to burn under this policy is only for the purpose of disposal of dead and dry vegetative material through pile burning. Vegetative material must consist only of that which accumulates on the prescribed parcel of land during the normal use of the land.
- E.9 An "approval to burn" does **NOT** mean approval to burn for any other purpose such as:
- hazard reduction burning of the land, or
  - land clearing, or
  - disposal of vegetation cleared in accordance with a development consent.
- E.11 WSC cannot approve the burning of prohibited articles.
- E.12 During the Bushfire Danger Period (usually 1 October to 31 March), a Fire Permit must be obtained from the Rural Fire Service for open burning anywhere in a Rural Fire District.
- E.13 A Fire Permit must be obtained from Fire and Rescue NSW or the NSW Rural Fire Service for any open burning that might threaten a building (generally urban areas) at any time of year, for their respective fire districts.
- E.14 This approval does not remove the necessity or exempt the person from the requirement to obtain relevant permits or licences as may be under other legislation including the *Rural Fires Act, 1997*, *Protection of the Environment Operations Act, 1997*, *Threatened Species Conservation Act, 1995*, or *Native Vegetation Act 2003*.
- E.15 No open burning can be undertaken on declared "No Burn Days" (related to air pollution) or "Total Fire Bans" (related to bush fire safety) that may be declared. This approval is suspended on such days.
- It is the responsibility of the approval holder to identify whether one of these days is occurring prior to lighting their fire.
- E.16 Where WSC intends to use open burning to dispose of material generated through hazard reduction activities on WSC-controlled land it may do so without payment of the relevant fee. WSC staff may only undertake open burning where an application form has been lodged, or other environmental approval obtained, and where suitable training has been provided by the NSW Rural Fire Service to safely undertake the activity.

- E.17 Where a WSC supported Landcare group intends to use open burning to dispose of material generated through land management activities it may do so without payment of the relevant fee. The relevant application form must be lodged in accordance with this Policy. Burning will be undertaken by WSC staff or the NSW Rural Service under supervision of the Landcare Coordinator.
- E.18 It is intended to review this policy no later than two (2) years after the date of adoption.

**General conditions of consent:**

- Sensitive Sites buffer
- An open fire must be at least 20 metres from any dwelling.
- Adequate water supplies must be immediately on hand to extinguish the fire if required.
- Adjacent property owners must be given 24 hours notice (verbal or written) of an intention to burn.
- An open fire must be supervised by a responsible adult at all times.
- All combustible material within 4.5 metres of the fire must be removed.
- The pile will be no larger than 10m<sup>3</sup> (cubic metres) in volume and no more than 2 metres high.
- Burning should only take place when weather conditions are suitable with winds under 15km/h and predicted to remain so.
- Burning should not cause nuisance to neighbours or a smoke hazard to traffic.
- The lighting of open fires is not permitted before sunrise or after sunset.
- Activities must be undertaken in accordance with the NSW Rural Fire Service / Fire and Rescue NSW document "Standards for Pile Burning" [RFS "Standards for Pile Burning"](#)
- Land managers/owners must contact the Rural Fire Service 24 hours prior to the intended time of burning, and one (1) hour prior to lighting – RFS The Lakes Team - 1300 661 401.
- Land managers/owners in a Fire & Rescue NSW district must first apply to WSC, and then obtain a Fire Permit from Fire & Rescue NSW. Owners/managers then must comply with the conditions stipulated on the Fire Permit.

**Associated documents**

- E.19 The following associated documents and procedures should be read in conjunction with this Policy:
- i Wyong Local Environmental Plan 1991
  - RFS Pile Burning Standards
  - RFS Before you light your fire



**Item No:** 3.4  
**Title:** Planning Proposal - 137 Johns Road, Wadalba  
**Department:** Environment and Planning

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23 October 2017 Ordinary Council Meeting

**Author:** Scott Duncan, Section Manager, Land Use and Policy  
**Manager:** Matthew Prengergast, Unit Manager Strategic Planning  
**Executive:** Scott Cox, Director Environment and Planning

## **Report Purpose**

The purpose of this report is for Council to consider a planning proposal which seeks to amend the *Wyong Local Environmental Plan 2013* to rezone land at 137 Johns Road, Wadalba, from RU6 Transition to R2 Low Density Residential, E2 Environmental Conservation Zone and SP2 Infrastructure (Local Road).

This report provides an overview of the outcomes of community and public authority consultation undertaken in respect of the planning proposal, revisions to Draft Chapter 6.17 Warnervale East/ Wadalba North West of Wyong Development Control Plan 2013 and the draft Voluntary Planning Agreement.

This report recommends that Council support finalisation of the planning proposal and that the Chief Executive Officer execute the VPA prior to the rezoning being finalised.

## **Recommendation**

- 1 That Council support the planning proposal as exhibited.**
- 2 That Council seek the concurrence of the Secretary of the Department of Planning and Environment to determine that the inconsistencies of the planning proposal with Section 117 Ministerial Direction 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies are of minor significance.**
- 3 That Council request, upon the receipt of the concurrence requested by resolution 2, the Chief Executive Officer to exercise the delegation issued by the Department of Planning and Environment (10 February 2015) for RZ/1/2013 and proceed with the steps for drafting and making of Amendment No. 30 to Wyong Local Environmental Plan 2013.**
- 4 That Council adopt Chapter 6.17 of Wyong Development Control Plan 2013 – Warnervale East/Wadalba North West as amended as follows:**
  - Inclusion of a requirement in Clause 3.1.1 for a suitably qualified archaeological assessment to be conducted on undisturbed parts of 137 Johns Road, Wadalba as part of any development application.**

- 5** *That Council request the Chief Executive Officer exercise his Delegation to execute the draft Voluntary Planning Agreement prior to the finalisation of the rezoning, including any changes which are required to allow for the payment of any applicable Section 94 Contribution Plan charge attributable to the development.*
- 6** *That Council advise all those who made a submission of the decision.*

### **Background**

On 28 August 2013, the former Wyong Shire Council resolved to include the rezoning of 137 Johns Road, Wadalba into the broader Wadalba East Urban Land Release Planning Proposal that spanned the 2A, 2B and 3B precincts.

The owner of 137 Johns Road, Wadalba requested Council to separate the site from the precinct rezoning process in order to accelerate the rezoning of the land.

The former Wyong Shire Council agreed to accept the proposal as a standalone planning proposal and at the meeting of 10 December 2014, it resolved to prepare a planning proposal for the site (as requested by the proponent) and 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 *Environmental Planning and Assessment Act 1979*.

The former Wyong Shire Council also resolved to prepare appropriate Development Control Plan 2013 (WDCP 2013) provisions for the site and that Council enter into a Voluntary Planning Agreement (VPA) requiring:

- Dedication and rehabilitation of wildlife corridor land on terms acceptable to Council.
- Dedication of land at no cost for the realignment of Johns Road
- Funding the commissioning, maintenance and decommissioning of a temporary sewer pump station by the proponents to service the development.

A Gateway Determination was issued by the DP&E on 10 February 2015. At the request of Council, an extension to the gateway determination was issued to Council on 29 August 2017 which extended the timeframe to complete the planning proposal until 17 March 2018.

### **The Site**

The planning proposal relates to the land known as Lot 27 DP 663622, No.137 (formerly known as No.145 Johns Road, Wadalba). The site is currently zoned RU6 Transition Zone under *Wyong Local Environmental Plan 2013* (WLEP 2013). The site is 93,220 m<sup>2</sup> in area and is of rectangular shape. The site is located on the northern side of Johns Road, Wadalba (see Figure 1).

Rural residential land uses are located to the south and east of the site and an approved residential subdivision is located to the west of the site which provides part of the planned connection of the Wadalba Wildlife Corridor. This also includes an unformed section of Louisiana Road which is owned by Council. This unformed section of road is not required for future road purposes. The Wadalba Reservoir is located to the north-west of the site.

Existing development on the site includes disused poultry sheds (from an inactive poultry farm). Approximately 50% of the site has been cleared of vegetation and a further 20% of the remnant vegetation on the site is in a highly disturbed condition. Two intermittent watercourses cross the site generally in a north south direction (see Figure 2).

The site has two drainage lines (identified as blue lines) traversing the site which drain small local catchments. These discharge into stormwater pipes which drain under Johns Road to land to the south.

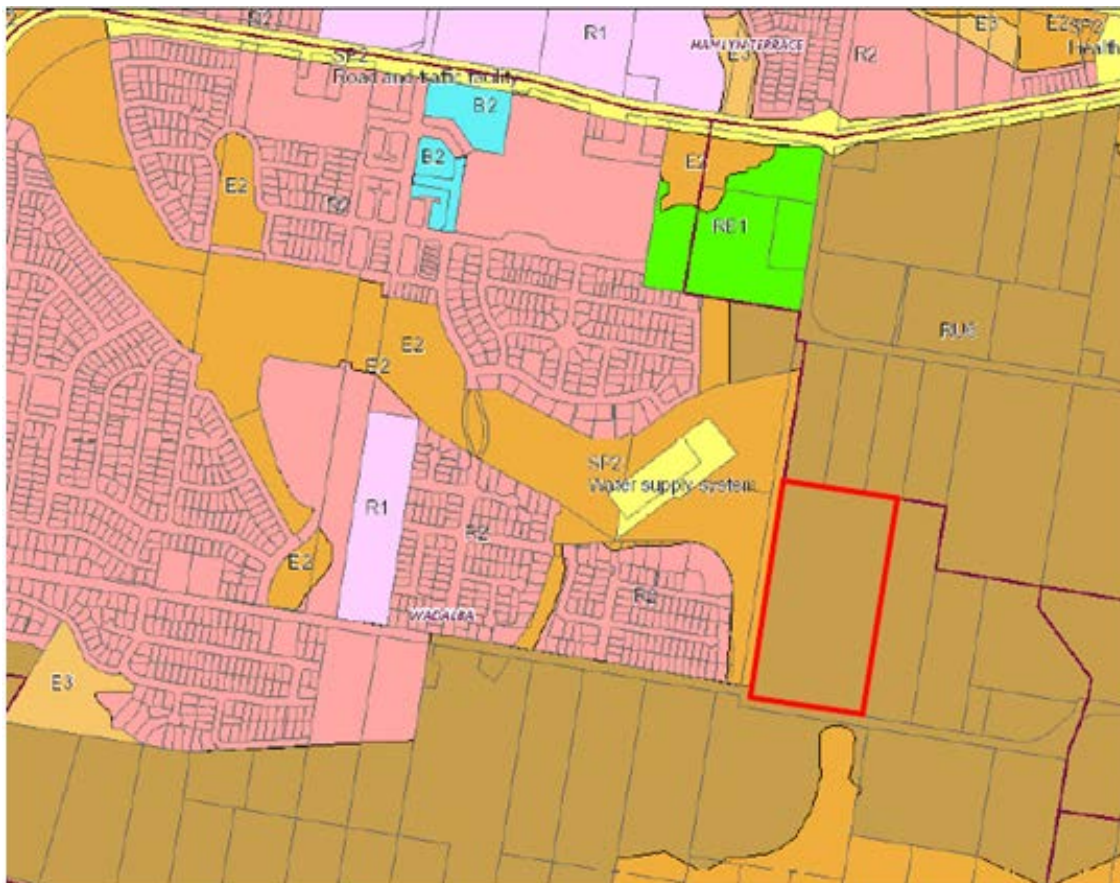
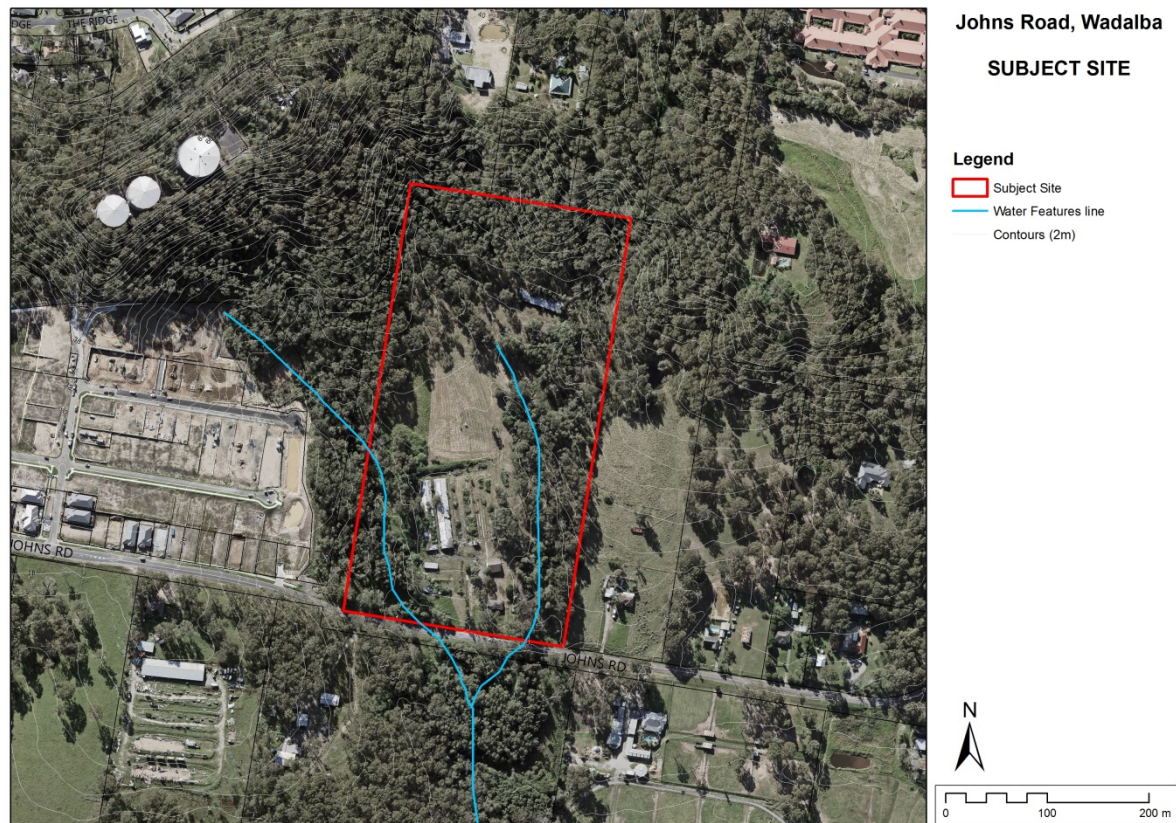


Figure 1: Site location and zone map





*Figure 2: Aerial photograph and site context*

The subject site is not located within a future investigation precinct but is located between Precinct 2B and Precinct 3B as provided in the North Wyong Shire Structure Plan (NWSSP). The site has been identified within a desired “Green Corridor” in the NWSSP (see Figure 3). It should be noted that the NWSSP did not undertake detailed investigations to confirm the condition, width and specific location of the wildlife corridor.

The position and sizing of the wildlife corridor has been established as part of investigations undertaken as part of the planning proposal to ensure that a minimum corridor width of 120 m is achieved. These specifications were considered to be acceptable by the NSW Office of Environment and Heritage (OEH) and Council’s ecologist. The wildlife corridor also incorporates vegetated land to the west of the subject site which has been considered in ensuring that the 120 m corridor design width goal is achieved. The planning proposal will secure part of the north-south wildlife corridor which will connect the Wadalba Wildlife Corridor to remnant wetland vegetation to the south of Johns Road.

With the resolution of the wildlife corridor and road realignment dimensions on the subject site, rezoning the remaining portion of the site to R2 –Low Density Residential Zone represents a sensible and orderly planning outcome.



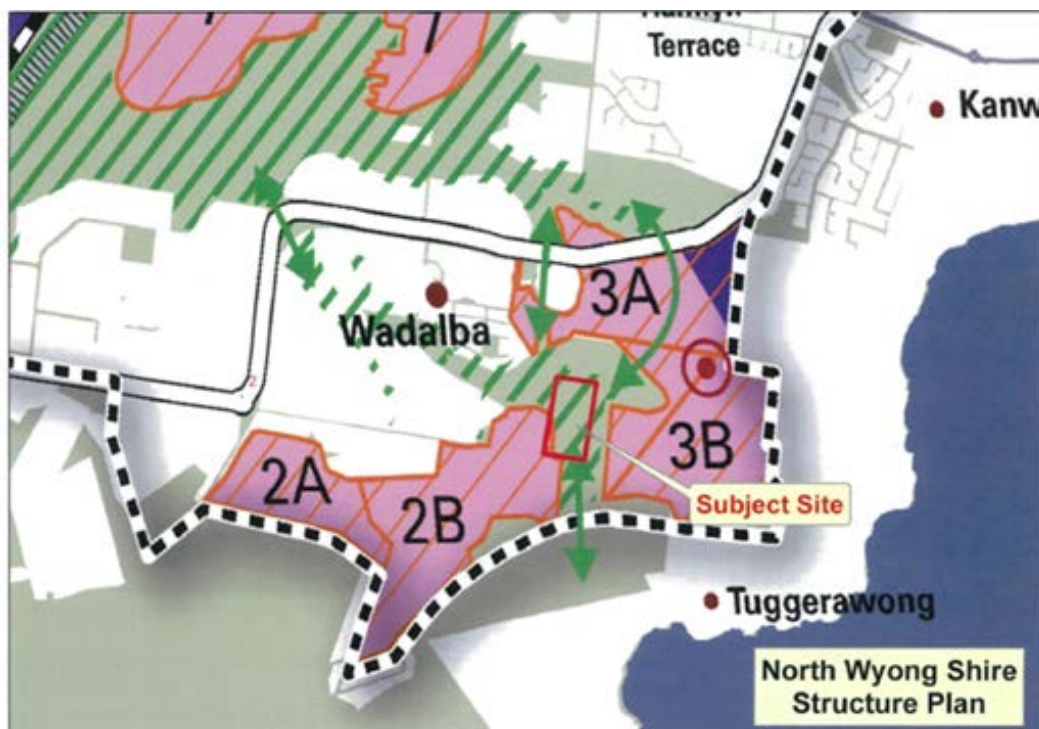


Figure 3: Site Context and Relationship to North Wyong Shire Structure Plan

### The Proposal

The planning proposal seeks to rezone 63,200 m<sup>2</sup> of land from RU6 Transition Zone to R2 Low Density Residential Zone under WLEP 2013 in order to enable a future residential subdivision. It is also proposed to rezone 28,500 m<sup>2</sup> of land on the western and northern sections of the site to E2 Environmental Conservation to facilitate an environmental corridor extension and connection with lands to the south. A small sliver of SP2 Infrastructure (Local Roads) will also be created which is required for future roadworks (see Figure 4).

The planning proposal seeks to enable future residential development of the subject site and protect those parts of the site which form part of a wildlife corridor and are environmentally significant. The planning proposal proposes a minimum lot size of 450 m<sup>2</sup> for land zoned R2 – Low Density Residential and 40,000m<sup>2</sup> for land zoned E2 Environmental Conservation. The land is also proposed to be included as an Urban Release Area (URA) which will enable the State government to place a levy on future residential development.



*Figure 4: Proposed Zoning*

The planning proposal will assist in securing and embellishing a potential green corridor linkage in the Wadalba area. The planning proposal is supported by a detailed ecological assessment. The position of this E2 Environmental Conservation Zone has been negotiated with the Office of Environment and Heritage (OEH) and Council. The addition of the E2 Environmental Conservation Zone will assist in the expansion of the existing Wadalba Wildlife Corridor and will provide an opportunity for it be linked to remnant bushland and wetlands to the south of Johns Road, Wadalba. It will also expand the amount of natural open space and secure the scenic qualities of the locality. This will benefit the expanding residential population in Wadalba. In particular it will provide passive recreation space in the form of walking trails that have the potential to connect with other trails within the broader Wadalba Corridor.

A preliminary 56 lot subdivision concept plan has been prepared by the proponent. The proposed subdivision plan shows that the development will be accessed from a single access point off Johns Road. It also makes provision for the adjoining land to the east (which will be rezoned in the future) to be connected to internal roads proposed as part of the development. A large storm water management treatment is also proposed on the south east corner of the lot (see Figure 5).

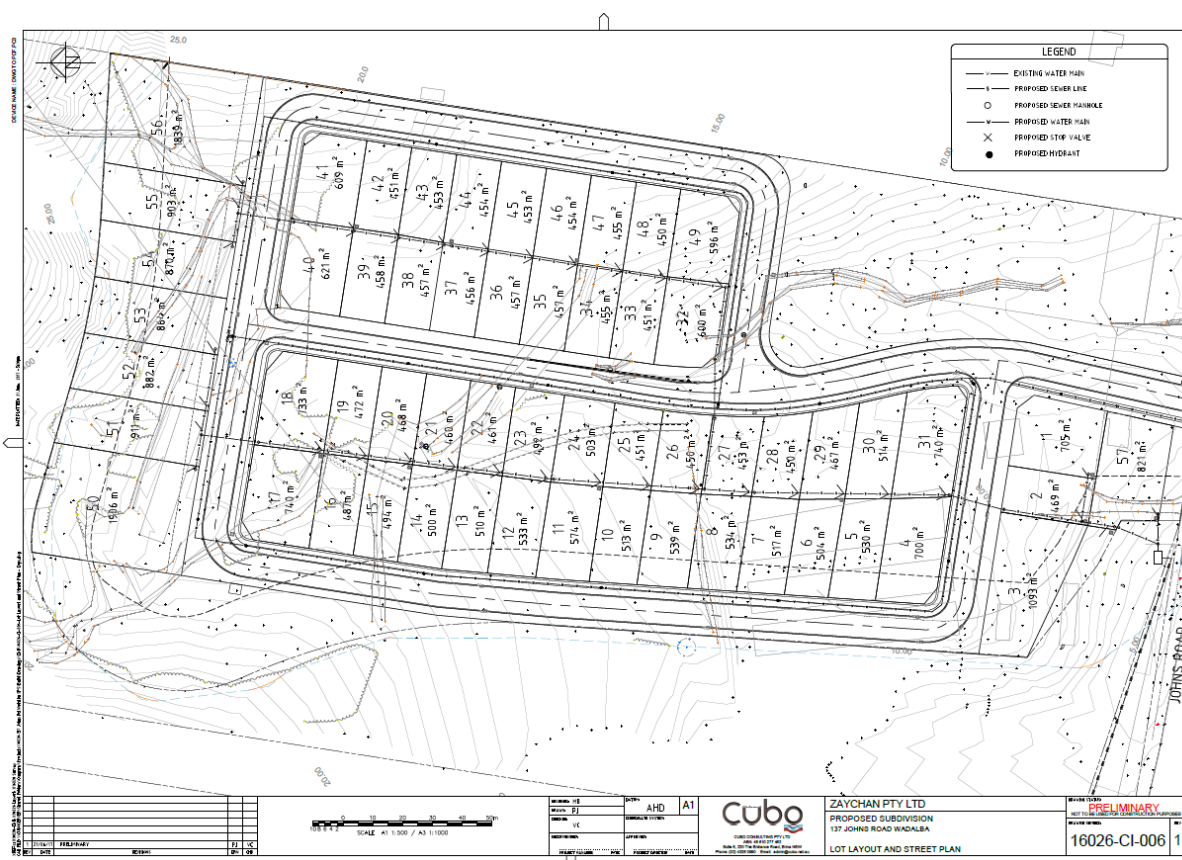


Figure 5: Proposed Subdivision concept plan

The planning proposal is also supported by a draft Voluntary Planning Agreement between the Central Coast Council and Zaychan Pty Ltd (dated 17 March 2017) (see Attachment 2). This VPA addresses the following matters:

- Dedication of wildlife corridor land and makes provision for the payment of an environmental management contribution to Council.
- Dedication of land to realign Johns Road, Wadalba (refer to SP2 Infrastructure zone land in Figure 4).
- Requirement to meet the cost of commissioning, decommissioning and maintenance of a temporary sewer pump station to allow for the servicing of the land.
- Payment of applicable Section 94 Contribution Plan charges (to be included as an additional provision in the VPA).

Council's General Counsel reviewed the draft VPA prior to it being placed on public exhibition. Minor changes to the VPA will be undertaken (post exhibition) to allow for the payment of Section 94 contributions through the VPA to require payment prior to the completion of the broader review of the Warnervale District Section 94 Contribution Plan.

Amendments to Chapter 6.17 Warnervale East/Wadalba North West of WDCP 2013 were made to ensure that appropriate requirements are introduced to support the planning proposal on 137 Johns Road, Wadalba (see Attachment 3).

Minor housekeeping amendments to Chapter 6.17: Warnervale East/Wadalba North West of WDCP 2013 were also conducted which are unrelated to the planning proposal. These amendments were undertaken to make minor refinements to drainage line mapping, update noise requirements for development on major roads and include updated mapping for shared pathways in the Warnervale East/Wadalba North West area.

#### **Consultation**

The planning proposal, Draft Chapter 6.17 Warnervale East/ Wadalba North West of WDCP 2013 and the draft Voluntary Planning Agreement were publicly exhibited between 5 April 2017 and 5 May 2017.

#### **Community Consultation**

No submissions were received during the public exhibition period.

#### **Government Authority Submissions**

In accordance with the Gateway Determination, the following NSW Agencies were consulted in relation to the proposal:

- NSW Department of Primary Industries - Agriculture
- NSW Department of Industry - Resources and Energy
- NSW Department of Industry – Fisheries
- NSW Department of Industry - Water
- NSW Trade and Investment – Crown Lands
- NSW Rural Fire Service
- NSW Office of Environment and Heritage
- NSW Roads and Maritime Services
- Transport for NSW
- Ambulance Service of NSW
- Subsidence Advisory NSW
- NSW Department Education and Communities
- Fire Rescue and NSW
- NSW Department of Health
- NSW Police Force

No objections or major issues were raised by any of the government agencies, with the exception of the OEH. The key issues are outlined as follows:

1. The findings of the Aboriginal Cultural Heritage (ACH) report are inconsistent as the report states that the site is not likely to contain potential Aboriginal deposits (PADS), but recommended Aboriginal monitoring be undertaken at the development application stage. If PADS are unlikely then Aboriginal monitoring at development application stage is not necessary.
2. The consultant (Mr Perry) was not a qualified archaeologist.
3. That subsurface archaeological survey work by a suitably qualified archaeologist should be undertaken for undisturbed areas of the site prior to any development consent being granted (however the ACH report does not make this recommendation).

Following this feedback, the applicant submitted a revised ACH report which removed the requirement for Aboriginal monitoring at the development stage given the finding that PADS are unlikely to be present within the area proposed for development. Therefore the previous inconsistency in the ACH report has been addressed.

Council forwarded the revised ACH report to OEH. Council advised OEH of its intention to include a requirement for a subsurface survey to be undertaken by a qualified archaeologist in relation to any works within 'undisturbed' parts of the site prior to the issue of any development consent for any works in such areas (noting that the majority of the site proposed to be rezoned for residential is disturbed). An additional requirement has been included in draft Chapter 6.17 - Warnervale East/Wadalba North West of WDCP 2013 (after public exhibition) of WDCP 2013 to require a suitably qualified archaeological assessment to be conducted on undisturbed parts of the subject site to address concerns raised by OEH.

OEH indicated that their role was advisory rather than approval, and that Council should have adequate information in relation to Aboriginal cultural heritage to determine potential constraints for rezoning stage.

Subsequently Council staff consulted with the DP&E who confirmed they were satisfied that Council had done what was required by OEH in relation to Aboriginal cultural heritage matters. On this basis it is considered that the initial concerns raised by OEH in this regard have been adequately addressed.

### **Internal Consultation**

#### Engineering Assessment

Council's Engineering Assessment Section advises that an overland flood flow path exists on the eastern drainage tributary which is proposed to be rezoned to residential. The proponent will be required to obtain a controlled activity approval from the Department of Industries – Water (DPI – Water) for any work within this watercourse (blue line) as part of any future development application for the subdivision. The subdivision proposal shown in Figure 5 may need to be modified to respond to flooding and DPI –Water approval conditions.

Preliminary stormwater and drainage plans have been prepared by the proponent to convey stormwater into a system of drains and constructed wetlands as part of the future subdivision plan for the site. Council's Engineering Assessment Section advises that there is no reason to suggest that management of overland flooding cannot readily be managed through appropriate subdivision design on the subject site at the development application stage.

#### Water and Sewer Planning

The VPA requires the cost of commissioning, decommissioning and maintenance of a temporary sewer pump station to be borne by the proponent to allow for the servicing of the land. No issues exist with respect to water servicing. No objection exists to the planning proposal progressing providing the terms of the VPA are met.

#### Natural and Environmental Assets

The Natural and Environmental Assets Unit were involved in the negotiation of VPA which includes provisions for the transfer of environmental land to Council and making a contribution to Council to embellish and maintain the corridor in perpetuity. No objection to the planning proposal exists as long of the terms of the VPA are met.

#### Waterways and Coastal Protection

The Waterways and Coastal Protection Unit advises that overland drainage lines have been mapped as flood prone land as part of a recent project which conducted flood mapping from the Northern Lakes Flood Study in 2015 over part of the site (see Figure 5). The site was not identified as flood prone land when the rezoning process commenced. Approximately 10% of the site is affected by the 1% Annual Exceedance Probability (AEP) flood mapping (see Figure 5).

The majority of the land subject to flood planning requirements have flood depths less than 0.2 metre. Flood depths and velocities on the site are not considered to be critical based on advice from Council's Engineering Assessment Section and can be resolved through appropriate subdivision design at the development application stage.



The planning proposal is now inconsistent with Section 117 Direction 4.3 Flood Prone Land. Council will seek the concurrence of the Secretary of the DP&E to confirm that the inconsistencies of the planning proposal with Section 117 - 4.3 Flood Prone Land are minor. Further comments on the treatment of overland flood flows through appropriate subdivision design are contained in the internal consultation section from the Development Assessment Unit.

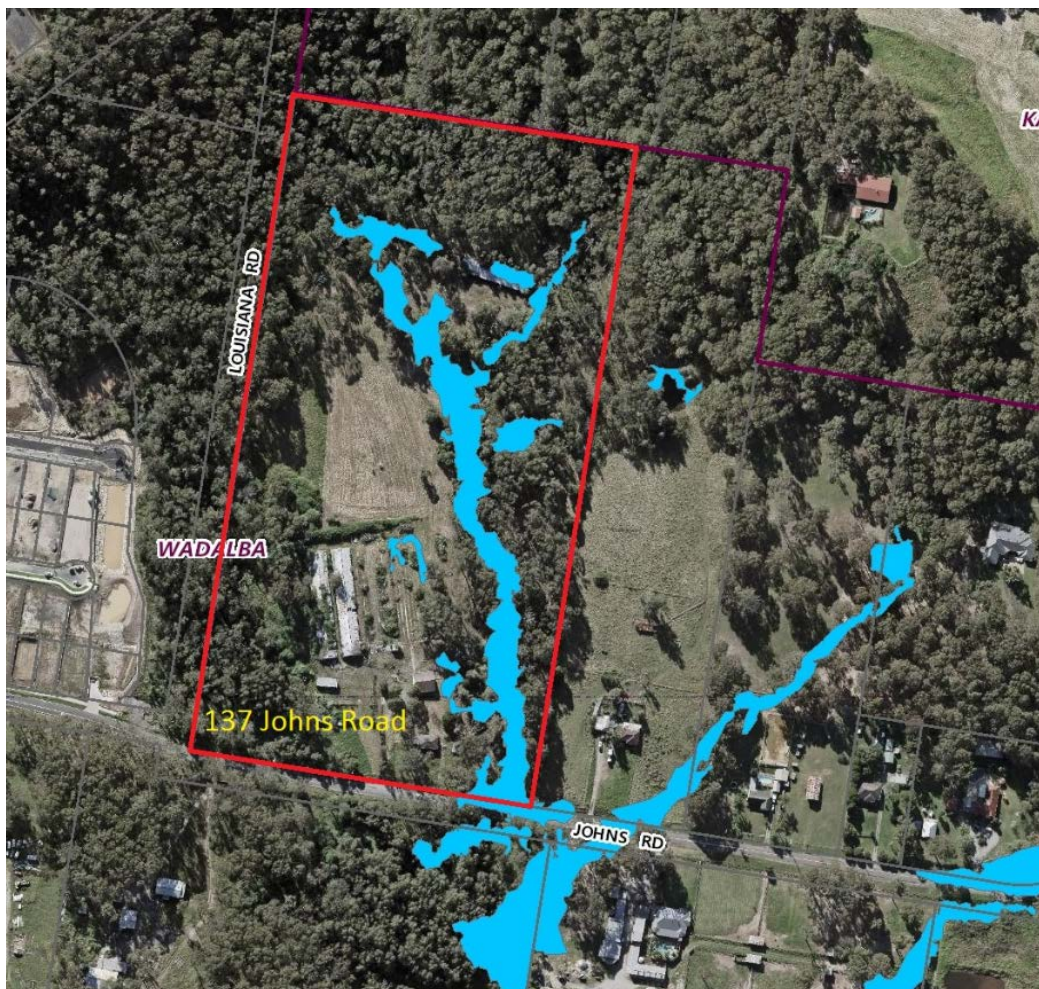


Figure 5: 1% AEP flood mapping of overland drainage lines from Northern Lakes Flood Study.

### Outcomes of Consultation

Having regard for the community and public authority consultation undertaken, the proposal is considered to have satisfied the relevant statutory requirements.

**Assessment**

The assessment of planning proposal has identified that rezoning of the site has strategic merit for the following reasons:

- The planning proposal will contribute towards the achievement of regional wildlife corridor planning objectives outlined in the NWSSP by allowing for the Wadalba Wildlife Corridor to be expanded and linked to the Tuggerawong Wetland. The proposal dedicates 2.85 Ha of E2 - Environmental Conservation land which defines and secures this corridor. A detailed map of this wildlife corridor network comprising land zoned E2 Environmental Conservation is shown in Figure 6 (which includes the proposed rezoning). Council will consult with DP&E concerning the consistency of Section 117 5.1 Implementation of Regional Strategies before finalisation of the planning proposal.
- The rezoning will facilitate the transfer of land zoned E2 Environmental Conservation to Council at no cost to Council. A contribution will also be provided to Council which will be used to restore the site and fund ongoing management. The arrangements for the future transfer of the relevant parts of the land in appropriate condition for public ownership and ongoing maintenance are contained within the VPA which has been negotiated with Council and the proponent. Once in public ownership, the land will be managed in accordance with the principles outlined within the Wadalba Wildlife Corridor Plan of Management by the Natural Resources Unit.
- The planning proposal is supported by a number of technical reports, such as ecological, bushfire, servicing, Aboriginal cultural heritage, land contamination and traffic reports. The location and physical characteristics of the site provide opportunities for urban infill with a low density residential subdivision. The site is located in close proximity to existing urban areas, with good access to public transport, sporting, recreational and educational services. The proposal will facilitate the release of approximately 56 low density residential lots (subject to development approval).
- The land can be readily serviced by sewer, water, electricity, gas and NBN.
- The rezoning will facilitate the provision of local employment opportunities in the engineering design and construction, ecology and housing construction sectors and will promote self-containment of employment opportunities on the Central Coast.

The gateway determination also required an assessment of *State Environmental Planning Policy 55 – Remediation of Land*, which has been satisfied.



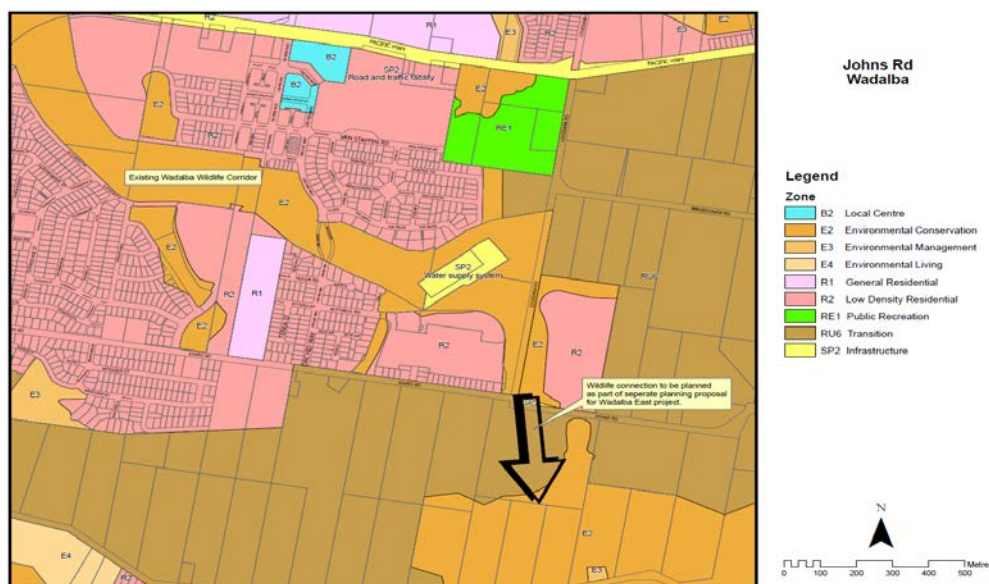


Figure 6 Local zoning arrangements and wildlife corridor planning

### Statutory Compliance and Strategic Justification

The planning proposal has been assessed having regard for all SEPP Policies, Ministerial s.117 Directions and the relevant guidelines set out within the regional plans including the *CCRP 2036*.

The planning proposal inconsistencies with Section 117 Ministerial Direction 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies have been discussed in the report and are considered to be of minor significance. Council will be seeking the concurrence of the Secretary of the DP&E before the planning proposal is finalised with respect to these directions.

The proposal is considered to be consistent with all other Section 117 Directions and is considered suitable for forwarding to the DP&E for finalisation.

### Delegation

The Gateway determination issued 10 February 2015 provided Council's Chief Executive Officer (CEO), the appropriate delegations under s. 59 of the *Environmental Planning and Assessment Act 1979* to make this plan. Council has been issued with the delegation of the Minister to make the amending Local Environmental Plan (LEP). Council has advised the DPE that Council's new delegate for this function is the Acting CEO, Mr Brian Bell. DP&E have confirmed that they have received this advice.

**Conclusion**

The planning proposal as presented is consistent with relevant strategies and future development of the site can be adequately managed through the development assessment process. The proposal will assist in the achievement of wildlife corridor planning outcomes outlined in local and regional planning strategies. It will also create additional residential land which will meet residential housing supply targets for the Central Coast.

It is recommended that the proposal be implemented in the form of an amendment to WLEP 2013 (Amendment No.30).

**Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Summary of Planning Proposal   | D12837773 |
| <b>2</b> | Draft Voluntary Planning Agreement Central Coast Council and Zaychan Pty Ltd (17 March 2017) | D12837776 |
| <b>3</b> | Draft DCP 6.17 Warnervale East Wadalba North West  | D12847920 |

**Attachment 1 – Summary of Planning Proposal**

Applicant	Aconsult
Owner	Zaychan Pty Ltd
Application Number	RZ/1/2013
Description of Land subject of planning proposal	<i>Street Address:</i> 137 (formerly 145) Johns Road, Wadalba <i>Legal Description:</i> Lot 27 DP 663622 <i>Site Area:</i> 93,220sqm
Land Use	<i>Existing:</i> Vacant. Residential Dwelling and Disused Poultry Sheds
Zoning and Minimum Lot Size	<i>Current:</i> WLEP 2013 RU6 - Transition with minimum lot size of 40Ha <i>Proposed:</i> R2 - Low Density Residential with min lot size 450m2, E2-Environmental Conservation with min lot size 40Ha and SP2 Infrastructure (Local Road) with no min lot size

Voluntary Planning Agreement Central Coast Council & Zaychan Pty Ltd  
Draft



Draft

## Voluntary Planning Agreement

*Under Section 93F of the Environmental Planning and Assessment Act, 1979*

Central Coast Council & Zaychan Pty Ltd

Draft

Central Coast Council  
17 March 2017

Voluntary Planning Agreement Central Coast Council & Zaychan Pty Ltd  
Draft  
March 2017

**Central Coast Council** of 2 Hely Street, Wyong in the State of New South Wales

and

**Zaychan Pty Ltd** of Unit 401, 710 Military Road, Mosman in the State of New South Wales

## BACKGROUND

- A. The Proponent owns the Land.
- B. The Proponent wishes to undertake the Development on the Land.
- C. The Proponent intends to:
  - i lodge a Subdivision Certificate application to widen a public road (being the Road Land) and to create a public reserve (being the Corridor Land), it being noted such subdivision may proceed as exempt development pursuant to clause 2.75 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
  - ii lodge a Development Application for consent to subdivide the Residential Land.
- D. The Proponent has sought the Instrument Change so that the Development is permissible on the Land.
- E. The Proponent agrees, on the terms set out in this Agreement, to:
  - i Undertake works on the Corridor Land and the Road Land prior to transfer of that land to Council;
  - ii Transfer of the Corridor Land and the Road Land to Council, at no cost to Council;
  - iii Pay the Corridor Contribution to Council, as a contribution for the rehabilitation and maintenance of the Corridor Land;
  - iv Design and construct the Pump Station Works, at no cost to Council that meets the Council's specifications;
  - v Pay the Pump Station Contribution to Council, for the operation, maintenance and decommissioning of the Pump Station; and
  - vi Undertake any necessary Fire Trail Works, at no cost to Council, and pay any relevant Fire Trail Maintenance Contribution.

## OPERATIVE PROVISIONS

### 1 PLANNING AGREEMENT UNDER THE ACT

- 1.1 The parties agree that this Agreement is a Planning Agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

### 2 APPLICATION OF THIS AGREEMENT

- 2.1 This Agreement applies to the Development of the Land and the Instrument Change

### 3 OPERATION OF THIS AGREEMENT

- 3.1 This Agreement takes effect once executed by all parties.

Voluntary Planning Agreement Central Coast Council & Zaychan Pty Ltd  
Draft

- 3.2 For the purposes of s. 93F(3)(d) of the Act, this Agreement does **not** exclude the operation of ss. 94 and 94A of the Act.
- 3.3 For the purposes of s. 93F(3)(e) of the Act, the benefits under this Agreement are not to be taken into consideration in determining a contribution under s.94 of the Act in respect to any development of the Land.
- 3.4 For the avoidance of doubt, nothing in this Agreement affects or influences the imposition of contributions under the *Water Management Act 2000* in respect to any development of the Land

**4 DEFINITIONS AND INTERPRETATION**

- 4.1 In this Agreement the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act 1979*.

**Approved Pump Station Works Drawings** means the detailed design and construction drawings for the Pump Station Works that are approved in accordance with cl. 6.2(a) or 6.4(a) of this Agreement.

**Consent** means the consent granted to the development application for Residential Subdivision..

**CPI** means the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician.

**Corridor Land** means the part of the Land that is identified in Schedule 2 as "lot 3 – proposed Wadalba Wildlife Corridor".

**Corridor Contribution** means the contribution to be paid pursuant to cl. 5.1 of this Agreement, as calculated in accordance with cl. 5.3 of this Agreement.

**Council** means Central Coast Council and its successors.

**Development** means the Preliminary Subdivision and the Residential Subdivision.

**Development Application** means any development application under Part 4 of the Act seeking consent for the Residential Subdivision.

**Draft Pump Station Works Drawings** means detailed design and construction drawings, in accordance with the specifications set out in Schedule 3 to this Agreement, for the Pump Station Works.

**Fire Trail Works** means any works required for the bushfire protection of any residential development within the Residential Land by the Consent

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**Fire Trail Maintenance Contribution** means the contribution required by clause 9.2 of this Agreement.

**Instrument Change** means the amendment of the Wyong LEP 2013 so as to render the Development of the Land permissible, and includes:

- a. Amendment of the Zone Map in the Wyong LEP 2013 to rezone the Corridor Land, Residential Land and Road Land from the "RU6 – Transition" zone to the "E2 Environmental Conservation", "R2 Low Density Residential" and "SP2 Infrastructure" zones respectively; and
- b. Amendment of the Minimum Lot Size Map in the Wyong LEP 2013 so that the minimum lot size for the Corridor Land and the Residential Land will be 400,000m<sup>2</sup> and 450m<sup>2</sup> respectively; and
- c. Amendment of the Urban Release Area Map in the Wyong LEP 2013 to include the Road Land as being land to be acquired for road widening purposes.

**Land** means the land identified as Lot 27 DP 663622, having a street address of 137 Johns Road, Wadalba, NSW and identified on Schedule 1 to this Agreement.

**Parties** mean the Council and the Proponent, including both their successors and assigns.

**Party** means a party to this Agreement including its successors and assigns.

**Preliminary Subdivision** means the subdivision of the Land to:

- a. widen Johns Road by creating the Road Land;
- b. create a public reserve being the Corridor Land; and
- c. establish the remaining land, being the Residential Land, on one allotment.

**Proponent** means Zaychan Pty Ltd (ABN 67080485338), a company having its registered principal place of business at Unit 401, 710 Military Road, Mosman NSW along with any successor(s) in title to the Land.

**Pump Station Works** means the construction of a sewage pump station on the Corridor Land, and the construction of associated infrastructure on or in any land necessary to connect the sewage pump station to necessary utilities and to Council's existing sewer system.

**Pump Station Contribution** means the contribution to be paid pursuant to cl. 5.2 of this Agreement, and calculated in accordance with cl. 5.4 of this Agreement.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

**Residential Land** means all of the Land except for the Corridor Land and the Road Land.

**Residential Subdivision** means the subdivision of the Residential Land to create allotments suitable for the later erection of housing, with or without associated earthworks and infrastructure works within the Residential Land.

**Road Land** means the part of the Land that is identified in Schedule 2 as lot 2- proposed road.

**Wyong LEP 2013** means the *Wyong Local Environmental Plan 2013*.

## 5 PAYMENT OF MONETARY CONTRIBUTIONS

- 5.1 The Proponent must pay the Corridor Contribution to the Council on or before the earliest of the following events:
  - (a) The transfer of the Corridor Land to Council by the Proponent; or
  - (b) The issue of a subdivision certificate for the Residential Subdivision.

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- 5.2 The Proponent must pay the Pump Station Contribution to the Council on or before the earliest of the following events:
- (a) The commencement of construction of the Pump Station on the Corridor Land; or
  - (b) The issue of any subdivision certificate for the Residential Subdivision.
- 5.3 For the purposes of this Agreement, the Corridor Contribution is the amount calculated in accordance with the following formula:

$$\text{Corridor Contribution} = \$175,400 \times \text{CPI-B/CPI-A}$$

where **CPI-A** is the CPI at the date of commencement of this Agreement and **CPI-B** is the CPI at the date of payment.

- 5.4 For the purposes of this Agreement, the Pump Station Contribution is the amount calculated in accordance with the following formula:

$$\text{Pump Station Contribution} = \$41,063 \times \text{CPI-C/CPI-A}$$

where **CPI-A** is the CPI at the date of commencement of this Agreement and **CPI-C** is the CPI at the date of payment.

- 5.5 The Parties acknowledge that the Corridor Contribution is to be paid to Council to assist with the rehabilitation and maintenance of the Corridor Land.
- 5.6 The payment required by Clause 3.2 of this Agreement may be offset by a credit to be given to the Proponent by Council for the transfer of that part of the "Road Land" which is shown by hatching on the map in Schedule 2. The quantum of that credit is to be calculated in accordance with the relevant Contributions Plan applying to that land at the date of payment.

## 6 DESIGN AND CONSTRUCTION OF PUMP STATION AND RELATED INFRASTRUCTURE

- 6.1 The Proponent must submit Draft Pump Station Works Drawings, along with any necessary studies and reports, to Council as part of the Development Application.
- 6.2 Within 45 days of receipt of Draft Pump Station Works Drawings from the Proponent the Council must notify the Proponent, in writing, whether it:
- (a) Approves the Draft Pump Station Works Drawings; or
  - (b) Requires identified modifications to the Draft Pump Station Works Drawings.
- 6.3 If the Council gives notice to the Proponent pursuant to cl. 6.2(b) that it requires identified modifications to be made to the Draft Pump Station Works Drawings, the Proponent must do one of the following within 21 days of receipt of that notice:
- (a) Submit amended Draft Pump Station Works Drawings to Council that incorporate all of the modifications requested in Council's notice under cl. 6.2(b); or
  - (b) Inform the Council, in writing, that it will not submit amended Draft Pump Station Drawings to Council that incorporate all the modifications requested in Council's notice under cl. 6.2(b).
- 6.4 If the Proponent submits amended Draft Pump Station Works Drawings to Council pursuant to cl. 6.3(a), the Council must do one of the following within 21 days of the date of receipt of those



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amended Draft Pump Station Works Drawings from the Proponent:

- (a) Advise the Proponent in writing that it approves the amended Draft Pump Station Works Drawings; or
  - (b) Advise the Proponent in writing that it does not approve the amended Draft Pump Station Works Drawings.
- 6.5 The Parties acknowledge that if cl. 6.4(b) applies then there is a dispute concerning the Draft Pump Station Drawings which either Party may seek to resolve pursuant to the dispute resolution procedures set out in clause 13;
- 6.6 Within 12 months of the date of the commencement of the Consent, the Proponent must construct, in a proper and workmanlike manner, the Pump Station Works in accordance with the Approved Pump Station Works Drawings.
- 6.7 The Proponent must secure each of the following in respect to the Pump Station Works it is to undertake pursuant to cl. 6.6:
- (a) all statutory consents, approvals, permits and certificates for the Pump Station Works; and
  - (b) all necessary approvals or permissions from the owner of any land on which any part of the Pump Station Works are to be constructed. For land owned by the Council, the Council shall not withhold its consent and shall apply its best endeavors to provide its approval / permission in a prompt and timely fashion;
  - (c) easements to drain sewage, in accordance with Part 4 of Schedule 4A of the *Conveyancing Act 1919*.
- 6.8 The Proponent must transfer all of its right, title and interest in the constructed Pump Station Works to Council on the practical completion of those works. For the purposes of this cl. 6.8, "practical completion" means the stage when all of the Pump Station Works are complete except for minor defects that do not affect the capability to use the Pump Station Works for their intended purpose and can be rectified without prejudicing the convenient use of those constructed Pump Station Works.
- 6.9 Where there are "minor defects" of the kind set out in cl. 6.8, the Proponent must rectify those minor defects within 30 days of the date of transfer of the constructed Pump Station Works to Council.
- 6.10 In the event the Proponent fails to comply with its obligations under cl. 6.9 Council may rectify any unresolved defects and recover the cost of such rectification from the Proponent.
- 6.11 The Proponent is to meet its obligations under cl. 6.1, 6.2, 6.3, 6.4, 6.6, 6.7, 6.8 and 6.9 at no cost to Council.
- 6.12 The Council acknowledges that related infrastructure includes basins for the detention and / or treatment of stormwater and that such basin/s may be located on the Corridor Land provided that the environmental impact and performance of the basin/s is assessed by the Council to be satisfactory. For the avoidance of doubt, the Council's decision on related infrastructure and its location is in no way fettered. The Council must be satisfied that any development application for such works warrants approval.

## 7 LAND MANAGEMENT COMMITMENTS

- 7.1 Prior to the transfer of the Corridor Land and Road Land and at no cost to Council, the Proponent must undertake the following:
- (a) Remove all waste materials and sheds from the Road Land and the Corridor Land.
  - (b) Provide copies of all information and reports held by the Proponent relating to the analysis of

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soil (including but not limited to nutrients such as phosphates and nitrates) on the Corridor Land and the Road, to assist Council in species selection for replanting areas in the Corridor Land.

- (c) Recovery and placement of hollow trees from the Residential Land in an appropriate location and in a manner to be agreed with Council for future rehabilitation purposes.

- 7.2 Prior to the issue by Council of a subdivision certificate for the Preliminary Subdivision, the Proponent and one or more officers of the Council must inspect, for the purposes of this agreement, the Land to verify satisfaction of clauses 7.1(a) and 7.1(c).
- 7.3 Within three working days of the inspection carried out pursuant to clause 7.2, the Council must give written notice to the Proponent which either:
  - (a) confirms satisfaction of clauses 7.1(a) and 7.1(c); or
  - (b) lists works the Proponent is required to undertake to comply with clauses 7.1(a) and 7.1(c).
- 7.4 If the Council issues a notice pursuant to clause 7.3(b), the Proponent shall undertake the required work and then arrange a further inspection in accordance with clause 7.2.
- 7.5 The Council will not release a subdivision certificate for the Preliminary Subdivision until such time as a notice has been issued under clause 7.3(a).

## 8 TRANSFER OF THE CORRIDOR LAND AND THE ROAD LAND TO COUNCIL

- 8.1 The Proponent must transfer all of its right, title and interest in the Corridor Land and the Road Land to the Council on or before the granting of development consent for the Residential Subdivision
- 8.2 The Proponent is to meet its obligations under cl. 8.1 at no cost to Council.

## 9 Fire Trail Works and Fire Trail Maintenance Contribution

- 9.1 If the Consent imposes an obligation for the construction of any fire trail on any part of the Residential Land, the construction of any such fire trail is to be carried out by the Proponent at no cost to Council prior to the issue of a subdivision certificate for the Residential Subdivision.
- 9.2 If the Consent imposes an obligation for the construction of any fire trail on any part of the Residential Land, the Proponent must pay the following Fire Trail Maintenance Contribution to the Council prior to the issue of any subdivision certificate in respect to the Residential Subdivision:

**Fire Trail Maintenance Contribution = \$180 x LM x CPI-D/CPI-A**

where:

- **CPI-A** is the CPI at the date of commencement of this Agreement;
- **CPI-D** is the CPI at the date of payment; and
- **LM** is the linear length, in metres, of any such fire trail.

## 10 WARRANTIES

- 10.1 The Proponent warrants to Council that:
  - (a) It is the registered owner of the Land;
  - (b) It is able to fully comply with its obligations under this Agreement;

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- (c) It has full capacity to enter into this Agreement; and
- (d) There is no legal impediment to it entering into this Agreement, or performing its obligations under this Agreement.

**11 REVIEW OF THIS AGREEMENT**

- 11.1 Any amendments, variation or modification to or of, or consent to any departure by any Party from the terms of this Agreement shall have no force or effect unless effected by a document executed by the parties following the requirements of Section 93G of the Act having been observed.

**12 FURTHER AGREEMENT RELATING TO THIS AGREEMENT**

- 12.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject matter of this Agreement for the purpose of implementing this Agreement that are not inconsistent with this agreement.

**13 DISPUTE RESOLUTION**

- 13.1 If a dispute arises out of or relates to this Agreement (including any dispute as to the meaning, performance, validity, subject matter, breach or termination of this Agreement or as to any claim in tort, in equity or pursuant to any statute) (**Dispute**), any court or arbitration proceedings shall not be commenced by or against Council, the Proponent or their successors or assigns, relating to the Dispute unless the parties to the Dispute have complied with this clause, except where a Party seeks urgent interlocutory relief.
- 13.2 A Party claiming that a Dispute has arisen under or in relation to this Agreement is to give written notice to the other Party to the Dispute, specifying the nature of the Dispute.
  - (a) The Parties agree to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales and to take action to have the Dispute mediated within 7 working days of the receipt of written notice of the Dispute.
  - (b) The Parties agree that the President of the Law Society of New South Wales or the President's nominee will select the mediator and determine the mediator's remuneration.
  - (c) The Parties to the mediation will be jointly responsible for the fees of the mediation and each Party shall bear its own costs.
  - (d) The Parties may, but are not required, to enter into a written agreement before mediating a Dispute.
  - (e) If any procedural aspects are not specified sufficiently in the rules under this clause 13, the Parties agree to conduct the mediation regarding those aspects in accordance with the determination of the mediator whose decision regarding those aspects is final and binding on the Parties.
  - (f) A legal representative acting for either of the Parties may participate in the mediation.
- 13.3 From the time when a notice of Dispute is served, neither Party shall take action to terminate this Agreement, until after the conclusion of the mediation.
- 13.4 Should mediation fail to resolve any dispute then the dispute shall be determined by arbitration pursuant to the *Commercial Arbitration Act 2010* and the General Manager of the Council shall request the President for the time being of the Law Society of New South Wales to appoint an arbitrator to carry out such arbitration in accordance with the provisions of such Act.
- 13.5 Despite clause 13.1, either Council or the Proponent may institute court proceedings to seek urgent equitable relief in relation to a dispute or difference arising out of or in connection with this Agreement.

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14.1 The Proponent agrees to pay or reimburse the costs of Council in connection with the:

- (a) Negotiation, preparation and execution of this planning agreement, to a maximum of \$2,500.00.
- (b) Advertising and exhibiting this planning agreement in accordance with the Act, to a maximum of \$350.00, and
- (c) All costs related to registration of this planning agreement where required, within 7 working days after receipt of a tax invoice from Council.

**15 REGISTRATION OF THIS AGREEMENT**

15.1 The parties agree to register this Agreement for the purposes of s. 93H(1) of the Act.

15.2 On execution, the Proponent is to provide Council with each of the following, at no cost to Council:

- (a) An instrument in registrable form requesting registration of this Agreement on the title to the Land duly executed by the Proponent, and
- (b) The written and irrevocable consent of each person to referred in s. 93H(1) of the Act to that registration; and
- (c) Production of the certificate of title for the Land, for the purpose of procuring the registration of this Agreement.

15.3 The Proponent is to do such other things as are reasonably necessary to remove any notation relating to this Agreement from the title to the Land once the Proponent has completed its obligations under this Agreement or this Agreement is terminated or otherwise comes to an end for any other reason. To the extent that the Council's co-operation is required to enable the Proponent to comply with this clause, such co-operation shall be promptly provided.

**16 NOTICES**

16.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) Delivered or posted to that Party at its address set out in (b) below.
- (b) Faxed or emailed to that Party at the relevant details set out below.

**(i) Council: Central Coast Council**

Attention: Chief Executive Officer Address: PO Box 20, WYONG NSW 2259  
Fax No: (02) 4350 2098  
Email: [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au)

**(ii) Proponent: Zaychan Pty Ltd**

C/- Aconsult  
Attention: Lorelle Fitzpatrick  
Address: PO Box 3391, ERINA NSW 2250  
Fax No: (02) 4384 7346  
Email: [lorelle@aconultoz.com](mailto:lorelle@aconultoz.com)

16.2 If a Party gives the other Party 3 working days' notice of a change of its address, fax number or email address, any notice, consent, information, application or request is only given or made by

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that other Party if it is delivered, posted, faxed or emailed to the latest address, fax number or email address.

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- 16.3 Any notice, consent, information, application or request is to be treated or given or made at the following time:
- (a) If it is delivered, when it is left at the relevant address.
  - (b) If it is sent by post, 2 working days after it is posted.
  - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
  - (d) If it is sent by email, as soon as the email was issued, unless the sender receives notice of the email not having been delivered.
- 16.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if it is on a business day, after 5.00pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

## **17 ENTIRE AGREEMENT**

- 17.1 This Agreement contains everything to which the parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party before this Agreement was executed, except as permitted by law.

## **18 FURTHER ACTS**

- 18.1 Each Party agrees to promptly execute all documents and do all such things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

## **19 GOVERNING LAW AND JURISDICTION**

- 19.1 This Agreement is governed by the law of New South Wales, Australia. The parties submit to the nonexclusive jurisdiction of its Courts and Courts of appeal from them. The parties will not object to the exercise of jurisdiction by those Courts on any basis provided that the dispute resolution provisions in clause 13 of this Agreement have first been satisfied.

## **20 NO FETTER**

- 20.1 Nothing in this Agreement is to be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing is to be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

## **21 SEVERABILITY**

- 21.1 If a clause or part of a clause in this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of the Agreement is not affected.

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- 22.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

**23 EXPLANATORY NOTE**

- 23.1 The Appendix contains the Explanatory Note relating to this Agreement required by Clause 25E of the Regulation.
- 23.2 Pursuant to Clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note in the Appendix is not to be used to assist in construing this Agreement.

**EXECUTION PANEL****EXECUTED** as a Voluntary Planning Agreement

Date: date

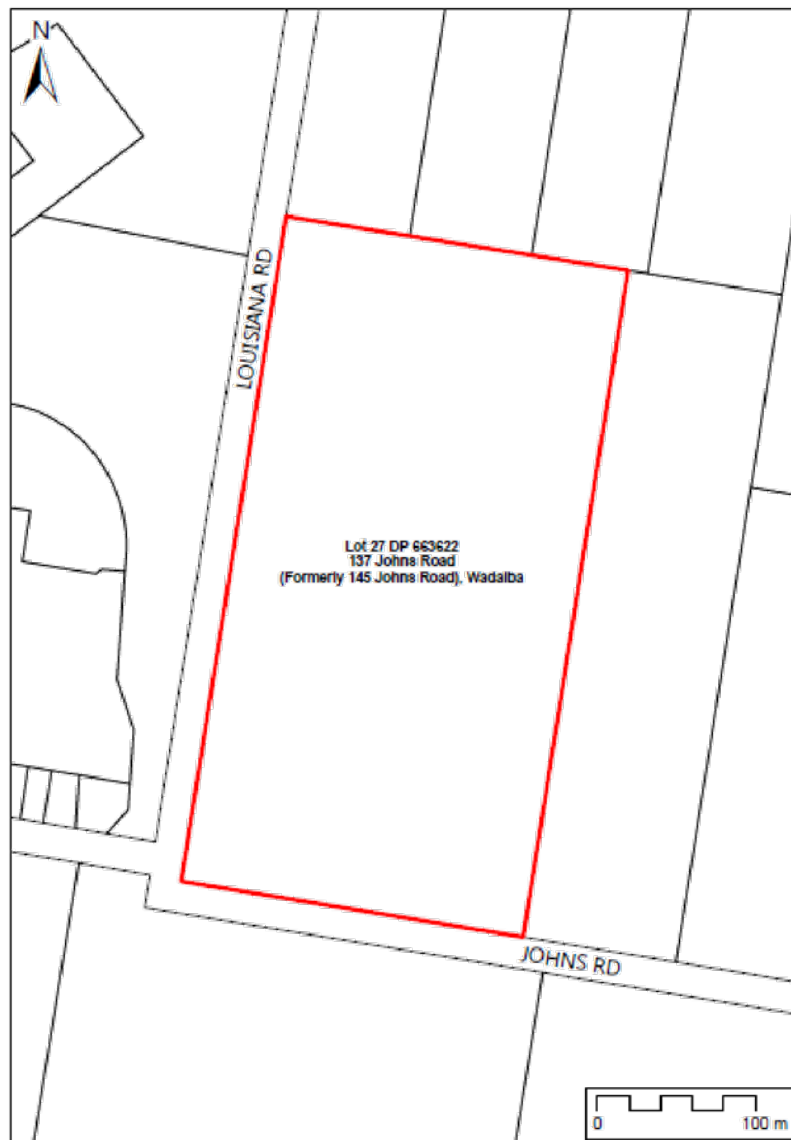
Pursuant to a resolution of the former Wyong Shire Council made on the 10<sup>th</sup> day of December 2014, which has effect by the operation of Clause 17 of the Local Government (Council Amalgamations) Proclamation 2016

_____	_____
Acting Chief Executive Officer	Witness
Rob Noble	[WITNESS NAME]
_____	_____
Name	Name

_____	_____
Director	Witness
CHRISTOPHER NEIL LINEGAR	[WITNESS NAME]
_____	_____
Name	Name

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**SCHEDULE 1 – THE LAND**







**SCHEDULE 3 – PUMP STATION SPECIFICATION**Appropriate Standard(s)

- Design to generally follow the WSAA Sewerage Pumping Station Code of Australia (SWC Edition).
- Four hour hold time required between Top Water Level and Overflow Level. Otherwise provision of permanent standby diesel pump is required.
- Council's existing functional description for operational setpoints/alarms
- "Temporary" stations cannot be guaranteed to be temporary and are to be designed as per a permanent station. Future refurbishment of temporary stations should not become a burden on the rest of the community.
- Septicity control required where detention time exceeds four hours. Average dry weather flow used in calculation to be 240L/EP/day @ 2.4EP/ET.
- Pump arrangement and rising main selection to be duty/standby, Xylem N series pumps with regard given to septicity, slime control and water hammer considerations when designing the rising main.
- Valves (Stop valves and Reflux Valves, Bypass Tee, Scour Valve) to be located in external valve pit.
- Council to provide existing specifications for use by the designer.
- The access road and site general arrangement must allow council's design vehicle (fitter's crane truck) to legally enter the site and access the pumps/valves using the truck mounted crane. Turning templates and crane details will be provided by Council.

Electrical Design

- Design in accordance with Council's Standard Specifications for New Electrical Assets (ES-01)
- Council has a standard switchboard design for all sites up to 45kW. Small sites (<5kW) to utilise DOL starters rather than soft starters.
- Instrumentation required as described in SPS functional description and ES-01.

Access Covers

- WSC Standard aluminium lid design and locking arrangement to be modified to suit proposed opening size.

Internal Ladders/Platforms

- Generally single stainless steel vertical ladder to be provided with no internal platforms or ladder cages.

**APPENDIX**

(Clause 20)

*Environmental Planning and Assessment Regulation 2000*

(Clause 25E)

**EXPLANATORY NOTE****Voluntary Planning Agreement**Under s93F of the *Environmental Planning and Assessment Act, 1979***Parties****Central Coast Council** (ABN73 149 644 003) of Council Chambers, 2 Hely Street, WYONG 2259, in the State of New South Wales (**Council**)

and

**Zaychan Pty Ltd** (ABN 67080485338; ACN 080485338) (Mr Christopher Neil Linegar - Director) of Unit 401, 710 Military Road, MOSMAN 2088 (PO Box 137, SYLVANIA SOUTHGATE), in the State of New South Wales (**Proponent**)**Description of the Land to which the Planning Agreement Applies**

Lot 27 DP 663236 also known as 137 Johns Road, Wadalba.

**Description of Proposed Development**

Development means the subdivision of the land to create a wildlife corridor, road and land for residential housing.

**Summary of Objectives, Nature and Effect of the Planning Agreement****Objectives of the Agreement**

The objective of the Agreement is to specify the funding arrangements and land transfer requirements for land to be transferred into Council ownership for embellishment of the Wadalba Wildlife Corridor, future road widening and the operation; maintenance and decommissioning of a temporary sewer pump station to service the development.

**Nature of the Planning Agreement**

The Agreement is a planning agreement under s93F of the *Environmental Planning and Assessment Act 1979* (Act). It is an agreement between the Council and the Proponent. The Agreement is a voluntary agreement under which provisions are made by the Proponent for the provision of infrastructure and conservation or enhancement of the natural environment s93F(2)(f).

**Effect of the Agreement**

The Agreement:

- relates to the Instrument Change,

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- relates to the carrying out by the Proponent of the Development on the Land,
- does not exclude the application of s94A, s94 or s94EF to the Development,
- requires the Proponent to pay monetary contributions to Council for the operation, maintenance and decommissioning of a temporary sewer pumping station to service the future development in addition to funding the rehabilitation and ongoing maintenance of land adjoining the Wadalba Wildlife corridor. The agreement also requires the transfer of land into Council ownership for conservation and road widening purposes.
- is to be registered on the title to the Land,
- provides dispute resolution methods for a dispute under the Agreement, being mediation and arbitration, and
- provides that the Agreement is governed by the law of New South Wales.

**Assessment of the Merits of the Agreement****Planning Purposes Served by the Agreement**

The Agreement provides for the provision of infrastructure to meet the demands generated by the development for new infrastructure, and provides for environmental conservation outcomes to the broader region through contribution of land to the Wadalba Wildlife Corridor.

**How the Agreement Promotes the Public Interest**

The Agreement promotes the public interest and objects of the Act including:

- the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- the promotion and co-ordination of the orderly and economic use and development of land, and
- the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats.

**For Planning Authorities:*****Development Corporations – How the Agreement Promotes its Statutory Responsibilities***

Not Applicable.

***Other Public Authorities – How the Agreement Promotes the Objects of the Act under which it is Constituted***

Not Applicable.

***Councils – How the Agreement Promotes the Council's Charter***

The Agreement promotes the following elements of the Council's Charter:

- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development

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Not Applicable

**Whether the Agreement specifies that certain requirements be complied with before issuing a Development Approval, Construction Certificate, Subdivision Certificate or Occupation Certificate**

Yes.

The Agreement specifies that the following is required: :

- (a) Undertaking specified land management actions prior to the transfer of the Corridor Land and Road Land to Council.
- (b) Registration on title and payment of any contribution for the restoration and maintenance of the Transfer Land Corridor Land (excluding that portion of the Transfer Land proposed for a future road splay) prior to Subdivision Certification being issued.
- (c) Obtaining relevant authority consents prior to Subdivision Certification being issued for the subdivision of the land.
- (d) Proponent must submit Draft Pump Station Works Drawings, along with any necessary studies and reports, to Council as part of a future development application for the subdivision of the land.

The agreement specifies that prior to a subdivision certificate being issued for subdivision of the Residential Land to create allotments suitable for the erection of housing:

- (a) That payment of a contribution towards fire trail maintenance, if required, be made and;
- (b) That payment of the required monetary contributions for the operation and maintenance of a temporary sewer pumping station be made.

The Agreement specifies that payment of a contribution towards fire trail maintenance is required prior to a subdivision certification being issued to subdivision of the Residential Land to create allotments suitable for the erection of housing:

- (a) Transfer the Corridor Land and Road Land in its entirety into Council ownership in conjunction with payment of any rehabilitation and maintenance costs for of the Corridor Land and payment of the required monetary contributions for the operation and maintenance of a temporary sewer pumping station.

# DRAFT CHAPTER 6.17    WARNERVALE EAST / WADALBA NORTH WEST

## 1.0    INTRODUCTION

The purpose of this Chapter is to provide specific development guidelines for the former Warnervale/Wadalba Urban Release Areas.

The majority of land suitable for development within the Warnervale East/Wadalba North West area has either been developed or approved for development. The area now comprises the suburbs of Woongarra, Hamlyn Terrace and Wadalba. The area has evolved over the past decade with market forces and changes in development standards resulting in some variation from the original plans detailed in Wyong Shire Council Development Control Plan No. 49 (now superseded).

This chapter has been prepared to provide guidance for the development of the remaining lands, consistent with current development standards and the desired and likely future character of the area.

### 1.1    Objectives of this Chapter

- To provide a high quality and varied residential environment with accessible open space, retail and community facilities
- To provide attractive streetscapes which reinforce the function of a street and enhance the amenity of dwellings
- To provide opportunity for a variety of housing types
- To provide a safe and efficient system of roads and pathways for vehicular, pedestrian and cycle movements
- To provide for the protection and enhancement of the environment

### 1.2    Land to which this Chapter Applies

This Chapter applies to land as shown edged heavy black on Figure 1. Figures 2 and 3 on the following pages show in greater detail the land described as Warnervale East (Figure 2) and the land described as Wadalba North West (Figure 3).

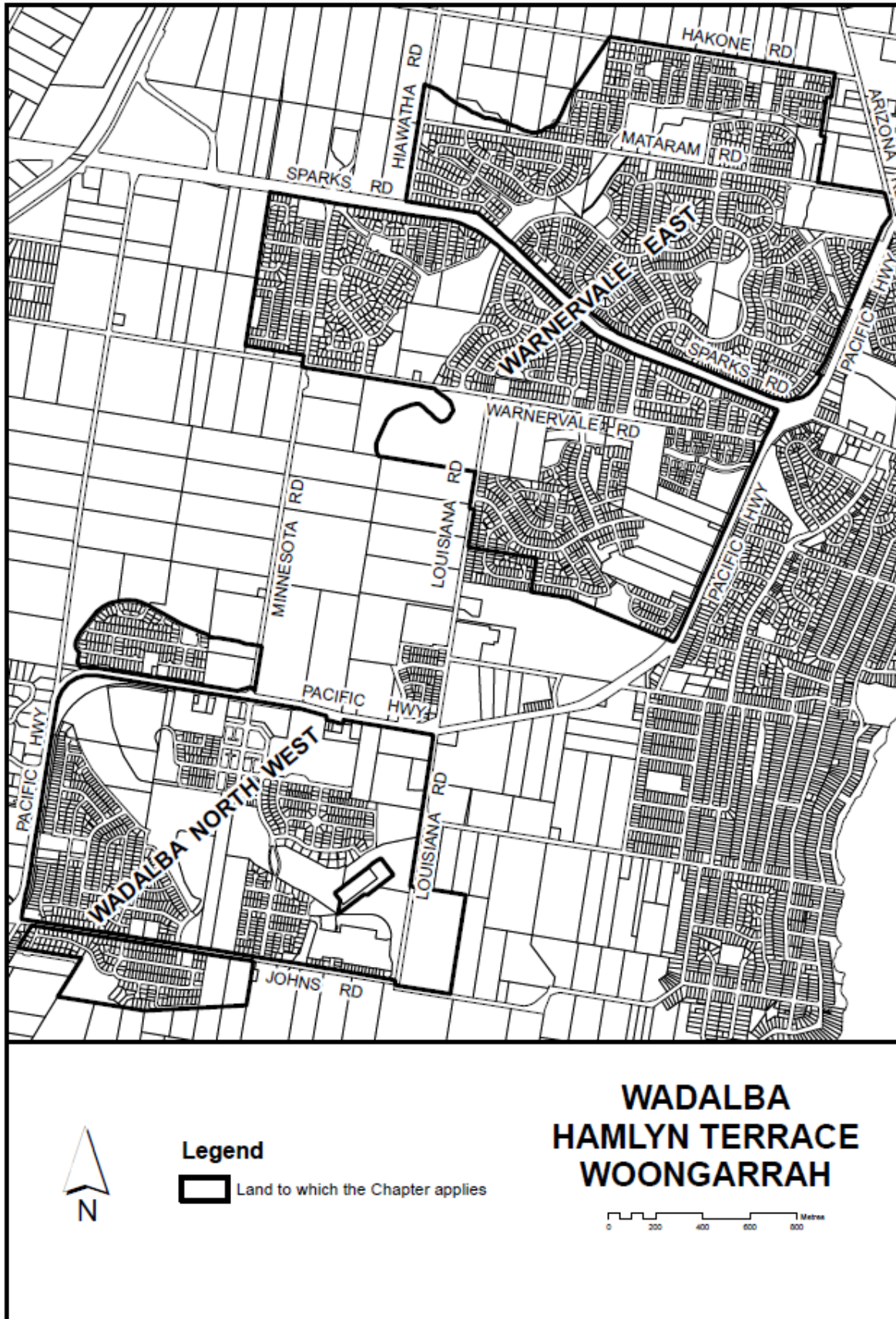


Figure 1 Land to which Chapter 6.17 applies



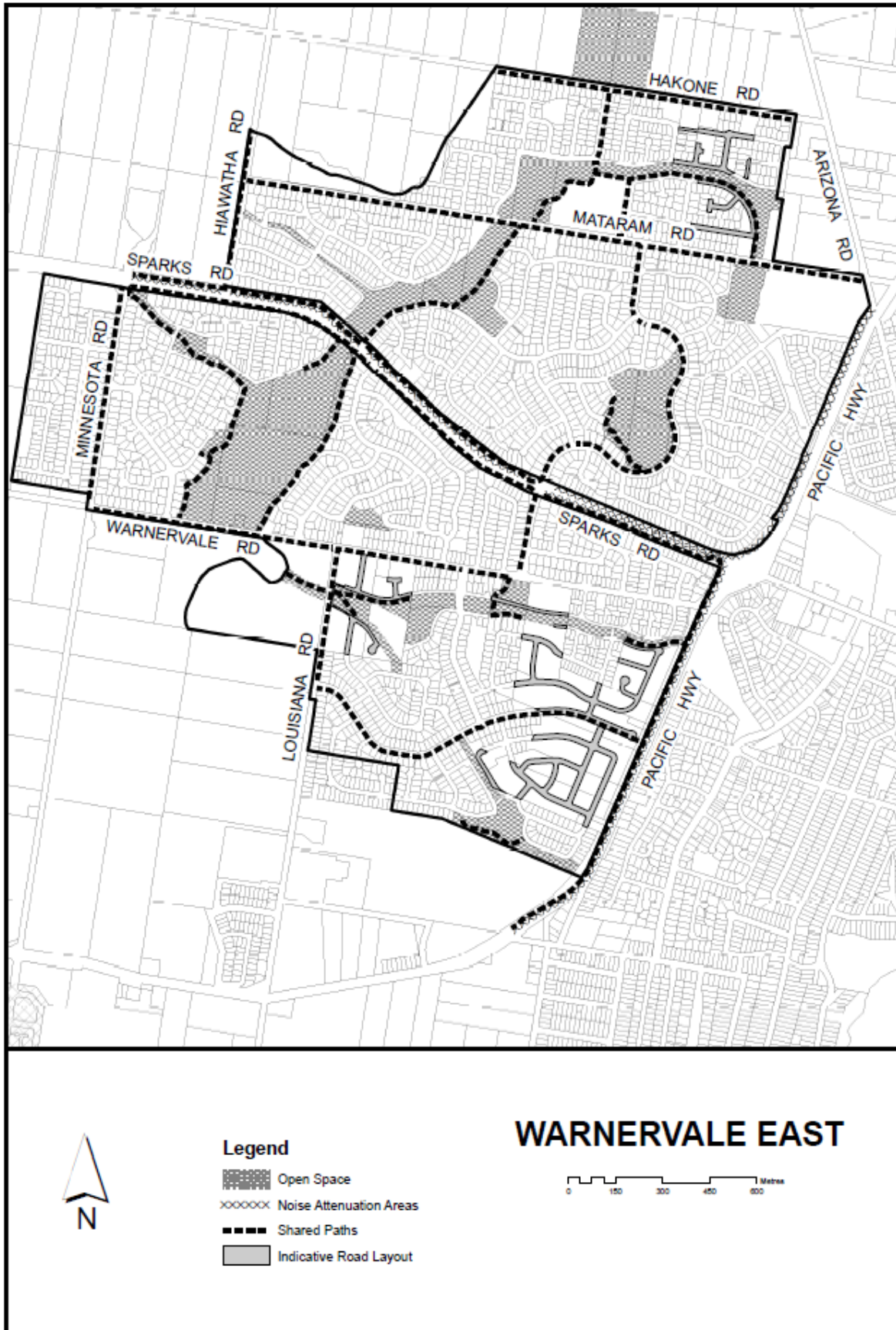


Figure 2 Warnervale East

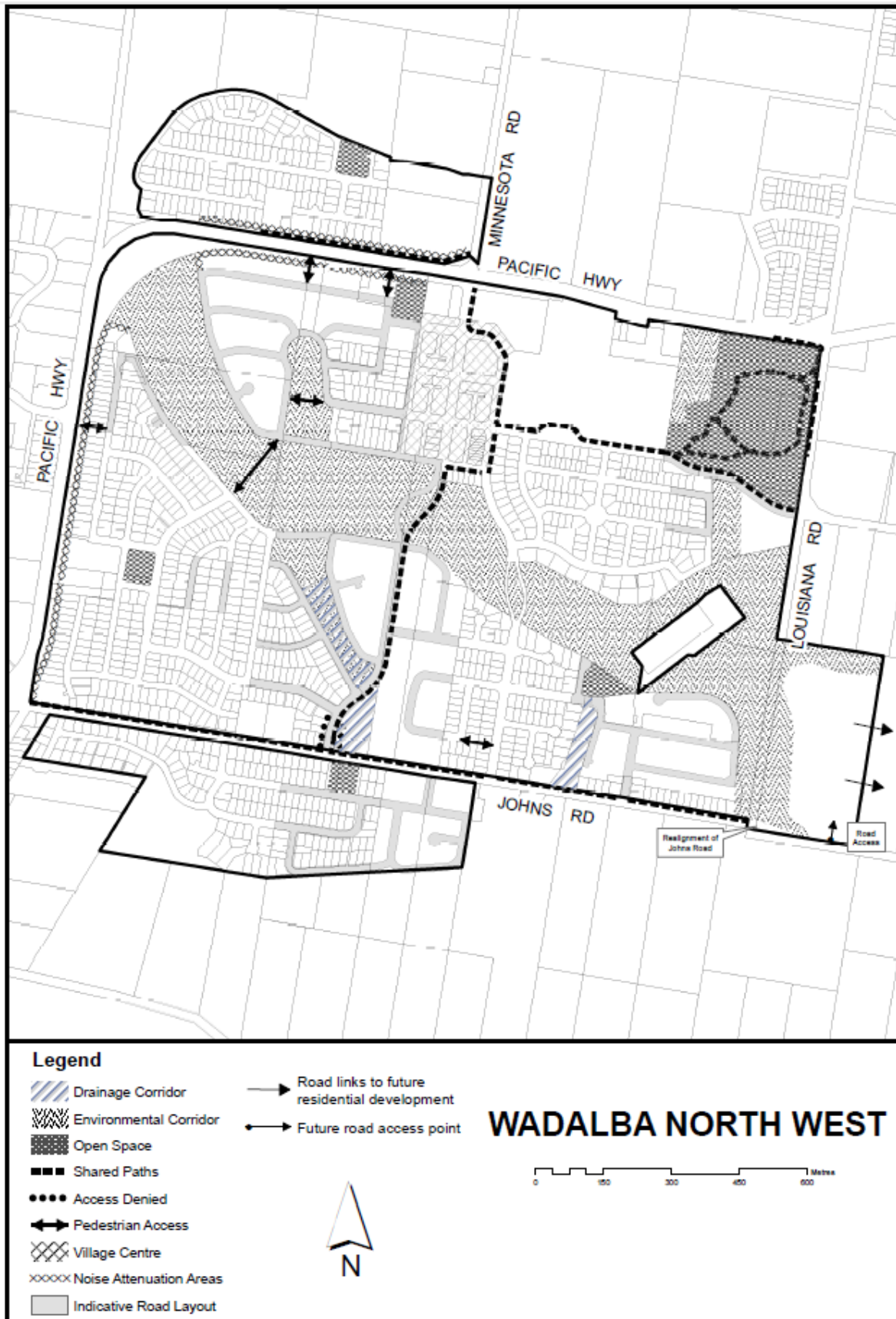


Figure 3 Wadalba North West



## 1.3 Relationship to other Chapters and Policies

This Chapter should be read in conjunction with other relevant Chapters of this Development Control Plan and other Policy Documents of Council, including but not limited to:

- Chapter 2.1 – Dwellings and Ancillary Structures
- Chapter 2.6 - Signage
- Chapter 2.11 – Parking and Access
- Chapter 3.6 – Tree and Vegetation Management
- Section 4 – Subdivision
- Chapter 6.2 – Hamlyn Terrace – Louisiana Road Infill Precinct (LRIP)
- Council's Civil Works Design Guideline and Construction Specification

## 2.0 SUBDIVISION DESIGN

Any application for subdivision of land in the Warnervale/Wadalba area, must consider the requirements of WLEP 2013 and DCP 2013 Section 4 – Subdivision, in addition to any requirements of this Chapter. Where any inconsistencies arise with the provisions contained in this Chapter, this Chapter shall prevail.

### 2.1 Streetscape

#### OBJECTIVES

- To ensure a consistent and pleasant streetscape blending into the surrounding natural environment
- To maintain pedestrian and road safety
- To, as far as possible, preserve the natural features of the area

#### REQUIREMENTS

- a A streetscape plan, prepared and submitted as part of a Category 3 Landscape Design Report in accordance with Council's Landscape Guidelines is to be provided with each subdivision application. The streetscape plan shall show:
  - i the street reserve together with typical cross sections;
  - ii location and detailing of carriageway pavement, parking bays, bus stops, kerbs, footpath, cycle paths and speed control devices;
  - iii location and species of proposed trees or other vegetation;
  - iv location of existing vegetation to be retained and proposed treatments to ensure its health;
  - v typical dwelling front alignments including any proposed setback variations together with any building detailing proposed to promote special character or identity;
  - vi any relevant details for front garden treatment, e.g. fences, driveways and landscape themes;

- vii any relevant details for the design and location of street furniture - lighting, seats, bus stops, street signs, etc.
- b Applicants are required to consult with Council to ascertain preferred design standards for street furniture prior to the lodgement of a subdivision application.

*Note: Wider verges are often necessary to provide space for larger trees, varied service requirements or varied parking requirements particularly where densities are 15 dwellings per hectare or greater.*

- c Street landscaping schemes shall:
  - i emphasise street tree planting particularly species that attain a minimum height of 8 metres at maturity;
  - ii select species that are drought resistant;
  - iii select species that are locally occurring where possible;
  - iv select species that have a growth habit and propagation that would inhibit weed growth;
  - v select species that would not obscure street lighting, vehicle sight lines at intersections or overhang the carriageway so as to interfere with service vehicles or buses;
  - vi require minimal maintenance once established.

### 2.1.1 Crossing of Environmental Corridors / Warnervale Floodplain

Those areas identified as "sensitive crossings" will be constructed having regard to the following:

- a tree canopy to continue across the road corridor to facilitate the movement of arboreal fauna;
- b roads to be split to reduce the width of the crossing;
- c pavement to be designed to reduce the concentration of runoff within the corridor;
- d landscaping is to be provided within the road reserve to facilitate the regeneration of the canopy overhanging the road;
- e road crossings are to be designed with features to assist with fauna movement and to reduce mortality (e.g. underpasses, landscaping, lighting issues, speed suppression, glide poles – as appropriate).

## 2.2 Traffic Noise Amelioration

### OBJECTIVE

- To ensure that neighbourhood amenity is maintained through suitable reduction in traffic noise and visual intrusion

### REQUIREMENTS

- a Areas labelled on the plan as "Noise Attenuation Areas" along the Pacific Highway and Sparks Road shall be required to be dedicated to Council to a width of 10m.
- b A noise study prepared by an appropriately qualified acoustic consultant shall accompany any development or subdivision application for properties with frontage to either the Pacific Highway or Sparks Road. The noise study shall identify appropriate noise amelioration measures including but not limited to dwelling design and acoustic barrier design to achieve noise goals set out in Clause 2.2 c.

The design noise level shall be based upon 10 year projected estimated traffic flows, speeds and percentage of heavy goods vehicles in accordance with the NSW Road Noise Policy (or superseding document). Council is to be consulted prior to the preparation of the noise study as to the appropriate noise amelioration measures for the site.

- c A relaxation of the external noise goal may occur providing it is based on sound economic and technical considerations and only on the basis of submission of proof that the internal noise standard specified in Australian Standard 2107-2000 (or superseding document) can reasonably be achieved for each affected new residence.
- d Acoustic barrier design shall be in accordance with the Noise Study and as determined by Council and will be shown in the Landscape Assessment and Design Report and submitted to Council for approval in accordance with Part 4: Subdivision.

### 2.2.1 Noise Amelioration Mounding – Landscape Treatment

- a Noise amelioration mounds should be treated with stepped construction of sub-grade to enable better keying of top soil to the subgrade mounds. Top soil should be a minimum of 200mm deep and no slope should have a greater than 1:3 batter. Mounds should be constructed with tree planting within batter grass treatments, grasses should only be planted as a temporary measure so that tree establishment is not hindered by competition with grassing.
- b Tree species preferred should be based on a major structural planting *Casuarina glauca* or other *Casuarina* species such as *dystila* or *toralosa* with intermittent planting of alternative species. *Casuarina*'s are preferred because of their drought resistance and ability to survive on low nutrient levels and their self mulching growth habit. In all cases, all beds should be mulched and wherever possible drought tolerant ground covers used underneath the tree planting, native grasses are preferred wherever possible. All planting beds where they are adjacent to established turf or grassed areas should have a mowing edge treatment to them. Any structures such as fences which may atop the noise amelioration mound should be durable in both materials and design and not create the need for maintenance on a frequency more than once every two years nor should they be composed of materials that will not survive a period of at least 20 years from construction. In all cases, consideration should be given to the aesthetic affect of fences and walls and an attempt made to ensure the highest standard of visual presentation while giving priority to the visual appeal of the tree plantings on the noise amelioration mound.

### 2.2.2 Noise Amelioration – Acoustic Wall

- a Where both Council and the Noise Report recommend the incorporation on an acoustic wall within the 10m wide Noise Attenuation Area, a fence may be provided in accordance with the Noise Study
- b Notwithstanding the above, acoustic barriers shall:
  - i require minimal maintenance once established. As a general rule structures shall have a design life in excess of 20 years and avoid finishes that require painting; and
  - ii be landscaped with species that:
    - are drought resistant;
    - have a growth habit and propagation that would inhibit weed growth; and
    - would not obscure street lighting, vehicle sight lines at intersections or overhang the carriageway so as to interfere with vehicles.

## 2.3 Road Hierarchy and Layout/Major Intersections and Car Parking – Warnervale and Wadalba North West

### OBJECTIVES

- To create a legible road hierarchy
- To best ensure the safety of road user, pedestrians and residents

### REQUIREMENT

The majority of the development in the Warnervale and Wadalba North-West areas have been either completed or approved for development. With regard to roadworks, those areas yet to be approved for subdivision or development are to have consideration of the existing subdivision pattern and the requirements of Part 4 – Subdivision. Additional specific requirements for certain locations are shown in Appendix A.

## 2.4 Bus Routes

### OBJECTIVE

- To provide for efficient and convenient public transport links and stops

### REQUIREMENTS

An overall scheme for permanent bus routes was developed prior to the development of the Warnervale/Wadalba area, however changes to bus routes and the road network has seen this scheme altered.

- a Applicants for subdivision of land should consult with both Council and the relevant bus company with regard to bus routes and the provision of bus shelters. Bus shelters will be located in consultation with Council and the relevant bus company.
- b Applicants are required to consult with the relevant bus company to identify:
  - i suitable bus stop locations; and
  - ii the need for alternate bus routes.
- c The subdivision design shall facilitate pedestrian movements to bus stop locations.
- d Copies of correspondence between the applicant and the bus company shall be provided to support any subdivision application.
- e Low frequency bus routes (less than a total of six bus movements per day) will be allowed on a 9 metre road pavement within an 18 metre road reservation.

## 2.5 Cycleway and Footpath System

### OBJECTIVE

- To provide safe and convenient pedestrian and cycleway networks with clear internal links and connections to external regional networks

## REQUIREMENTS

- a Cycleway systems shall be provided generally in the locations shown in Figure 2 and 3, and shall consist of a rigid pavement of 2.5 metres within a minimum 5.0 metre reservation.
- b The design of the shared pedestrian/cycleways shall be in accordance with Austroads.
- c Public pedestrian accessways should be provided to connect the major areas of residential use with recreational areas, and other community facilities and services such as schools, shops, child care and neighbourhood centres. Pedestrian Road crossings should coincide with slow points designed to limit the travel speed of vehicles.
- d Concrete footpaths shall be provided in accordance with Part 4 Subdivision.
- e The pedestrian and cycleway links shall utilise the proposed traffic signals at the Pacific Highway and Louisiana Road intersection.

## 2.6 Open Space and Landscaping

### OBJECTIVE

- To ensure that adequate and appropriate open space land is provided for the development of the area

### REQUIREMENTS

- a Local open space shall be provided in the locations identified in Figures 2 and 3, subject to the specific notations on the Plan and the requirements of Table 1. Minor variations in the location and configuration of open space, as a result of subdivision design are acceptable.
- b Open space types and the areas they are to be provided are shown in Table 1.
- c No trees shall be removed from areas designated on the plan as open space, drainage corridor or environmental corridor unless approved by Council.
- d Where appropriate, small parks should be landscaped prior to each land release and designed to create attractive usable focal points.
- e Noise amelioration areas, trunk drainage, and areas below the 1:100 year flood line (other than those identified on the plan as open space) shall not be accepted as contributing to open space requirements of a subdivision.
- f Small parks shall generally be located adjacent to low speed streets (less than 40km/h) and designed to:
  - i deter impulsive moves onto the street through the judicious use of planting and/or fencing;
  - ii maximise visibility to passing drivers;
  - iii be accessed via road crossings located at slow points designed to limit the travel speed of vehicles.
- g Additional open space may be provided by the applicant providing it can be clearly demonstrated that it is likely to require minimal maintenance or be maintained by adjoining residents. Any additional open space will not be credited against any S.94 charges.

- h As a general rule these additional open space areas will not be grassed. They are more likely to be landscaped with shrubs, trees and ground covers that are drought resistant and have a growth and propagation that would inhibit weed growth.

Open Space Type	Number	Requirements
Small Parks	19 – 20	Minimum area of 0.5 hectare and not less than 30 metres wide. Locate within 500 metres of all residential areas.
Large Parks	1	Minimum area of 6 hectares protecting small knoll north of Sparks Road, above 40 metre contour.  <i>N.B. Large park requirement for Wadalba included in land proposed to be acquired as part of the Environmental Corridor.</i>
Playing Fields	4	Minimum dimensions of 200 metres x 200 metres. Locate within 1km of all residential areas and school sites.
Courts	3	Minimum dimensions of 100 metres x 100 metres. Locate within 1km of all residential areas and school sites.
Semi-Natural Parks (including Wadalba North West Environmental Corridor)		See notes on the Plan. To be fenced to limit disturbance. Fencing to allow movement of ground dwelling mammals.
Cycleways		Minimum of 2.5 metres wide within a 5 metre reservation.

**Table 1 Open space and landscaping requirements**

*Note: This table includes parks required within the Louisiana Road Infill Precinct (LRIP). The specific park requirements for the LRIP are dealt with in Chapter 6.2.*

## 2.7 Utility Services

### OBJECTIVES

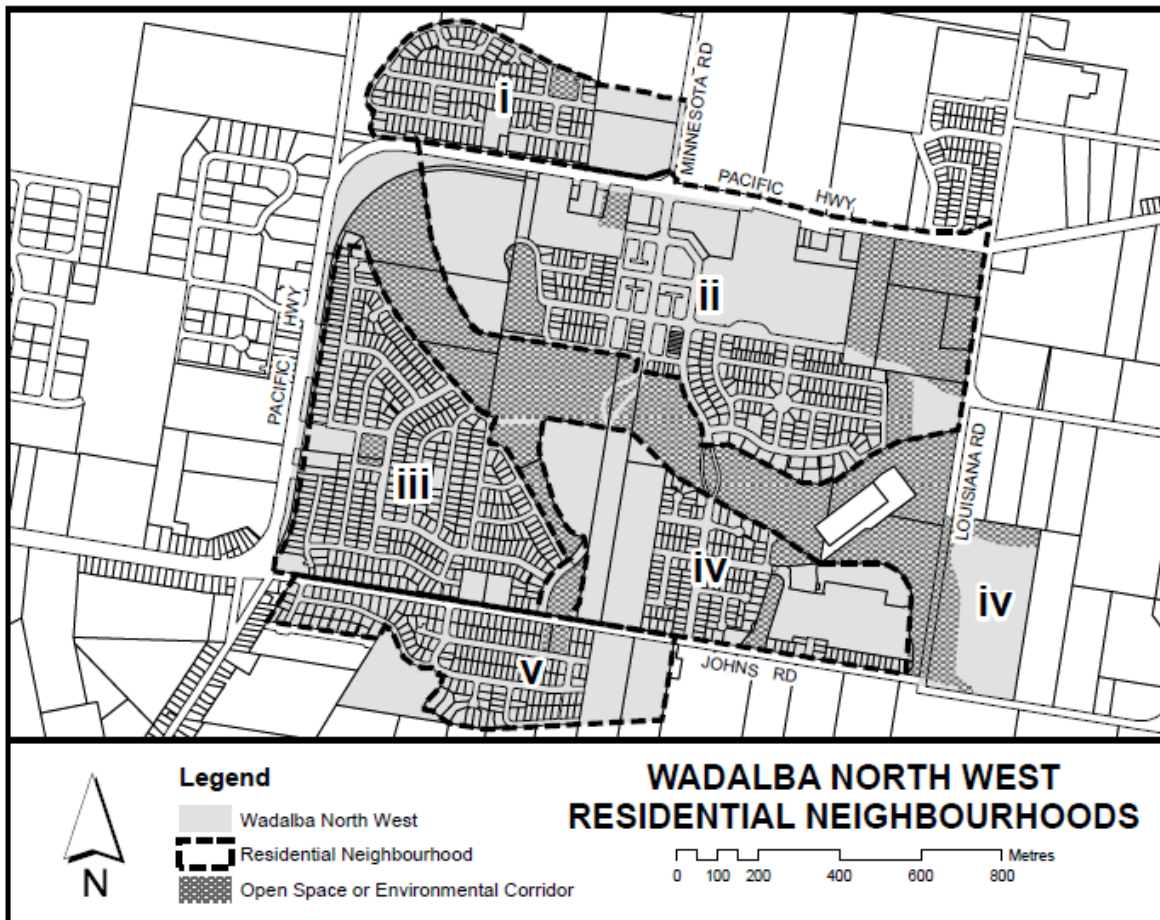
- To maintain satisfactory visual amenity by limiting the number of services visible in the area
- To ensure that the environmental impact of development is minimised through the use of appropriate physical controls

### REQUIREMENTS

- With the exception of existing or proposed 33kV or greater electricity services in Warnervale, Mataram, Sparks and Hiawatha Roads, undergrounding of all services (existing and proposed) shall be required in all developments or subdivisions.
- Gross pollutant traps required as part of the Warnervale East Trunk Drainage Scheme shall be constructed prior to subdivision of land within each of the defined drainage sub-catchments generally in accordance with the parameters identified in Table 3.1 of the Report entitled "Trunk Drainage Investigation: Warnervale East 7B - Stage 2 - Flood Management Plan", prepared by Willing and Partners, unless applicants for development can satisfactorily demonstrate that temporary measures can be implemented in the context of staged development.

## 3.0 DEVELOPMENT PRINCIPLES

### 3.1 Wadalba - Residential Neighbourhoods/Precincts



**Figure 4 Wadalba Residential Neighbourhoods**

*Note: Indicative plans – refer to LEP 2013 for land zoning*

#### OBJECTIVE

- To provide for a range of suitable housing opportunities taking advantage of the surrounding natural environment and the proximity to services

#### REQUIREMENTS

- a As shown in Figure 4, five distinct neighbourhoods are to be created within the Wadalba North West area. These neighbourhoods are physically separated by the Pacific Highway, the drainage or environmental corridor or Johns Road. These neighbourhoods should be distinguished by variety in the architectural character and building materials used while being related to the whole Wadalba Village through the use of a consistent palette of street landscaping. The five neighbourhoods include:
  - i land north of the Pacific Highway. Small scale neighbourhood of two sub-precincts on either side of Minnesota Road (for east side refer to Chapter 6.2 - LRIP);
  - ii neighbourhood surrounding the local centre and school. Maximum residential densities permitted under the provisions of the WLEP 2013 are encouraged within this neighbourhood (with the exception of steeply sloping and elevated sites adjoining the Environmental Corridor);



- iii neighbourhood bounded by the Pacific Highway, Johns Road and the drainage corridor. This neighbourhood is to be developed to maximise surveillance of and views to the drainage corridor. Higher density development is encouraged in those areas in close proximity to the proposed bus route;
  - iv neighbourhood on the southern side of the Environmental Corridor, east of the drainage corridor and bounded by Johns Road to the south. Development is to maximise views to the environmental corridor and views out of the site to the south;
  - v land south of Johns Road Development is to maximise views to the proposed environmental corridor within Wadalba. Larger allotments are to be created as the elevation increases and slope increases at the southern boundary of this neighbourhood.
- b Residential development within the Wadalba North West area will achieve a high standard of urban form through:
- i a variety of lots sizes and opportunities to increase housing choice;
  - ii balconies, planters, verandas, steps in the roofline and other architectural features to provide visual relief and individual identity;
  - iii a variety of finishes used on external materials;
  - iv building designs which encourage neighbourly communication and surveillance of streets and public spaces;
  - v garages and parking structures are to be sited and designed to reduce their impact on the street.

### 3.1.1 Lot 27 DP 663622 (137 Johns Road, Wadalba)

#### OBJECTIVES

- To provide site specific requirements to facilitate a high quality residential subdivision design of Lot 27 DP 663622.
- To ensure that any subdivision design and associated civil works meets Council's requirements.
- To ensure that the subdivision design of Lot 27 DP 663622 responds to the topography of the land and provides for the management of bushfire risk, road safety for all users, environmental values, potential contamination and drainage features of the site.

#### REQUIREMENTS

- a Any application for subdivision of Lot 27 DP 663622 must comply with all requirements and provide any necessary documentation as set out in any Voluntary Planning Agreement in relation to the land.
- b Any application for subdivision must include the following information and satisfy the following requirements:
  - i. Provide a road layout which considers the topography and drainage flow pathways which traverse the site.
  - ii. The road layout facilitates eastward expansion of the collector road network. Such a road layout must have regard to potential constraints of the adjoining land (e.g. topography, road grades and drainage) to ensure that road connection points are sensibly located to service future residential development and ensure that a rational collector street network can be established.



- iii. Development of the land shall be facilitated by a single road access intersection from Johns Road. No residential allotments shall be permitted to have direct access onto Johns Road, Wadalba. A Safe Systems approach shall be applied to the road network and associated areas.
- iv. A Traffic Assessment shall be required with the subdivision application which shall:
  - Provide a design for appropriate road geometry and treatment of Johns Road (including the road widening)
  - Identify and justify the intersection design for the development
  - Examine sight distances and overall road safety for all users by way of a road safety audit. Note no recommendations are to be made within the audit and all deficiencies are to be resolved through consultation with Council.
  - Demonstrate appropriate access and manoeuvring for all vehicles.
  - Provide a suitable road hierarchy including collector and local roads
- v. Provide an Ecological Assessment report which includes a threatened species conservation assessment and addresses flora and fauna
- vi. A Vegetation Management Plan (VMP) will be required as per the requirements of Chapter 3.6 – Tree and Vegetation Management, recommending trees suitable for retention and replacement. The VMP is to include design details to establish a single line of canopy trees along the residential zoned frontage of Johns Road, Wadalba. The subdivision design and any construction works are to accommodate the retention and restoration of the wildlife corridor area zoned E2 Environmental Conservation
- vii. A temporary sewage pump station and associated infrastructure shall be constructed by the land owner to meet Council specifications and transferred to Council at no cost.
- viii. A detailed stormwater management plan shall be required. This will include MUSIC modelling for compliance with water quality objectives which complies with Australian Runoff Quality. Any stormwater detention or treatment basins and/or associated infrastructure shall be placed in suitable locations in an environmentally sensitive manner. Stormwater management facilities (or part thereof) may be located within the wildlife corridor if they can be designed to enhance the functionality of the Wadalba Wildlife Corridor within land zoned E2 Environmental Conservation (otherwise they shall be located outside the E2 zoned land).
- ix. Satisfy any approval requirements that the NSW Office of Water may have for streamlines (blue lines) which traverse the site.
- x. Site contamination issues shall be addressed by a Hazardous Building Material Survey and Management Plan, prepared in accordance with AS 2601:2001 (The demolition of structures), and by a suitably qualified consultant. Following the removal of any existing structures on site, Stage 2, 3 and 4 Investigations of the site must be undertaken in accordance with requirements of the Office of Environment and Heritage *Guidelines for Consultants Reporting on Contaminated Lands*.
- xi. A Bushfire Assessment Report will be required in accordance with the provisions of Planning for Bushfire Protection. Retention of existing vegetation and the potential for maintaining asset protection zones are to be considered in this report. No Asset Protection Zones shall be permitted in land zoned E2 Environmental Conservation.

- xii. If the subdivision application seeks to include a perimeter fire trail, it shall not be provided on any E2 Environmental Conservation zoned land which is proposed to be transferred to Council. All fire trails must be constructed to Council's specifications.
- xiii. Any application for development that proposes works within the undisturbed areas of the site, being the E2 Environmental Conservation zoned environmental corridor, must be accompanied by a report from a suitably qualified archaeologist containing a qualified assessment of sub-surface archaeological potential.

## 3.2 Wadalba Local Centre

The Wadalba Local Centre is proposed to have an integrated mix of retail, commercial, community and residential uses. In order to maximise the utilisation of local services and to provide a high degree of surveillance, a minimum gross density of 25 dwellings per hectare is to be achieved within the Local Centre,

### OBJECTIVES

- To provide for appropriate residential development in the proximity of the Wadalba Local Centre
- To provide for other appropriate commercial and community based development in the locality

### REQUIREMENTS

- a The development of land for residential purposes in the Wadalba Local Centre is to be for Small Lot Residential Development as described in Part 4 Subdivision.
- b The development of non-residential uses at the entrance to the Wadalba North West Estate should meet the following criteria:
  - i development is to be at a similar scale and bulk to the local centre. In this regard development shall be a maximum of two storeys;
  - ii no access/egress provided to the Pacific Highway.
- c Movement of pedestrians through sites with frontage to the Pacific Highway is to ensure that all pedestrian movements across the Pacific Highway are channelled to the signalised intersection with Minnesota Road.
- d Landscaping plans for sites fronting the Pacific Highway are to include the continuation of the landscaping treatment along the Pacific Highway frontage.

### 3.2.1 Lot 195 DP 1006789

#### OBJECTIVES

- To provide specific design requirements for any non-residential uses of Lot 195 DP 1006789

## REQUIREMENTS

- a Any proposed access or egress to/from the site to/from Figtree Boulevard is to be designed to the satisfaction of both Council and the Roads and Maritime Service (RMS) and are to retain the integrity of the visually important tree lined entrance to the Wadalba Village. The location of proposed intersections are required to have due consideration for the efficiency of the existing roundabout and signalised Pacific Highway / Figtree Boulevard / Minnesota Road intersection.
- b Any proposed development will be required to undertake a revised Traffic Impact Study to identify the likely traffic impacts and subsequent road upgrade requirements. The study is to be prepared in accordance with the Roads and Maritime *Guide to Traffic Generating Developments 2002* and is to include, but not be limited to the following:
  - i Current traffic counts for the Pacific Highway/Figtree Boulevard/Minnesota Road and Figtree Boulevard/Orchid Way intersections, inclusive of all proposed and approved developments.
  - ii The anticipated additional vehicular traffic generated from the proposed development.
  - iii The distribution on the road network of the trips generated by the proposed development. Predicted traffic flows are to be shown diagrammatically.
  - iv Consideration of the traffic impacts on existing and proposed intersections and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicular traffic generated by the proposed development. The study is to also give consideration to the cumulative traffic impacts of other proposed and approved developments in the area.
  - v Identifying the necessary road network infrastructure upgrades that are required to maintain existing levels of service and road safety on both the local and classified road network. This is to be demonstrated by preliminary concept drawings. Any upgrades are required to be to the satisfaction of Roads and Maritime Services and Council.
  - vi Traffic analysis of any major/relevant intersections using SIDRA or similar traffic model, including:
    - Current traffic counts and 10 year traffic growth projections (inclusive of proposed and approved developments in the area)
    - With and without development scenarios considered
    - 95<sup>th</sup> percentile back of queue lengths
    - Submission of electronic input/output data files.
- c Appropriate access arrangements to the site over Council's drainage reserve (Lot 198 DP 1006789) are to be resolved prior to the lodgement of a development application for the site.
- d Any access arrangement which proposes a permanent 'bridge' structure over Council's drainage reserve is to be designed so that the structure is at least 600mm above the 1% AEP flood level. Structures are to be designed and constructed in accordance with Council's Civil Works Design Guidelines and Construction Specifications. No further encroachment onto Lot 198 DP 1006789 will be accepted.
- e Due to increased flooding potential resulting from development of the site, upgrade works will be required to be undertaken on the adjoining drainage reserve, including but not limited to channel deepening and vegetative plantings, in accordance with any requirements of Council.

- f Documentation in the form of an acoustic assessment is required to be submitted with any development application for the site which identifies the compliance of the noise impacts from building operation (including but not limited to loading vehicles, plant or other machinery) with relevant noise standards for the nearby school and residential areas.
- g As part of any development application for the site, a design feature for the intersection of the Figtree Boulevard and Pacific Highway is to be provided. This feature is to act as an entry treatment for the Wadalba village and not contain corporate or commercial designs or logos. This may be located on the road reserve of Figtree Boulevard, provided it does not restrict pedestrian/vehicular visibility.
- h Setbacks from Figtree Boulevard are to be consistent with other setbacks for existing development which have frontages to Figtree Boulevard.
- i The internal site layout is to be designed so as to avoid conflict between service vehicles, customer vehicle parking and movement areas and pedestrian movement paths. Pedestrian access and egress routes are to be clearly defined. A site operational management plan is to be submitted which documents how this will be achieved.
- j Public areas (including car parking, footpaths/thoroughfares, site accesses, building entries etc) are to have focused lighting for safety and surveillance.
- k Suitable architectural features (including surface relief or surface patterns) are to be incorporated in the building design to provide visual relief and minimise the bulk and scale of the development.
- l Awnings are to be provided on all building frontages.
- m A variety of architectural forms and roof shapes are to be used to create visual interest. A flat monotonous roof profile will not be accepted.
- n Items of plant or equipment located on roofs are to be suitably screened.
- o Buildings adjacent to the Pacific Highway are to be constructed of high quality materials and are to incorporate significant architectural features such as those identified in 'k' to break up the building bulk.
- p Developments are to be designed, constructed and operated having regard for available energy efficient materials, lighting, heating and cooling.
- q All outdoor storage areas, including areas for waste and bulk bins, are to be located in areas which not visible from public areas and screened by fencing and landscaping.
- r Any hazardous material on site is to be stored in compliance with relevant health and safety requirements and construction specifications.
- s Landscaping is to be provided within setbacks and adjoining pedestrian movement paths where located on/adjoining the site. Strategic localities within the car parking area are to be planted with species which will provide shading.
- t Landscaping is to be used in preference to fencing to delineate public/private area and site boundaries; however any fencing required for protection of property or plant from vandalism is to be minimalistic.
- u Signage is to be a unifying part of the local centre as well as overall building design. It is to incorporate similar elements as utilised elsewhere in the centre. Building signage is to be consistent, utilising standard formats and colours.

### 3.3 Wadalba Environmental Corridor

The former Department of Environment and Conservation (now OEH) has issued Council with a deemed concurrence to deal with subdivision proposals which have “significant” impacts on a number of threatened species listed on the *Threatened Species Conservation Act, 1995* within the Wadalba area. In effect this switches off concurrence provisions of the *Threatened Species Conservation Act, 1995* within the area to which it applies. A copy of this information is available within Appendix 1 of the Wadalba Wildlife Corridor Management Plan 2006 (D00641790, or download the document using the following link: <http://www.wyong.nsw.gov.au/DownloadDocument.ashx?DocumentID=95>).

This letter outlines the conditions under which the deemed concurrence can be used. Individual Species Impact Statements (SISs) are not required for developments which involve removal of threatened species habitat as covered by the Deemed Concurrence. The conditions outlined by DEC need to be satisfied in order for DEC’s concurrence to be assumed under Section 64 of the *Environmental Planning and Assessment Regulations, 2000*. Applicants should discuss the requirements with Council’s staff, prior to the development of subdivision designs.

Areas identified as part of the Wadalba Environmental Corridor are shown in Figure 3.

#### 3.3.1 Restriction on Works and Occupation

##### OBJECTIVE

- To ensure that development and future interaction within and in the vicinity of the Wadalba Wildlife Corridor does not interfere with the integrity of the Corridor

##### REQUIREMENTS

- a Any facilities within the environmental corridor including, but not limited to roads, drainage works, small parks should:
  - i not result in the clearing or significant fragmentation of the area;
  - ii services such as water, power and telecommunications that are unavoidably required to be within the wildlife corridor are to be sensitively placed so as to avoid, protect or retain known habitat features (e.g. hollow bearing trees, dams, drainage lines, etc);
  - iii retain corridors of woodland around, and where possible over, the proposed facilities;
  - iv not impact on the necessary glide angles and widths in relation to the squirrel glider; and
  - v not compromise the value and connectivity of the environmental corridor.
- b No fencing which would prevent movement of ground dwelling mammals, including ground dwelling medium sized mammals, should be erected within the identified environmental corridor.
- c There is to be minimal use of overhead lighting within the environmental corridor (to ensure nocturnal movements of native species along fauna corridors are maintained and native species are not disturbed by lighting).
- d All necessary fire protection measures (asset protection zones, fuel free and fuel reduced zones) are not to impact on the wildlife corridor area.

- e Placement and construction of any detention/water treatment structures required within the wildlife corridor are located sensitively and designed and landscaped to enhance habitat values for threatened amphibians and mitigate Identified Key Threatening Processes (e.g. *Gambusia* and frog chytrid).
- f Properties adjoining, abutting or adjacent to the wildlife corridor (including those separated by only a roadway) are to be provided with a restriction as to user covenant to restrict and control cat ownership.

### 3.3.2 Reservoirs and Communication Tower

- a Vehicle access to the reservoirs and the adjoining communication tower(s) must be maintained at all times.
- b The street drainage of that land south of the reservoirs must be designed and constructed to accommodate overflow from the reservoirs. The applicant must liaise with Council's Water and Sewerage section in this regard.
- c The water mains from reservoirs are to be located on land that is dedicated to Council as part of the road reserve. The mains must not be located on privately owned land requiring the formalisation of easements.

## 3.4 Warnervale/Wadalba - Community and Local Centres

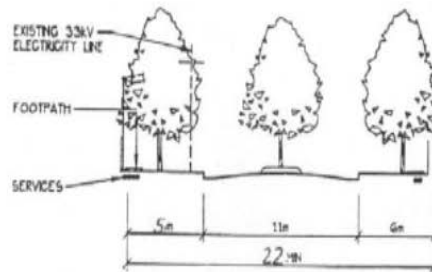
### OBJECTIVE

- To provide adequate land and facilities to support the development of local communities and appropriate services

### REQUIREMENTS

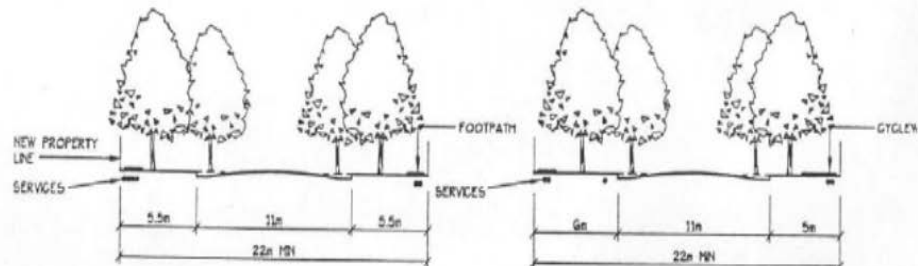
- a A total of 3.7 hectares of land shall be provided for the establishment of community centres.
- b The sites shall be generally located in the areas shown by the plan and shall accommodate community facilities such as a child care centre and neighbourhood centre, plus associated carparking and public toilets; and:
  - i be located on a pedestrian route;
  - ii be near a school;
  - iii be easily accessible by both bus and car;
  - iv be adjacent to an area of open space.

## APPENDIX A

TYPICAL CROSS-SECTIONS FOR VARIOUS ROADS IN  
WARNERVALE/WADALBA URBAN RELEASE AREA

NOTE: WIDEN TWO(2) METRES ON SOUTHERN  
SIDE OF EXISTING ROAD RESERVATION  
LANDSCAPED MEDIANS AT SELECTED  
LOCATIONS

WARNERVALE ROAD DEVIATION

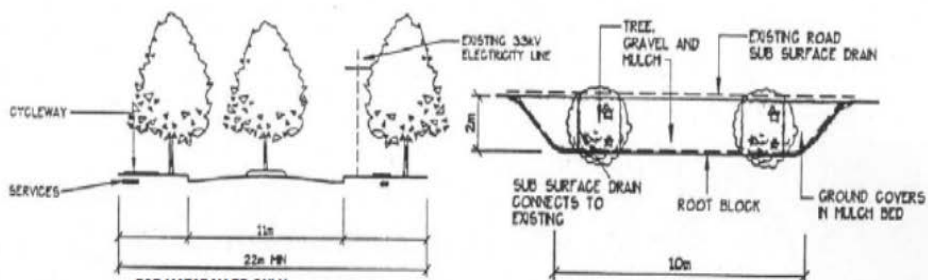


NOTE: WIDEN ONE(1) METRE EITHER SIDE OF  
EXISTING ROAD RESERVATION AND  
UNDERGROUNDING OF EXISTING  
ELECTRICITY LINES

NOTE: WIDEN EXISTING ROAD RESERVATION  
TWO (2) METRES (VARIABLE SIDES) AND  
UNDERGROUNDING OF EXISTING ELECTRICITY LINES

MINNESOTA (INCLUDING EXTENSION TO HIAWATHA), LOUISIANA  
(INCLUDE, MOUNTAIN VIEW DRIVE)

JOHNS ROAD



FOR MATARAM RD ONLY

NOTE: WIDEN 1.5 METRES ON NORTHERN SIDE AND  
0.5 METRES ON SOUTHERN SIDE OF EXISTING  
ROAD RESERVATION, LANDSCAPED MEDIANS AT  
SELECTED LOCATIONS

MATARAM ROAD AND  
HAKONE ROADTYPICAL PLAN OF PROTRUDENCES  
INTO PAVEMENT WARNERVALE ONLY

**Item No:** 3.5  
**Title:** Fire Safety Inspection Report - 2A Watt Street, Gosford  
**Department:** Environment and Planning

---



23 October 2017 Ordinary Council Meeting

Author: Jamie Loader, Unit Manager, Environment and Certification

Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is to provide a recommendation to Council on whether it should exercise its power to give an order under the provisions of section 121B of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in relation to a fire safety inspection report received from Fire and Rescue NSW.

### **Recommendation**

- 1     *That Council note the result of the site inspection carried out on the 4 September 2017.***
- 2     *That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.***
- 3     *That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.***

### **Background**

Council has received an inspection report from Fire and Rescue NSW with respect to the premises at No 2A Watt Street, Gosford which was noted as having been received by Council at its meeting of 9 October 2017.

Fire and Rescue NSW inspection reports received by Council are required to be tabled before the Council. Council is then required to determine whether or not to exercise its power to issue an order 6 or 8 under the table to section 121B of the EP& A Act.

### **Current Status**

The subject site was inspected by Council's Fire Safety Officer on 4 September 2017 to review the issues raised by Fire and Rescue NSW within their inspection dated 12 December 2016.

The inspection conducted on 4 September 2017 identified a number of fire safety issues and is therefore considered that the issues raised by Fire and Rescue NSW are valid and warrant further action.



**Conclusion**

The subject site was inspected by Council's Fire Safety Officer on 4 September 2017 to specifically review the issues raised by the Fire and Rescue NSW within their inspection report. The issues of concern relate to matters that potentially compromise the safety of occupants of the building.

**Attachments**

- 1 Fire Inspection Report - NSW Fire & Rescue D12848124



# Fire & Rescue NSW

Unclassified

File Ref. No: BFS16/2867 (12420)  
TRIM Ref. No: D17/56073  
Contact: Mark Knowles

18 August 2017

General Manager  
Central Coast Council  
PO Box 21  
GOSFORD NSW 2250

Email: [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
'XIAN HUI MASSAGE CENTRE'  
2A WATT STREET, GOSFORD ("the premises")**

Pursuant to the provisions of Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 12 December 2016 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T(4) and Section 121ZD(1) of the EP&A Act. Please be advised that Section 121ZD(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

Unclassified

Fire &amp; Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

Locked Bag 12  
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Unclassified

**COMMENTS**

The following items were identified as concerns during the inspection:

**1. Egress**

- a. Required Exit Door – Having regard to Part D of the National Construction Code 2016 Volume One Building Code of Australia (NCC) the front required exit door:
  - i. Did not swing in the direction of egress, contrary to the requirements of Clause D2.20 of NCC.
  - ii. Did not have latching that complied with the requirements of Clause D2.21 of the NCC.
- b. Doors Relating to Fire Exits – The front required exit door from the premises included the installation of a plunger lock. Such a lock is likely to obstruct the operation of the door in contravention of Clause 184 and Clause 185 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
- c. Widths – A lounge was located in the corridor, between the front foyer area and the remainder of the building, reducing the unobstructed width of the path of travel to the exit to less than 1m, contrary to the requirements of Clause D1.6 of the NCC.
- d. Electrical Distribution Board (EDB) – Having regard to D2.7 of the NCC, the following EDB's were located in the path of egress and were not enclosed by non-combustible construction or a fire-protective covering with doorways suitably sealed against smoke spreading from the enclosure, contrary to the requirements of Clause D2.7 of the NCC:
  - i. The rear of the massage tenancy.
  - ii. The common corridor at the rear of the premises. The EDB was enclosed with an open wire cage.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

Unclassified

Fire &amp; Rescue NSW

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**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS16/2867 (12420) for any future correspondence in relation to this matter.

Yours faithfully



Edren Ravino  
Building Surveyor  
Fire Safety Compliance Unit

Unclassified

Fire &amp; Rescue NSW

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**Item No:** 3.6  
**Title:** Fire Safety Inspection Report - 355 Mann St North Gosford  
**Department:** Environment and Planning

---

23 October 2017 Ordinary Council Meeting

Author: Jamie Loader, Unit Manager, Environment and Certification  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is to provide a recommendation to Council on whether it should exercise its power to give an order under the provisions of section 121B of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in relation to a fire safety inspection report received from Fire and Rescue NSW.

### **Recommendation**

- 1     *That Council note the result of the site inspection carried out on the 4 September 2017.***
- 2     *That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.***
- 3     *That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.***

### **Background**

Council has received an inspection report from Fire and Rescue NSW with respect to the premises at 355 Mann Street, North Gosford which was noted as having been received by Council at its meeting of 9 October 2017.

Fire and Rescue NSW inspection reports received by Council are required to be tabled before the Council.

Council is then required to determine whether or not to exercise its power to issue an order 6 or 8 under the table to section 121B of the EP&A Act.

### **Current Status**

The subject site was inspected by Council's Fire Safety Officer on 4 September 2017 to review the issues raised by Fire and Rescue NSW within their inspection dated 12 December 2016.

The inspection conducted on 4 September 2017 identified a number of fire safety issues and is therefore considered that the issues raised by Fire and Rescue NSW are valid and warrant further action.

### **Conclusion**

The subject site was inspected by Council's Fire Safety Officer on 4 September 2017 to specifically review the issues raised by the Fire and Rescue NSW within their inspection report. The issues of concern relate to matters that potentially compromise the safety of occupants of the building.

### **Attachments**

- 1** Fire Inspection Report - NSW Fire & Rescue      D12848126





# Fire & Rescue NSW

Unclassified

File Ref. No: BFS16/2873 (12425)  
TRIM Ref. No: D17/56200  
Contact: Mark Knowles

16 August 2017

General Manager  
Central Coast Council  
PO Box 21  
GOSFORD NSW 2250

Email: [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
'BEAUTY AND MASSAGE CENTRE'  
355 MANN STREET, GOSFORD ("the premises")**

Pursuant to the provisions of Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 12 December 2016 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T(4) and Section 121ZD(1) of the EP&A Act. Please be advised that Section 121ZD(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

Fire & Rescue NSW

Community Safety Directorate  
Fire Safety Compliance Unit

[firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au)

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Unclassified

## COMMENTS

The following items were identified as concerns during the inspection:

### 1. Essential Services

- a. Smoke alarm – The hardwired smoke alarm was removed from the mounting bracket and had not been maintained, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
- b. Portable Fire Extinguisher (PFE) – The maintenance tag for the PFE was last serviced in February 2015. It appears that the essential service measure is not being maintained in accordance with Part 1.16 of Australian Standard AS1851 and Clause 182 of the EP&A Regulation.
- c. Annual Fire Safety Statement (AFSS) – The AFSS for the building was not displayed in accordance with Clause 177(3)(b) of the EP&A Regulation. The statement must be prominently displayed in the building.

### 2. Egress

- a. Door swing – The front exit door swings against the direction of egress and is not fitted with a device for holding it in the open position, contrary to the requirements of Clause D2.20 of the National Construction Code 2016 Volume One Building Code of Australia (NCC).
- b. Additional latching – The front exit door included the installation of a snib lock and a plunger lock. Such devices are likely to obstruct the operation of the door in contravention of Clause 184 and Clause 185 of the EP&A Regulation.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

## RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 2 of this report be addressed appropriately.

Unclassified

Fire &amp; Rescue NSW

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[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)Community Safety Directorate  
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This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS16/2873 (12425) for any future correspondence in relation to this matter.

Yours faithfully



Edren Ravino  
Building Surveyor  
Fire Safety Compliance Unit

Unclassified

Fire &amp; Rescue NSW

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**Item No:** 3.7  
**Title:** Fire Safety Inspection Report - 344 Mann Street Gosford  
**Department:** Environment and Planning

---

23 October 2017 Ordinary Council Meeting

Author: Jamie Loader, Unit Manager, Environment and Certification  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is to provide a recommendation to Council on whether it should exercise its power to give an order under the provisions of section 121B of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in relation to a fire safety inspection report received from Fire and Rescue NSW.

### **Recommendation**

- 1     *That Council note the result of the site inspection carried out on the 4 September 2017.***
- 2     *That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.***
- 3     *That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.***

### **Background**

Council has received an inspection report from Fire and Rescue NSW with respect to the premises at 344 Mann Street, North Gosford which was noted as having been received by Council at its meeting of 9 October 2017.

Fire and Rescue NSW inspection reports received by Council are required to be tabled before the Council.

Council is then required to determine whether or not to exercise its power to issue an order 6 or 8 under the table to section 121B of the EP&A Act.

### **Current Status**

The subject site was inspected by Council's Fire Safety Officer on 4 September 2017 to review the issues raised by Fire and Rescue NSW within their inspection dated 12 December 2016.

The inspection conducted on 4 September 2017 identified a number of fire safety issues and is therefore considered that the issues raised by Fire and Rescue NSW are valid and warrant further action.

**Conclusion**

The subject site was inspected by Council's Fire Safety Officer on 4 September 2017 to specifically review the issues raised by the Fire and Rescue NSW within their inspection report. The issues of concern relate to matters that potentially compromise the safety of occupants of the building.

**Attachments**

- 1** Fire Inspection Report - NSW Fire & Rescue      D12848128



# Fire & Rescue NSW

Unclassified

File Ref. No: BFS16/2870 (12423)  
TRIM Ref. No: D17/56238  
Contact: Mark Knowles

18 August 2017

General Manager  
Central Coast Council  
PO Box 21  
GOSFORD NSW 2250

Email: [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
'BEAUTY AND MASSAGE CENTRE'  
344 MANN STREET, GOSFORD ("the premises")**

Pursuant to the provisions of Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 12 December 2016 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T(4) and Section 121ZD(1) of the EP&A Act. Please be advised that Section 121ZD(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

Fire & Rescue NSW

Community Safety Directorate  
Fire Safety Compliance Unit

[firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au)

Unclassified

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Unclassified

**COMMENTS**

The following items were identified as concerns during the inspection:

**1. Essential Services**

- a. Portable Fire Extinguisher (PFE) – The maintenance tag for the PFE was last serviced in February 2006. It appears that the essential service measure is not being maintained in accordance with Part 1.16 of Australian Standard AS1851 and Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
- b. Annual Fire Safety Statement (AFSS) – The AFSS for the building was not displayed in accordance with Clause 177(3)(b) of the EP&A Regulation. The statement must be prominently displayed in the building.

**2. Egress**

- a. Door swing – The front exit door swings against the direction of egress and is not fitted with a device for holding it in the open position, contrary to the requirements of Clause D2.20 of the National Construction Code 2016 Volume One Building Code of Australia (NCC).

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS16/2870 (12423) for any future correspondence in relation to this matter.

Unclassified

Fire &amp; Rescue NSW

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Yours faithfully



Edren Ravino  
Building Surveyor  
Fire Safety Compliance Unit

Unclassified

Fire & Rescue NSW

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**Item No:** 3.8  
**Title:** Fire Safety Inspection Report - 29 Wollong St, North Gosford  
**Department:** Environment and Planning

---

23 October 2017 Ordinary Council Meeting

Author: Jamie Loader, Unit Manager, Environment and Certification  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is to provide a recommendation to Council on whether it should exercise its power to give an order under the provisions of section 121B of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in relation to a fire safety inspection report received from Fire and Rescue NSW.

### **Recommendation**

- 1 That Council note the result of the site inspection carried out on the 4 September 2017.**
- 2 That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.**
- 3 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.**

### **Background**

Council has received an inspection report from Fire and Rescue NSW with respect to the premises at 29 Wollong Street, North Gosford which was noted as having been received by Council at its meeting of 9 October 2017.

Fire and Rescue NSW inspection reports received by Council are required to be tabled before the Council.

Council is then required to determine whether or not to exercise its power to issue an order 6 or 8 under the table to section 121B of the EP&A Act.

### **Current Status**

The subject site was inspected by Council's Fire Safety Officer on 4 September 2017 to review the issues raised by Fire and Rescue NSW within their inspection dated 12 December 2016.

The inspection conducted on 4 September 2017 identified a number of fire safety issues and is therefore considered that the issues raised by Fire and Rescue NSW are valid and warrant further action.

**Conclusion**

The subject site was inspected by Council's Fire Safety Officer on 4 September 2017 to specifically review the issues raised by the Fire and Rescue NSW within their inspection report. The issues of concern relate to matters that potentially compromise the safety of occupants of the building.

**Attachments**

- 1 Fire Inspection Report - NSW Fire & Rescue D12848131





**Fire &  
Rescue NSW**

Unclassified

File Ref. No: BFS16/2860  
TRIM Ref. No: D17/56145  
Contact: Mark Knowles

18 August 2017

General Manager  
Central Coast Council  
PO Box 21  
GOSFORD NSW 2250

Email: [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
'SECRETS AT GOSFORD'  
29 WOLLONG STREET, NORTH GOSFORD ("the premises")**

Pursuant to the provisions of Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 12 December 2016 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T(4) and Section 121ZD(1) of the EP&A Act. Please be advised that Section 121ZD(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

Fire &amp; Rescue NSW

Community Safety Directorate  
Fire Safety Compliance Unit

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**COMMENTS****1. Essential Service**

a. Maintenance – Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) requires that an essential fire safety measure must be maintained to a standard no less than when it was first installed. The following essential services were identified as concerns:

i. Portable Fire Extinguisher (PFE) – Clause 3.1 of Australian Standard AS2444-2001 requires that a PFE be readily accessible. At the time of the inspection the PFEs were either obstructed or not maintained in the following areas:

- The entrance to the kitchen by a storage shelf.
- Beside the sink on the ground floor at the rear of the premises.
- Both were last serviced in February 2004.

ii. Exit signs – At the time of inspection the exit sign above the front exit door was not illuminated and had not been maintained.

iii. Smoke alarms – Multiple smoke alarms were either not operating or missing batteries.

b. Annual Fire Safety Statement (AFSS) – The AFSS was not displayed in accordance with Clause 177(3)(b) of the EP&A Regulation. The statement must be prominently displayed in the building.

**2. Fire Separation**

a. Storage – The underside of the flight of stairs from the ground floor to the first floor contained a storage cupboard. A visual inspection could not confirm that the enclosure complies with the National Construction Code 2016 Volume 1 Building Code of Australia (NCC), Clause D2.8 'Enclosure of space under stairs and ramps'.

**3. Egress**

a. Paths of Travel to Fire Exits – Paths of travel from 'the premises' to a fire exit, were either obstructed or impeded in contravention of Clause 184 & Clause 186 of the EP&A Regulation, such items include but are not limited to:

i. A book shelf in front of the final exit door at the rear.

Unclassified

Fire &amp; Rescue NSW

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- ii. Chairs and tables along the first floor corridor.
  - iii. The colorbond fence to the side of the building. Whilst the door from the rear exit discharges to open space, it is unclear whether there is a direct path of travel to the road in accordance with D1.10 of the NCC because of the fence.
  - b. Door swing – The glass entry door and the rear exit door swing against the direction of egress, contrary to the requirements of Clause D2.20 of the NCC.
  - c. Operation of latch – Multiple doors throughout 'the premise' contain latching which fails to achieve compliance with the requirements of Clause D2.21 of the NCC. The following items were identified as concerns at the time of the inspection:
    - i. The glass entry door and the rear exit door, contained a round tulip style handles in lieu of a lever handle.
  - d. Additional latching – Multiple doors throughout 'the premise' contain devices which are capable of interfering with the operation of the exit door, contrary to the requirements of Clause 184 and Clause 186 of the EP&A Regulation. The following items were identified as concerns at the time of the inspection:
    - i. The glass entry door included a cylinder mortice latch.
    - ii. The front security door included a double cylinder deadlock.
4. Generally
- a. Use – Personal items were observed in multiple rooms throughout 'the premises' and the configuration of the room appears consistent with persons sleeping at the premises. Such a use would attract a building classification of Class 3 in accordance with Clause A3.2 of the NCC. Further investigation may need to be conducted to define the use.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

## RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 4 of this report be addressed appropriately.

Unclassified

Fire &amp; Rescue NSW

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This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS16/2860 for any future correspondence in relation to this matter.

Yours faithfully



Edren Ravino  
Building Surveyor  
Fire Safety Compliance Unit

Unclassified

Fire &amp; Rescue NSW

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**Item No:** 3.9  
**Title:** Fire Safety Inspection Report - 4/283 Mann St, Gosford  
**Department:** Environment and Planning

---

23 October 2017 Ordinary Council Meeting

Author: Jamie Loader, Unit Manager, Environment and Certification

Executive: Scott Cox, Director Environment and Planning

## **Report Purpose**

The purpose of this report is to provide a recommendation to Council on whether it should exercise its power to give an order under the provisions of section 121B of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in relation to a fire safety inspection report received from Fire and Rescue NSW.

## **Recommendation**

- 1     *That Council note the result of the site inspection carried out on the 4 September 2017.***
- 2     *That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.***
- 3     *That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.***

## **Background**

Council has received an inspection report from Fire and Rescue NSW with respect to the premises at 4/283 Mann Street, Gosford which was noted as having been received by Council at its meeting of 9 October 2017.

Fire and Rescue NSW inspection reports received by Council are required to be tabled before the Council.

Council is then required to determine whether or not to exercise its power to issue an order 6 or 8 under the table to section 121B of the EP&A Act.

## **Current status**

The subject site was inspected by Council's Fire Safety Officer on 4 September 2017 to review the issues raised by Fire and Rescue NSW within their inspection dated 12 December 2016.

The inspection conducted on 4 September 2017 identified a number of fire safety issues and is therefore considered that the issues raised by Fire and Rescue NSW are valid and warrant further action.

### **Conclusion**

The subject site was inspected by Council's Fire Safety Officer on 4 September 2017 to specifically review the issues raised by the Fire and Rescue NSW within their inspection report. The issues of concern relate to matters that potentially compromise the safety of occupants of the building.

### **Attachments**

- 1 Fire Inspection Report - NSW Fire & Rescue      D12848121



**Fire &  
Rescue NSW**

Unclassified

File Ref. No: BFS16/2869 (12422)  
TRIM Ref. No: D17/56112  
Contact: Mark Knowles

18 August 2017

General Manager  
Central Coast Council  
PO Box 21  
GOSFORD NSW 2250

Email: [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
'ORIENTAL LEISURE CENTRE'  
UNIT 4, 283 MANN STREET, GOSFORD ("the premises")**

Pursuant to the provisions of Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 12 December 2016 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T(4) and Section 121ZD(1) of the EP&A Act. Please be advised that Section 121ZD(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

Unclassified

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**COMMENTS**

The following items were identified as concerns during the inspection:

**1. Essential Services**

- a. Exit signs - The exit sign above Unit 4 exit door was not illuminated and had not been maintained, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
- b. Annual Fire Safety Statement (AFSS) – The AFSS for the building was not displayed in accordance with Clause 177(3)(b) of the EP&A Regulation. The statement must be prominently displayed in the building.

**2. Egress**

- a. Required Exit Door – Having regard to Part D of the National Construction Code 2016 Volume One Building Code of Australia (NCC) the required exit doors:
  - i. Did not swing in the direction of egress, contrary to the requirements of Clause D2.20 of NCC.
  - ii. Did not have latching that complied with the requirements of Clause D2.21 of the NCC.

**3. Generally**

- a. Use – The waiting area for staff appeared to be used for sleeping, at the time of the inspection. Such a use would attract a building classification of Class 3 in accordance with Clause A3.2 of the NCC. Further investigation may need to be conducted to define the use.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 of this report be addressed appropriately.

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This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS16/2869 (12422) for any future correspondence in relation to this matter.

Yours faithfully



Edren Ravino  
Building Surveyor  
Fire Safety Compliance Unit

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**Item No:** 4.1  
**Title:** Local Government NSW Annual Conference - Attendance and Voting  
**Department:** Governance

---

23 October 2017 Ordinary Council Meeting

**Author:** James Taylor, Section Manager, Governance  
**Manager:** Shane Sullivan, Unit Manager, Governance and Business Services  
**Executive:** Brian Glendenning, Executive Manager Governance

## Report Purpose

To determine the voting delegates for voting at the 2017 Local Government NSW Annual Conference, on Policy Motions and for the Board election. To consider Motions to be submitted for inclusion on the Conference Business Paper.

## Recommendation

- 1 That Council appoint the following seven voting delegates for voting on Policy Motions and for the election of Officer Bearers at the Local Government NSW Annual Conference 2017:**
  - a Clr**
  - b Clr**
  - c Clr**
  - d Clr**
  - e Clr**
  - f Clr**
  - g Clr**
- 2 That Council request the Chief Executive Officer notify Local Government NSW of those appointments no later than Wednesday, 1 November 2017.**
- 3 That Council consider any Motions submitted by Councillors for inclusion on the Conference Business Paper and advise Local Government NSW accordingly.**

## Background

The 2017 Local Government NSW Annual Conference (Conference) will be held 4 December 2017 to 6 December 2017 at the Hyatt Regency Sydney, 161 Sussex Street, Sydney. The Conference is the annual policy-making meeting as Local Government NSW (LGNSW) for NSW Local Councils, and enables Councillors across NSW to come together to share ideas and debate issues that shape Local Government.

Central Coast Council is an ordinary financial member of LGNSW for the 2017/18 financial year.

### **Voting Entitlements**

This year the Conference will involve two types of voting and LGNSW is required to develop two rolls of voters, one for voting in the election for Office Bearers and the Board (Board election), and a separate roll of voters for voting on Policy Motions.

Central Coast Council has been advised that it is entitled to have seven voting delegates for each roll. Each financial member of LGNSW is entitled to a certain number of voting delegates based on the formula prescribed at [Rule 23 of the Association's Rules](#).

A copy of the Rules may be found at: <https://www.fwc.gov.au/registered-organisations/find-registered-organisations/local-government-and-shires-association-new>

Subject to the LGNSW rules and Australian Electoral Commission requirements, a member may notify LGNSW of a change to the name of an already nominated voting delegate (a substitute delegate) if required.

### **Submitting Motions**

Councillors were invited to provide proposed Motions for the Conference by way of the Councillor Support Update on 6 October 2017. No Motions were received. Council may determine to receive any further Motions at the 23 October 2017 Ordinary Council Meeting.

LGNSW have advised that proposed Motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. Members are encouraged to review the [Action Report of resolutions from the 2016 Conference](#) before submitting Motions for the 2017 Conference. The Action Report is also available on the LGNSW Annual Conference webpage under 'Past Conference - 2016'.

The Board of LGNSW has resolved that Motions will be included in the Business Paper for the Conference only where they:

1. are consistent with the objects of the Association (see Rule 4 of the Association's rules); .
2. relate to Local Government in NSW and/or across Australia;
3. concern or are likely to concern Local Government as a sector;
4. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature; and
7. do not express preference for one or several members over one or several other members.

#### **4.1 Local Government NSW Annual Conference - Attendance and Voting (contd)**

---

For a Motion to be included in the Business Paper for the Conference the submitting member needs to provide accompanying evidence in support. Such evidence may include an extract of the minutes of the meeting at which the member resolved to submit the Motion for consideration by the Conference.

#### **Deadline for submitting motions**

In line with the LGNSW rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is midnight on Monday 6 November 2017.

#### **Important dates**

In summary, the following deadlines are in place:

<b>Deadline</b>	<b>Action</b>
Monday 23 October 2017	Ending of the Early Bird rates. Council has already registered sufficient attendees if all Councillors wish to attend.
At a date to be confirmed by the AEC	AEC to issue an election notice inviting nominations for Office Bearers and the Board.
Wednesday 1 November 2017	Deadline for members to provide names to LGNSW of delegates who will vote on Policy Motions.
Midnight Monday 6 November 2017	The latest date motions can be accepted for inclusion in the Conference Business Paper.

#### **Financial Impact**

Funding for attendances at the LGNSW Conference forms part of the budget that forms part of the adopted Operational Plan for the 2017-2018 year.

Council staff have made arrangements to take advantage of the early bird provisions to facilitate the attendance of those Councillors who wish to attend.

#### **Attachments**

*Nil.*



**Item No:** 4.2  
**Title:** Public Exhibition of proposed amendments to the adopted Councillor Facilities and Expenses Policy  
**Department:** Governance

---

23 October 2017 Ordinary Council Meeting

**Author:** Shane Sullivan, Unit Manager Governance and Business Services  
**Executive:** Brian Glendenning, Executive Manager Governance

### **Report Purpose**

To consider changes to the adopted Councillor Expenses and Facilities Policy, to better provide the Mayor, Deputy Mayor and Councillors with resources to perform their civic roles and to ensure Council meets its statutory obligation to provide ongoing professional development for all Councillors.

### **Recommendation**

- 1 That Council resolve, for the purposes of section 253(1) and 252(1) of the Local Government Act 1993, to give public notice of, and to publicly exhibit for not fewer than 28 days, the proposed amendments to the adopted "Councillor Expenses and Facilities Policy" set out in Attachment 1 to this report.**
- 2 That the Council note that the proposed amendments to the adopted "Councillor Expenses and Facilities Policy" comply with the 'Guidelines for the payment of expenses and the provisions of facilities for Mayors and Councillors in NSW' issued by the Chief Executive of the Office of Local Government pursuant to section 23A of the Local Government Act 1993.**

### **Background**

At its meeting held 9 October 2017, Council resolved as follows when considering the public exhibition of proposed amendments to the adopted Councillor Expenses and Facilities Policy:

645/17      *That Council defer this item for a Councillor briefing to be held as soon as possible (within a few weeks) to discuss the matter further.*

A briefing was conducted on Monday, 16 October 2017.

### **Context**

Council has an adopted *Councillor Expenses and Facilities Policy* ('the adopted Policy'), which prescribes the expenses and facilities that can be provided to the Mayor, Deputy Mayor and to Councillors.

Council is not able to provide facilities or reimbursement for expenses to the Mayor, Deputy Mayor or Councillors other than in accordance with the adopted Policy.

Section 252(1) of the [Local Government Act 1993](#) ('the Act') requires that,

*"...within the first 12 months of each term of a council, the 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."*

The Act sets out the requirements for public notice of an intention to adopt or amend the Policy noting that an amended Policy can be amended only after those amendments have been the subject of public notice and public exhibition, and the Council then considers in an open meeting any submissions made in respect to the proposed amendment: ss. 252(4), 253(1), 253(2) and 254 of the [Act](#).

This report recommends that Council publicly exhibit and give public notice of proposed amendments to the adopted Policy as set out in **Attachment 1** to this report, where text identified in ***bold and italic*** are proposed additional provisions and text identified in ~~strikeout~~ are proposed deletions.

### **Proposed amendments**

Those proposed amendments identified in order to ensure Councillors can perform their role effectively are summarised below:

Clause 6.2 General travel arrangements and expenses.

The current provisions in this clause are insufficient given the size of the Central Coast local government area, and the number of residents in that local government area. Taking into consideration the likely travel that the Mayor, Deputy Mayor and Councillors will need to undertake, it is recommended that this clause be amended to provide for up to a total of \$12,500 per Councillor per year.

Reimbursement under this proposed amended clause will require the submission of appropriate documents such as a log book or opal card statement.

## **4.2 Public Exhibition of proposed amendments to the adopted Councillor Facilities and Expenses Policy (contd)**

---

Clause 6.7 Interstate, overseas and long distance intrastate travel expenses.

This clause is recommended to be amended to provide for a maximum of \$15,000 per Councillor per year. It is noted that this is a reasonable maximum for this category of travel given the role of the Mayor, Deputy Mayor and Councillors in pursuing the interests of the local government area.

Expenditure in this category requires a Councillor to provide a business case and have the prior approval of the Chief Executive Officer. Overseas travel requires prior approval by way of a Council resolution.

Clause 6.18 Accommodation and meals

This clause is recommended to reflect a maximum of \$500 per Councillor per night for accommodation and meals.

Providing a specific amount gives greater transparency as to the provision to Councillors for accommodation and meals. The amount reflects the reasonable costs of accommodation and meals, particularly in metropolitan Sydney.

Clause 6.23 Professional development and Clause 6.29 Conferences and Seminars

It is recommended that these two provisions be combined to allow an amount of \$12,000 per Councillor per year.

In practice, attendance at conferences and seminars will almost always be part of a Councillor's professional development and distinguishing the two provisions is arbitrary.

It is noted that s. 232 of the Act provides that Councillors are required to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor. In addition, the Act provides for regulations to be made for induction and other professional development for Mayors and Councillors. The Office of Local Government advised on 22 December 2016 that it has commenced work on development of these regulations and it is appropriate that Council provide adequate funding to facilitate meeting these future regulations.

Clause 6.42 Special requirement and carer expenses.

It is recommended that the provision for carer expenses be \$8,000 per Councillor per year. This is to reflect the current cost of care for children, those with special needs.

## **4.2 Public Exhibition of proposed amendments to the adopted Councillor Facilities and Expenses Policy (contd)**

---

It is noted that this clause includes provision for those who may need to care for a dependent over the age of 16 years upon consultation with the Chief Executive Officer.

Part 10: Additional facilities for the Mayor.

To appropriately reflect the size and scale of the role of Mayor of Central Coast Council a number of provisions are recommended in this Part.

This includes travel expenses, provision of an appropriate vehicle for official duties, newspaper subscription and allowances for a small number of spouse/partner attendances at events and the like. These provisions reflect the community expectations of the role of Mayor of Central Coast Council and the likely impact and time demands this important role brings.

Various: Amendment of all references to 'General Manager' to 'Chief Executive Officer', to reflect the current Council corporate structure and nomenclature.

Amendments to the table in the Policy Summary to reflect the proposed changes.

### **Discussion**

Central Coast Council serves a population of close to 340,000 residents over a land area of more than 1,680km<sup>2</sup>. This is a significant area that is represented by five State Members of the NSW Parliament and three Federal Member of the Commonwealth Parliament – making it one of the largest electoral areas by voting age in Australia.

The Central Coast local government area has the third largest resident population in NSW, and is the ninth largest urban area in Australia based on 2015 Australian Bureau of Statistics population figures.

Central Coast Council has the scale and capacity that places it in a position where it can exert regional influence, leadership and advocacy, can partner with State and Federal governments on major infrastructure projects, address regional socio economic challenges, deliver services and focus on regional priorities.

Given the status of Central Coast Council, there is an expectation that the Mayor and Councillors will represent Council at city, state and national forums regarding business, government, community and cultural matters. This is in addition to their responsibilities to residents, ratepayers and businesses, workers and visitors to the Central Coast region as an elected person and member of the governing body of Council.



## 4.2 Public Exhibition of proposed amendments to the adopted Councillor Facilities and Expenses Policy (contd)

---

The proposed amendments to the adopted *Councillor Expenses and Facilities Policy* that are identified in attachment 1 to this report comply, as required by section 252(5) of the Act, with the 'Guidelines for the payment of expenses and the provisions of facilities for Mayors and Councillors in NSW' issued by the Chief Executive of the Office of Local Government pursuant to section 23A of the Act.

### Consultation

Council is required to place the proposed amendments to the *Councillor Expenses and Facilities Policy*, as set out in **Attachment 1** to this report, on public exhibition for not fewer than 28 days.

### Financial Impact

The recommendation in this report will have some financial impact on Council. This will be monitored as part of Council's established financial reporting requirements with any necessary budget adjustments made through quarterly financial reporting to Council.

### Attachments

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Draft amended Councillor Expenses and Facilities Policy | D12835914 |
|----------|---|-----------|

POLICY NO: CCC020

# **COUNCILLOR EXPENSES AND FACILITIES POLICY**

**9 October 2017**

AUTHORITY	NAME & TITLE	SIGNATURE	DATE
AUTHOR	Shane Sullivan, <i>Unit Manager Governance</i>		
MANAGER	Shane Sullivan, <i>Unit Manager Governance</i>		
GROUP LEADER	Brian Glendenning, <i>Executive Manager Governance</i>		
CHIEF EXECUTIVE OFFICER	Brian Bell, <i>Chief Executive Officer</i>		

## History of Revisions:

Version	Date	TRIM Doc. #
1	26 July 2017	D12757794
2	9 October 2017	D12835914

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## Policy Summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#), and complies with the Office of Local Government's [Guidelines for the payment of expenses and provision of facilities to Mayors and councillors in NSW](#).

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed. The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	<del>\$3,000</del> <b>\$12,500</b> per Councillor	Per year
Interstate, overseas and long distance intrastate travel expenses	<b>\$15,000 per Councillor</b>	Per year
Accommodation and meals	<del>As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually</del> <b>\$500 per Councillor</b>	Per meal/night
Professional development	<del>\$4,000</del> <b>\$12,000</b> per Councillor	Per year
<del>Conferences and seminars</del>	<del>\$15,000 total for all Councillors</del>	<del>Per year</del>
ICT expenses	\$4,000 per Councillor \$3,000 per Councillor (equipment)	Per year Upon election
Carer expenses	<del>\$4,000</del> <b>\$8,000</b> per Councillor	Per year
Home office expenses	\$300 per Councillor	Per year
Access to facilities in a Councillor room	Provided to all Councillors	Not relevant

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

This policy will commence on the declaration of the first election of councillors to the Central Coast Council.

---

## Part A – Introduction

---

### 1. Introduction

- 1.1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Central Coast Council.
- 1.2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the [Local Government Act 1993](#) and reviewed annually. Council must adopt its annual fees within this set range.
- 1.5. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.

### 2. Policy objectives

The objectives of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties;
- enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties;
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors;
- ensure facilities and expenses provided to Councillors meet community expectations;
- support a diversity of representation; and
- fulfil Council's statutory responsibilities.

### 3. Principles

Council commits to the following principles:

- **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions;
- **Reasonable expenses:** Providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor;
- **Participation and access:** Enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor;
- **Equity:** There must be equitable access to expenses and facilities for all Councillors;

- **Appropriate use of resources:** Providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations; and
- **Accountability and transparency:** Clearly stating and reporting on the expenses and facilities provided to Councillors.

#### 4. Private or political benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse Council.
- 4.5. Campaigns for re-election are considered to be a private interest. The following are examples of what is considered to be a private interest during a re-election campaign:
  - production of election material;
  - use of Council resources for campaigning;
  - use of official Council letterhead, publications, websites or services for political benefit; and
  - fundraising activities of political parties or individuals, including political fundraising events.

---

### Part B – Expenses

---

#### 5. General expenses

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

#### 6. Specific expenses

##### **General travel arrangements and expenses**

- 6.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each Councillor may be reimbursed up to a total of ~~\$3,000~~ **\$12,500** per year for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
  - for public transport fares;

- for the use of a private vehicle or hire car;
  - for parking costs for Council and other meetings;
  - for tolls;
  - for documented ride-share programs, such as Uber; and
  - by Cabcharge or equivalent.
- 6.3. Allowances for the use of a private vehicle will be reimbursed at the rate contained in the [Local Government \(State\) Award](#).
- 6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

### **Interstate, overseas and long distance intrastate travel expenses**

- 6.5. This section includes reference to long distance intrastate travel. At Central Coast Council long distance intrastate travel is travel that is estimated to take more than four hours from the Councillor's residence.
- 6.6. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 6.7. Total interstate, overseas and long distance intrastate travel expenses for ~~all~~ Councillors will be capped at a maximum of \$15,000 **per Councillor** per year. This amount will be set aside in Council's annual budget.
- 6.8. Councillors seeking approval for any interstate and long distance intrastate travel must submit a business case to, and obtain the approval of, the Chief Executive Officer prior to travel.
- 6.9. Councillors seeking approval for any overseas travel must submit a request to, and obtain the approval of, a full Council meeting prior to travel.
- 6.10. The request should include:
- objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result and its relevance to the exercise of the Councillor's civic duties;
  - who is to take part in the travel;
  - duration and itinerary of travel; and
  - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.11. For interstate and long distance intrastate journeys of less than three hours the **class** of air travel is to be economy class.
- 6.12. For interstate journeys by air of more than three hours, the class of air travel may be premium economy where it is available.
- 6.13. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.14. Bookings for approved air travel are to be made by Council staff on behalf of the Councillor.



- 6.15. For travel that is reimbursed as Council business, frequent flyer points will not accrue to Councillors. This is considered a private benefit.

### Travel expenses not paid by Council

- 6.16. Council will not pay any traffic or parking fines or administrative charges for toll road accounts.

### Accommodation and meals

- 6.17. Council will reimburse costs for accommodation and meals (when meals are not provided) while Councillors are undertaking prior approved travel or professional development.
- 6.18. The daily limits for accommodation and meal expenses within Australia **is \$500 per Councillor per night.** ~~are to be consistent with those set out in Part B Monetary Rates of the [NSW Crown Employees \(Public Service Conditions of Employment\) Reviewed Award 2009](#), as adjusted annually.~~
- 6.19. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the Chief Executive Officer ~~being mindful of Clause 6.18.~~
- 6.20. Councillors will not be reimbursed for the purchase of alcoholic beverages.

### Refreshments for Council related meetings

- 6.21. Appropriate refreshments may be available for Council meetings, Council Committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the Chief Executive Officer.
- 6.22. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the Chief Executive Officer must be mindful of Part B Monetary Rates of the *NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*, as adjusted annually.

### Professional development

- 6.23. Council will set aside ~~\$4,000~~ **\$12,000** per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses, **conferences, seminars** and membership of professional bodies.
- 6.24. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which consider any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.25. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

- 6.26. Approval for professional development activities is subject to a prior written request to the Chief Executive Officer outlining the:
- details of the proposed professional development;
  - relevance to Council priorities and business; and
  - relevance to the exercise of the Councillor's civic duties.
- 6.27. In assessing a Councillor request for a professional development activity, the Chief Executive Officer must consider the factors set out in Clause 6.26, as well as the cost of the professional development in relation to the Councillor's remaining budget.

### Conferences and seminars

- 6.28. Council is committed to ensuring its Councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
- ~~6.29. Council will set aside a total amount of \$15,000 annually in its budget to facilitate Councillor registration fees for attendance at conferences and seminars, excluding the Local Government NSW Annual Conference. This allocation is for all Councillors. The Chief Executive Officer will ensure that access to expenses relating to conferences and seminars is distributed equitably.~~ **Provision for attendance at conferences and seminars is provided as part of Professional Development.**
- 6.30. Approval to attend a conference or seminar is subject to a written request to the Chief Executive Officer. In assessing a Councillor request, the Chief Executive Officer must consider factors including the:
- relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties; and
  - cost of the conference or seminar in relation to the total remaining budget.
- 6.31. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Chief Executive Officer. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.19-6.22.

### Local Government NSW Annual Conference

- 6.32. Councillors will also be permitted to attend the Local Government NSW Annual Conference. Council will reimburse the cost of registration fees and where the conference is outside the local government area, the cost of travel, accommodation and meals not covered by the conference registration, subject to the provisions in 'Accommodation and meals'.
- 6.33. For the Local Government NSW Annual Conference only, Council will meet the costs of the official conference dinner for an accompanying person of a Councillor.

**ICT expenses**

- 6.34. Council will provide, or reimburse Councillors for expenses associated with, appropriate ICT devices and services up to a limit of \$4,000 per annum for each Councillor. This may include mobile phones and tablets, mobile phone and tablet services and data, and home internet costs. Allowances will only be made for tablets, tablet services and data to tablets where a Councillor consents to receiving communications and business papers from Council by electronic means only.
- 6.35. Council may provide appropriate ICT equipment up to a limit of \$3,000 per Councillor upon the commencement of their term of office. The determination as to what equipment will be provided will be made by the Chief Executive Officer based upon Council's general ICT program and identified business needs.
- 6.36. Reimbursements will be made only for communications devices and services used for Councillors to undertake their civic duties, such as:
- receiving and reading Council business papers;
  - relevant phone calls and correspondence; and
  - diary and appointment management.
- 6.37. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor, within the maximum limit.
- 6.38. Council may from time to time provide Councillors with upgraded equipment or new facilities where doing so will result in efficiencies and aligns to Council's general ICT program.

**Special requirement and carer expenses**

- 6.39. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
- 6.40. Transportation provisions as outlined in this policy, such as access to Cabcharges, will also assist Councillors who may be unable or unwilling to drive a vehicle.
- 6.41. In addition to the provisions above, the Chief Executive Officer may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 6.42. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to re-imbursement of carer's expenses up to a maximum of ~~\$4,000~~ **\$8,000** per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.43. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.44. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the Chief Executive Officer that reimbursement is applicable. This may take the form of advice from a medical practitioner.

## Home office expenses

- 6.45. Each Councillor may be reimbursed up to \$300 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

## 7. Insurances

- 7.1. In accordance with Section 382 of the [Local Government Act 1993](#), Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- 7.2. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 7.4. Appropriate travel insurances will be provided for any Councillors traveling on approved interstate and overseas travel on Council business.

## 8. Legal assistance

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
- a Councillor defending an action arising from the performance in good faith of a function under the [Local Government Act 1993](#);
  - 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; and
  - a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the [Local Government Act 1993](#) and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- 8.2. In the case of a conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the Chief Executive Officer to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's [Code of Conduct](#).
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the [Local Government Act 1993](#) are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.

- 8.4. Council will not meet the legal costs:
- of legal proceedings initiated by a Councillor under any circumstances;
  - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation; and
  - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

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## Part C – Facilities

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### 9. General facilities for all Councillors

#### Facilities

- 9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- a Councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol);
  - access to shared car parking spaces while attending Council offices on official business; and
  - a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor; and
  - ***appropriate meeting spaces to allow Councillors to meet with community members as determined by the Chief Executive Officer.***
- 9.2. The provision of facilities will be of a standard deemed by the Chief Executive Officer as appropriate for the purpose.
- 9.3. Council may from time to time provide additional facilities for Councillor use such as protective equipment for use during site visits.

#### Stationery

- 9.4. Council will provide the following to Councillors:
- Electronic letterhead template, to be used only for correspondence associated with civic duties; and
  - Electronic Christmas or festive message.
- 9.5. Council may from time to time provide stationery or branded items for Councillor use.

### Administrative support

- 9.6. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's office or by a member of Council's administrative staff as arranged by the Chief Executive Officer or their delegate.
- 9.7. As per Section 4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

## 10. Additional facilities for the Mayor

- 10.1. Council will provide to the Mayor a maintained motor vehicle **and appropriate, as determined by the Chief Executive Officer, motor vehicle** with a fuel card. The vehicle will be supplied for use in attending official business and professional development and attendance at the Mayor's office. **The vehicle can also be used for reasonable private benefit.**
- 10.2. A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's office.
- 10.3. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
- 10.4. In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the Chief Executive Officer.
- 10.5. The number of exclusive staff provided to support the Mayor and Councillors will not exceed the number of full time equivalents identified in the adopted organisational structure and as provided in the adopted budget.
- 10.6. As per Section 4, staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.
- 10.7. The Mayor will be entitled to travel business class up to an additional annual limit of \$15,000 on any travel undertaken.**
- 10.8. Council will meet the reasonable costs as determined by the Chief Executive Officer and up to a \$1,000 annual expenditure limit associated with the attendance of the Mayor's spouse or partner whilst the Mayor is undertaking official business at Conferences, functions, award night and events.**
- 10.9. Council will also meet the reasonable cost as determined by the Chief Executive Officer and up to a \$2,000 annual expenditure limit, of travel expenses and additional accommodation expenses (in addition to the expenses incurred by the Mayor) for the Mayor's spouse or partner whilst the Mayor is undertaking official business at Conferences, functions and events.**
- 10.10. The Mayor will also have access to an additional annual limit of up to \$2,000 for the Mayor and the Mayor's spouse or partner attending dinners, non-council functions, charity and fundraising events, community and corporate or industry events which are relevant to Council's interest and where Council's representation would be expected.**
- 10.11. The Mayor is entitled to digital subscriptions to two daily newspapers and/or delivery of those same newspapers to the Council office.**

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## Part D – Processes

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### 11. Approval, payment and reimbursement arrangements

- 11.1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
  - local travel relating to the conduct of official business;
  - carer costs; and
  - ICT expenditure.
- 11.4. Final approval for payments made under this policy will be granted by the Chief Executive Officer or their delegate.
- 11.5. All requests for reimbursement will be reviewed by two staff members and payment will be authorised by a staff member with the appropriate financial delegation.
- 11.6. The Chief Executive Officer will provide a system for the request of reimbursements for Councillors. This will include a form whereby Councillors will be required to specifically identify the clause within this policy to which the request relates.

#### **Direct payment**

- 11.7. Council may approve and directly pay expenses. Requests for direct payment must be submitted through the appropriate system for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

#### **Reimbursement**

- 11.8. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted through the appropriate system.

#### **Advance payment**

- 11.9. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 11.10. The maximum value of a cash advance is \$200 per day of the conference, seminar or professional development to a maximum of \$600

- 11.11. Requests for advance payment must be submitted to the Chief Executive Officer for assessment against this policy with sufficient information and time to allow for the claim to be assessed and processed.
- 11.12. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
- a full reconciliation against the provisions of this policy of all expenses including appropriate receipts and/or tax invoices; and
  - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

### **Notification**

- 11.13. If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 11.14. If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

### **Reimbursement to Council**

- 11.15 If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- Council will invoice the Councillor for the expense; and
  - the Councillor will reimburse Council for that expense within 14 days of the invoice date.
- 11.16 If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the Chief Executive Officer. The Chief Executive Officer may elect to deduct the amount out of the Councillor's allowance.

### **Timeframe for reimbursement**

- 11.17 Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

## **12 Disputes**

- 12.1 If the Councillor disputes a determination under this policy, the Councillor should discuss the matter with the Chief Executive Officer.
- 12.2 If the Councillor and the Chief Executive Officer cannot resolve the dispute, the Councillor may submit a notice of motion to Council seeking to have the dispute resolved.

## **13 Return or retention of facilities**

- 13.1 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office.



## 14 Publication

- 14.1 This policy will be published on Council's website.

## 15 Reporting

- 15.1 Council will report on the provision of expenses and facilities to Councillors as required in the [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#).
- 15.2 Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

## 16 Auditing

The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.

## 17 Breaches

- 17.1 Suspected breaches of this policy are to be reported to the Chief Executive Officer.
- 17.2 In accordance with the [Code of Conduct](#) this Councillor Expenses and Facilities Policy is a policy of Council and must not be contravened.
- 17.3 Alleged breaches of this policy shall be dealt with by the following processes outlines for breaches of the [Code of Conduct](#), as detailed in the Code and in the Procedures for the Administration of the Code.

## PART E – Appendices

### Appendix I: Related legislation, guidance and policies

#### Relevant legislation and guidance:

- [Local Government Act 1993](#), Sections 252 and 253;
- [Local Government \(General\) Regulation 2005](#), Clauses 217 and 403;
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009;
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities; and
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

#### Related Council policies:

- [Code of Conduct](#)

### Appendix II: Definitions

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
Act	Means the <a href="#">Local Government Act 1993</a> (NSW)
Annual Conference	Means Local Government NSW Annual Conference
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the <a href="#">Code of Conduct</a> adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
<b>Chief Executive Officer</b>	Means the General Manager of Council and includes their delegate or authorised representative
ICT	Means Telecommunications and Information Communications and Technology
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the <a href="#">Code of Conduct</a>
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle

maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> <li>• meetings of Council and committees of the whole;</li> <li>• meetings of committees facilitated by Council;</li> <li>• civic receptions hosted or sponsored by Council; and</li> <li>• meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council.</li> </ul>
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
Regulation	Means the <a href="#"><i>Local Government (General) Regulation 2005</i></a> (NSW)
year	Means the financial year, that is the 12 month period commencing on 1 July each year

## **AMENDED ITEM**



**Item No:** 4.3  
**Title:** Amended Code of Meeting Practice Report  
**Department:** Governance

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23 October 2017 Ordinary Council Meeting

**Author:** Meg Newington, Governance Officer  
**Manager:** Shane Sullivan, Unit Manager Governance and Business Services  
**Executive:** Brian Glendenning, Executive Manager Governance

### **Amendment**

Report was amended to consistently reflect 6.30pm as the meeting start time for the respective meeting dates.

### **Report Purpose**

To propose amendments to Council's adopted Code of Meeting Practice (the current Code) and the establishment of four Committees.

### **Recommendation**

- 1 That Council resolve, pursuant to cl. 260 of the Local Government (General) Regulation 2005, to establish the following four Committees, each of which is to be a committee of the whole of the Council:**
  - (a) Environment and Planning Committee;**
  - (b) Assets Infrastructure and Business Committee;**
  - (c) Connected Communities Committee; and**
  - (d) Corporate Services Committee.**
- 2 That Council resolve, for the purposes of cl. 261 of the Local Government (General) Regulation 2005, that the functions of each of those Committees is as set out in the respective Annexure to attachment 1 to this report.**
- 3 That Council give public notice of the proposed amended Code of Meeting Practice that is Attachment 1 to this Report, which must specify that submissions may be made to Council for a period of not less than 42 days from the date on which the amended Code is first publicly exhibited by Council.**
- 4 That Council publicly exhibit the proposed amended Code of Meeting Practice that is Attachment 1 to this Report for not less than 28 days and in accordance with the above public notice.**

- 5** *That Council note that a further report will be provided to Council setting out submissions received by Council in respect to the proposed amended Code of Meeting Practice that is Attachment 1 to this Report and to make recommendations in respect to the adoption of that proposed amended Code.*
- 6** *That Council resolve that the next three ordinary meetings of the Council be held as follows, in substitution to times and dates set out in the current adopted Code of Meeting Practice of the Council for those next three meetings:*
- a. Monday 27 November 2017 at the Wyong Chambers commencing at 6.30pm;*
  - b. Monday 18 December 2017 at the Gosford Chambers commencing at 6.30pm;*  
*and*
  - c. Monday 26 February 2017 at the Wyong Chambers commencing at 6.30pm.*

### **Committees – background and proposal**

Council may establish a committee comprised only by councillors by resolution, provided the Council also resolves what the functions of that committee are to be at that time: [cl. 260\(1\) and 261 of the Local Government \(General\) Regulation 2005 \(the Regulation\)](#). Council may alter those functions by resolution at any later time.

Committees may make recommendations but not decisions, and provide an opportunity for public involvement in and awareness of the decision making processes of Council. Meetings of such Committees are subject to some but not all of the statutory controls that apply to ordinary meetings of the Council. Committee meetings provide a more flexible environment for complex matters to be considered. Recommendations from such committees may assist Council to make informed decisions on complex matters.

It is recommended that Council establish the following four Committees, with each comprising all of the councillors (which is often referred to as “a Committee of the whole”):

- (a) **Environment and Planning Committee** – deals with matters relating to development applications or those requested by Councillors to be considered by Council, as well as the exhibition and adoption of the local planning instruments and development control plans. To enable open discussion and community input into decision making on Central Coast development assessment, engineering assessment, environment, certification and strategic planning.

- (b) ***Assets, Infrastructure and Business Committee*** – deals with matters relating to the Assets, Infrastructure and Business functions of Council and to make recommendations on an ongoing basis. To enable open discussion and community input into decision making on Central Coast property and asset management, business and economic development activities, roads, transport, drainage and water and sewer.
- (c) ***Connected Communities Committee*** – deals with matters relating to the Connected Communities operations of Council and make recommendations on an ongoing basis. To enable open discussion and community input into decision making on Central Coast libraries, learning and education, community engagement, grants, community partnerships and leisure and lifestyle.
- (d) ***Corporate Services Committee*** – deals with matters relating to the Corporate Service operations of Council and make recommendations on an ongoing basis.

The proposed Terms of Reference for each proposed Committees is an annexure to Attachment 1 to this report. Each of those proposed Terms include the purposes for the respective proposed Committee.

### **Code of Meeting Practice – background and proposal**

Meetings of the Council, and meetings of committees of the Council that are comprised only of councillors, are required to comply with relevant provisions in the *Local Government Act 1993* (the Act), the Regulation and the Code of Meeting Practice adopted by (the current Code): s. 360 of the Act. The current Code was adopted prior to the election of the current councillors, and it is appropriate that the Council now review the current Code to ensure that the requirements imposed by that Code meet the needs of the Council and the community.

The Act requires that public notice be given of any amendment to the current Code, that there be a period of public exhibition of the proposed amendments for not less than 28 days, and that the community have the opportunity to make submissions on the proposed amendments for not less than 42 days from the date those amendments are first publicly exhibited: s. 361 of the Act. Council can only adopt the amendments to the current Code after considering any submissions received: s. 362 of the Act.

It is recommended that Council amend the current Code as set out in the proposed amended Code of Meeting Practice that is Attachment 1 to this Report (the proposed Code). The proposed Code has been prepared in accordance with the Act and the Regulation, as well as complying with the Office of Local Government's [\*Meeting Practice Note \(2009\)\*](#). A revised numbering and reference system has been used throughout the proposed Code to create an easier to read document.

All of the proposed amendments included in the proposed Code are marked in **bold** and *italic* with deletions marked with ~~strikeout~~. The same method for highlighted those amendments is used in the remainder of this report.

In addition to some minor corrections and amendments, the four key proposed amendments to the current Code concern Committees of the Council, meeting dates and time, relevant timeframes and the general order of business.

#### *Meeting Dates and Times*

Council is required to meet at least ten times annually, with each meeting being held in a different month: s. 365 of the Act. It is a matter for Council to determine when and where to have these meetings.

The current Code provides that ordinary meetings of Council are to be held on the fourth Wednesday in the months of January to November (inclusive) at either 49 Mann Street, Gosford or 2 Hely Street, Wyong, on an alternating basis and commencing at 5.00 pm.

It is proposed to commence meetings at 6.30pm, to better facilitate public access. It is also proposed that ordinary meetings be held on specified Monday evenings, to reduce conflict with a range of other commitments and activities that Council, Councillors, other legislative bodies and the general public face throughout the remainder of the working week.

The recommended amendments to *Chapter D Operative Parts, Part 1, Clause 1.2(1)* (now Part D clause 1) of the Code are as follows:

1. Ordinary meetings of Council will be held on the fourth ~~Wednesday~~ **Monday** of the months of ~~January~~ **February** to November inclusive, **and on the third Monday in December**, at either 49 Mann Street, Gosford or 2 Hely Street, Wyong, on an alternating basis and commencing at ~~5.00pm~~ **6.30pm**.

This provides Council with eleven (11) ordinary Council Meetings annually.

Council will also continue to webcast its meetings to enable accessibility to Council's decision making process for all people who are unable to attend Ordinary Meetings of Council.

In relation to meetings of the Committees of the Council the recommendations are contained in Part D clause 3:

3. ***The Committees of the Council listed in Part D Clause 2 will hold meeting on the second Monday of the months of February to November inclusive, and the first Monday in December, either 49 Mann Street, Gosford or 2 Hely Street, Wyong on an alternating basis to the ordinary meeting of the Council that is to follow later in that calendar month and commencing at 6.30pm and proceeding in the order listed.***

While there are no minimum requirements for these Committees to meet as there are with Ordinary Meeting of Council, the recommended meeting dates result in these Committees meeting 11 times annually and always followed two weeks later by a Council meeting.

### *Timeframes*

At a minimum, the Chief Executive Officer is required at least three (3) calendar days before a Council Meeting or a meeting of a Committee of Council to send to each Councillor a notice of the time, place and business on the Agenda of the meeting pursuant to [section 367 of the Act](#) and [clause 262 of the Regulation](#).

Business papers should be provided as early before the meeting as possible. This gives Councillors time to consider the issues and prepare for debate. It is with this in mind that the following timeframes are recommended for Ordinary Meetings of Council and for meetings of Committees of the Council, which are contained in *Part D clauses 6 and 7* of the proposed Code, set out as follows:

6. ***The following timeframes are applicable to Ordinary Meetings of Council which, pursuant to Part D Clause 1, will be on the fourth Monday of the month:***

(a) ***Deadline for Notices of Motion is 9 am on the Thursday of week two of the month; and***

(b) ***Agenda Paper will be distributed on the Friday of week two of the month.***

***The following timeframes are applicable to Ordinary Meetings of Council which, pursuant to Part D Clause 1, will be on the third Monday of the month of December:***

(c) ***Deadline for Notices of Motion is 9 am on the Thursday of week one of the month; and***

(d) ***Agenda Paper will be distributed on the Friday of week one of the month.***

7. ***The following timeframes are applicable to meetings of a Committee of the Council which, pursuant to Part D Clause 3, will be on the second Monday of the month:***

(a) ***Agenda Paper will be distributed on the Friday of week four of the preceding month.***

***The following timeframes are applicable to meetings of a Committee of the Council which, pursuant to Part D Clause 3, will be on the first Monday of the month:***

(b) ***Agenda Paper will be distributed on the Friday of week three of the preceding month.***

These proposed timeframe for Ordinary Meetings of Council and meetings of Committees of the Council will enable Councillors to have two full weekends to review the Agenda Paper for the upcoming meeting(s) and allow an adequate time period for Councillors to be fully informed and, if required, raise any questions or issues that they have prior to the meetings.

Proposed timeframes for Meetings and Reports where held in the months of February – December inclusive – the timeframes for meetings held in December will be one week earlier.



### 4.3 Amended Code of Meeting Practice Report (contd)

Week	Monday	Tuesday	Wednesday	Thursday	Friday
1	Councillors' Briefings				
2	Committee Meetings from 6.30pm			9am – Deadline for Notices of Motion	Agenda distributed for Council Meeting (including Minutes from Committee Meetings)
3	Councillors' Workshops				
4	Council Meeting at 6.30pm				Agenda distributed for Committee Meetings

#### *Order of Business*

The current Order of Business for ordinary meetings of the Council is contained in Chapter D, Clause 1.5(2) of the current Code, and notably has 26 stages. That Order of business can be changed by the passing of a motion (with or without notice).

It is a matter for Council to determine what the Order of Business of meetings will be, and it is recommended that Council adopt a simplified Order of Business, as set out below and contained in Part D clause 13 for Ordinary Meeting and Part D clause 14 for meeting of Committees of the Council in the proposed Code:

13. For the purpose of the Regulation, the general order of business for Ordinary Meetings of Council is proposed as:

#### ~~Opening Prayer~~

- (a) Acknowledgement of Country;
- (b) Apologies/Requests for leave of absence;
- (c) Declaration of Interest; ~~Report on Disclosure of Pecuniary and Non-Pecuniary Interests;~~
- (d) ~~Report on Proposed Inspections;~~
- (e) ~~Report on Proposed Briefings;~~
- (f) ~~Report of Address by Invited Speakers;~~
- (g) Notice of Intention to Deal with Matters in Confidential Session;
- (h) Confirmation of Ordinary **Council** Meeting Minutes;  
~~Confirmation of Extraordinary Meeting Minutes;~~  
~~Confirmation of Confidential Meeting Minutes;~~  
~~Business Arising out of the Minutes;~~
- (i) Minutes of the Mayor;

- (j) Consider Motion of Urgency for Late Items;
- (k) ~~Consider Motion for Exception Method; Items Considered by exception;~~
- (l) Reports/Minutes from Committees of the Council;**
- (m) Reports of **the Chief Executive Officer and Executive Leadership Team;**  
~~Directors and Chief Executive Officer;~~  
~~Reports of Delegates;~~  
~~Information Reports;~~
- (n) ~~Questions on Notice of which due notice has been given;~~
- (o) Answers to Questions on Notice;
- (p) Notices of Motion;  
~~Notices of Rescission;~~
- (q) Motions of Urgency; and  
~~Questions on Notice;~~  
~~Correspondence; and~~
- (r) Confidential Items.

14. ***The general order of business for a meetings of a Committee of the Council will be:***

- (a) Acknowledgement of Country;**
- (b) Apologies/Requests for leave of absence;**
- (c) Declaration of Interest;**
- (d) Speakers; and**
- (e) Reports of the Chief Executive Officer and Executive Leadership Team.**

Business Arising out of the minutes has been removed as it is a requirement under cl. 241 of the Regulation that a Council must not transact business at a meeting of the Council unless due notice has been given. If Council wants to consider 'business arising', it needs to be done by way of a report to Council, a Notice of Motion or a Matter of Urgency.

***Other resolutions in respect to ordinary meetings of Council until any amended Code is adopted***

It is proposed that until the proposed Code (or a variant of it, as determined by Council) is finally considered by Council, following public notice and public exhibition, that Council resolve to hold ordinary meetings at times and dates consistent with those set out in the proposed code, and not as set out in the current Code as follows:

- Monday 27 November 2017 at the Wyong Chambers commencing at 6.30pm;
- Monday 18 December 2017 at the Gosford Chambers commencing at 6.30pm; and
- Monday 26 February 2017 at the Wyong Chambers commencing at 6.30pm.

### Consultation

Any feedback from Council in relation to the proposed Code can be incorporated as resolved by Council for the purpose of public exhibition. The proposed Code must be placed on public exhibition for a period of not less than 28 days, as well as enable public submissions to be made for not less than 42 days, pursuant to [section 361](#) of the Act.

If Council resolves to initiate the mandatory processes under the Act to adopt an amended Code, the proposed Code (or a variant of it, as determined by the Council) will be placed on public exhibition by 26 October 2017, and so the 42 period within which submissions may be made will conclude on 8 December 2017. A report will then be put to the following Council meeting so that Council can consider any submissions received by Council and consider whether to adopt an amended Code.

### Options

1. Council may determine that there is no need to amend the Code at this time. In those circumstances the current Code would continue to apply.
2. Council may determine that the current Code should be amended, either as set out in the proposed Code or otherwise. The current Code cannot be adopted or implemented until the abovementioned public notice and exhibition requirements have been complied with. Council may, in the interim, resolve that its future ordinary meetings be held on days and times different to those prescribed in the current Code, to reflect the times and dates in any proposed amended Code. *This is recommended.*

### Financial Impact

The recommendation contained in this report has no financial impact on Council.

### Attachments

- 1 Amended Code of Meeting Practice D12848633

POLICY NO: CCC001

# CODE OF MEETING PRACTICE

October 2017

AUTHORITY	NAME & TITLE	SIGNATURE	DATE
<b>AUTHOR</b>	Kathy Bragg, Governance Officer		
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<b>CHIEF EXECUTIVE OFFICER</b>	Brian Bell, Chief Executive Officer		

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Version	Date	TRIM Doc. #
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## A Summary

1. Council Meetings are the key decision making mechanism for Council. This Code of Meeting Practice facilitates and guides the effective, open and orderly conduct of Council Meetings **and meetings of Committees of the Council**. ~~at Central Coast Council~~
2. It ensures clarity, and seeks to align Council Meeting procedures with community expectations and legislative requirements.
3. The Code has been prepared in accordance with the [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#), and complies with the Office of Local Government's [Meeting Practice Note \(2009\)](#). In some instances this Code reproduces the relevant legislation and in other instances it is referenced.
4. The Code sets out the minimum expectations with regard to the conduct of Council Meetings **and meetings of Committees of the Council**. In practice, Councillors and staff will seek to continually improve the conduct of Council Meetings **and meetings of Committees of the Council** to achieve the following principles:
  - (a) *Transparent* Decisions are made in a way that is open and accountable;
  - (b) *Informed* Decisions are made based upon relevant, quality information;
  - (c) *Inclusive* Decisions respect the diverse needs and interests of the Central Coast community;
  - (d) *Trusted* Our community has confidence that Councillors and staff act ethically and make decisions in the interests of the entire community;
  - (e) *Respectful* Councillors, staff and meeting attendees treat each other with respect; and
  - (f) *Orderly* Meetings are well organised, effectively run and skilfully chaired

## B Definitions

- Act:** means the [Local Government Act 1993](#).
- Administrator:** means any Administrator appointed in accordance with the [Local Government Act 1993](#). Where an Administrator has been appointed to Central Coast Council all references to the mayor and Councillors, and Council apply to the Administrator where the Administrator has all the functions of the Council.
- Agenda:** means a list of items for consideration at a meeting together with reports and other attachments relating to those items
- Amendment:** in relation to an original motion, means a motion moving an amendment to that motion.
- Chairperson:** (a) in relation to a meeting of a Council - means the person presiding at the meeting as provided by section 369 of the [Local Government Act 1993](#); and

- (b) in relation to a meeting of a Committee of the Council - means the person presiding at the meeting as provided by clause 267 of the *Local Government (General) Regulation 2005*.

**Chief Executive Officer or CEO:**

is the Chief Executive Officer of Central Coast Council who undertakes the functions of the General Manager under the *Local Government Act 1993*, or in the absence of that person, the employee designated to act for the Chief Executive Officer. Where this Code refers to General Manager it represents Chief Executive Officer and simply reflects the legislation

**Code:**

means ~~the Council's~~ Code of Meeting Practice adopted by Council pursuant to the *Local Government Act 1993*.

**Committee:**

means a committee appointed or elected by the Council in accordance with clause 260(1) of the *Regulations* or ***the Council when it has resolved itself into a committee of the whole.***

**Committee of the Council**

***means when Council has resolved itself into a Committee of the whole in accordance with section 355(b) of the Act; that is all Councillors are members.***

**Council:**

means Central Coast Council.

**Council Staff:**

means employees of Council, and includes the Chief Executive Officer.

**Councillors:**

means a person elected or appointed to civic office in the Council, and includes the Mayor.

**Deputy Mayor:**

means the Deputy Mayor of the Council.

**Exception Method:**

means a method used to consider a group of reports as one resolution of Council which has the effect of adopting the staff recommendation for each report, without alteration, as Council's resolution for each report with the following conditions:

- A resolution of Council to use the Exception Method;
- The exclusion of reports nominated by Councillors to be considered individually;
- The exclusion of matters where a Councillor has declared a pecuniary interest or a significant non-pecuniary conflict of interest; and
- The exclusion of motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.

**Mayor:**

means the person elected as the Mayor of the Council.

**Record:**

means a document including any written or printed material or object (including a sound recording, coded storage device, magnetic tape, compact or floppy disc, microfilm, photograph, film, map, plan or model of a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of Council and, in particular, includes the minutes of meetings of Council or of a Committee of the Council.



**Regulation:** means the [Local Government \(General\) Regulation 2005](#).

**Relative:** in relation to a person, means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse or de facto partner;
- (b) the spouse or de facto partner of the person or of a person referred to in paragraph (a). [[Local Government Act 1993](#) Dictionary]

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## C Reference Guides

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1. The following reference guides are provided to assist with some specific mechanics of Council meetings. They supplement the information contained in the Code.
  - The Chairperson;
  - Order of Business;
  - Confidential Items;
  - Motions and amendments;
  - Points of order; and
  - Rescission Motions

### The Chairperson

2. One of the Chairperson's primary functions is maintaining orderly and respectful meetings. The following sets out some aspects of the role of the Chairperson. It is the responsibility of all present at the meeting to understand and respect this role.
3. The Chairperson shall insist upon the proper conduct of debate.
4. The Chairperson may, at his or her discretion from time to time, slow proceedings to allow for clarification of a matter or decision to ensure there is clarity for Councillors, staff and those present.
5. The Chairperson must be impartial and consistent in procedural rulings.
6. The Chairperson will receive and put to the meeting any motion which is brought before the meeting in accordance with the [Local Government Act 1993](#), [Local Government \(General\) Regulation 2005](#) and Code of Meeting Practice.
7. The Chairperson will not permit discussion unless there is a motion before the meeting.
8. The Chairperson has no power to adjourn the meeting of his or her own accord except when the meeting lacks a quorum or when disorder arises.
9. The Chairperson has the right to rule out of order motions that do not relate to the business before Council and motions that are "ultra vires" (beyond the scope of the Council).

10. The Chairperson may refuse to put motions and amendments that are not clear.
11. The Chairperson has the authority to advise and counsel the meeting.
12. The Chairperson will preserve order and endeavour to prevent interference. This includes private conversations or heckling remarks, offensive statements or the imputation of improper motives. In the event of such occurrences, the Chairperson may call upon speakers to withdraw and apologise. (Refer to Clause 255 of the [Local Government \(General\) Regulation 2005](#) – Questions of Order)
13. The Chairperson of Council Meetings or Committee **of the Council meetings or a meeting of a Committee of which all Councillors are members** has the right to exercise a casting vote.
14. When the Chairperson rises to stand, all present will take their seat and cease talking.
15. In general, it is the aim of the chair to ensure an effective meeting by using their authority sparingly. To achieve this requires the support of Councillors and the advice of staff.

## Order of Business

16. The Order of Business **for Ordinary Council Meetings** is set out in ~~Clause 1.6~~ **Part D clause 13**. This order applies only for Ordinary Council Meetings, but Extraordinary meetings will follow the same order in general terms.
17. **The Order of Business for a meeting of a Committee of the Council is set out in Part D clause 14.**
18. These Orders of Business can be changed if a motion to change it is passed. It is not necessary to give notice of this kind of procedural motion. Only the mover of the motion is allowed to speak on it – this is different from most other motions.
19. It is considered good practice to amend the Order of Business where there are specific items which have a number of public speakers or in which there is significant known public interest. To do so demonstrates respect for those present.
20. However, it is appropriate that the procedural matters are dealt with prior to the consideration of a report. This ensures that, amongst other things, any conflicts of interest are declared and documented.

## Confidential Items

21. There are certain matters which Council may consider in the closed (confidential) part of the meeting. Council seeks to minimise the number of matters that are considered in closed session. This aligns to the relevant legislation and principles of this Code which encourage open decision making at Council meetings.
22. Only matters which are identified in s10A(2) of the [Local Government Act 1993](#) may be treated as confidential.

23. While a specific report may be identified for consideration in confidential session, where possible, as much information as possible will be provided in a public report.
24. Prior to determining to move into confidential session, it is necessary to allow any members of the public who may wish to address Council as to why Council should not resolve into confidential session. Any submissions should be considered by Council.
25. In closing the meeting, care needs to be taken to ensure the gallery is empty and any webcasting has ceased. It is good practice to confirm these have occurred prior to discussing any of the confidential matters listed.
26. In re-opening the meeting, it is appropriate to take the time to ensure any members of the public who may have waited have the opportunity to re-enter the Chambers.
27. After confidential session, the meeting re-opens and the decisions of Council read back to the open meeting.

## Motions and Amendments

28. A motion is a proposal, moved by one Councillor and seconded by another calling for a specific action to be taken or a decision to be made on the particular matter before the Committee **of the Council** or Council. The mover of a motion may be given the opportunity to explain the motion before a seconder is called for, if considered necessary by the Chairperson.
29. If that motion is passed **at a Council Meeting** it becomes a resolution of Council.
30. Once a motion is moved and seconded the meeting can then try and reach a decision by considering the specific proposal with speakers supporting it, opposing it, or suggesting changes to it.
31. If there is no objection to a motion, there shall be no right of reply, and the chair shall put the motion.
32. Where there is a motion and an amendment, following debate on the amendment and then the motion, the mover of the motion has a right of reply prior to voting on the amendment taking place.
33. A motion should be very specific in its intention, and must be capable of being implemented.
34. If possible, a motion should be qualified by referring to a timetable, financial implications, who is to take the necessary action, etc.
35. The motion should be simple and easy to understand so that there is no doubt about its meaning - it should be well structured and if it involves a number of different aspects then there should be different parts to the motion.
36. A Councillor seconding the motion is in effect saying "I support this proposal." If no person present is prepared to second the motion it then lapses and should not be discussed further.
37. When a motion is complex in its wording and intent, to assist other Councillors, a Councillor should submit the motion in writing so that it can be circulated to all members present and the minute taker either electronically or in hard copy format.

38. This will allow the motion/amendment to be displayed accurately on the visual screens at the time that the motion or amendment is being discussed. This will remove any doubt in the minds of Councillors as to what exactly is being moved. Likewise, the Chairperson should ensure that any motion/amendment is clearly understood by all Councillors present prior to voting
39. Motions should be written in a positive sense so that a "yes" vote indicates support for the action, and a "no" vote indicates that no action should be taken.
40. The mover of the motion has the right to speak first, and a general "right of reply" at the end of the debate. No new information or material should be argued during the "right of reply."
41. The seconder of the motion speaks after the mover, but may choose to hold over their speaking rights until later in the debate.
42. At the end of the debate, the Chairperson puts the motion to the meeting for voting by Councillors.

### Amendments

43. An Amendment to a motion requires a mover and a seconder to put it forward.
44. The Amendment must be dealt with before voting on the motion.
45. Debate is allowed only in relation to the amendment and not the motion – which is suspended while the amendment is considered.
46. If the Amendment is passed, it becomes the motion and this new motion can be debated. If the Amendment is not supported, the main motion stays in its original form.
47. There should only be one Amendment to a Motion before Council at any time. If several amendments are proposed, each should be moved, seconded, debated and voted upon before the next
48. Amendments may be in the form of additional words to a motion and/or the removal of words.
49. Any such Amendment to a Motion must not alter the Motion to the extent that it effectively reverses the Motion.
50. An Amendment to a Motion will need to be made with the concurrence of the mover and seconder of the Motion.

### Foreshadowed Motions/Amendments

51. It is possible to advise the Council **or the Committee of the Council** of an intention of a foreshadowed Motion/Amendment that relates to the business currently before Council **or the Committee of the Council**.
52. The Chairperson cannot accept the foreshadowed Motion/Amendment until the current Motion/Amendment has been determined.

## Points of Order

53. A point of order is a procedural motion where the mover is seeking to highlight what they see as a matter the Chairperson needs to determine to ensure the appropriate and effective conduct of the meeting.
54. A Point of Order may be called in the following circumstances:
- (a) a matter is raised that does not relate to the subject being discussed;
  - (b) there is no quorum present in the Council chamber **or the committee meeting room**;
  - (c) there has been a failure to comply with some rule, regulation, standing order, policy or accepted rules of debate;
  - (d) a Councillor has used objectionable, insulting, offensive, abusive language or defamatory insinuations about a person's motives or conduct;
  - (e) a speaker has exceeded the time limit for speeches;
  - (f) an amendment under discussion has not been seconded; or
  - (g) a matter is raised which is outside the powers of the Council.
55. The Chairperson may rule a Councillor out-of-order in two ways:
- (a) generally upon a ruling being given by the Chairperson after another Councillor has made a point of order, or
  - (b) by the Chairperson on his or her own initiative making the ruling.
56. When a Councillor raises a point of order, the person speaking must stop and resume his/her seat until the point has been dealt with. The Councillor who raises the point of order shall where possible refer to the specific section of the Code of Meeting Practice for example:
- Under **Part C** clause ~~1-6~~ **54(g)** of the Code of Meeting Practice I raise a point of order....*
57. No other Councillor may speak on the Point of Order.
58. The Chairperson will then rule on the Point of Order, either by agreeing with the point of order or dismissing the point of order.
59. If there is an objection to the Chairperson's ruling, a Councillor may move a Motion of Dissent. (Refer Clause 248 of the [Local Government \(General\) Regulation 2005](#)).
60. A Point of Order must not be raised for the purpose of contradicting statements made by another Councillor or providing a personal explanation. It is only concerned with the conduct of the meeting. An explanation or contradiction is not a Point of Order.

## Rescission Motions

61. Rescission motions are a complicated area of meeting procedure and it is important to be clear on the process and outcome for the benefit of Councillors, staff and the public.
62. There are two instances in which a rescission motion may be moved:
  - (a) A resolution has been passed at the **Council** Meeting or at a previous meeting of Council and those moving the Rescission Motion want to change it; or
  - (b) At the meeting or a previous **Council** Meeting a vote was **not** carried and those moving the Rescission Motion want to put the same (or similar) motion again.
63. Notice of a Rescission Motion must be signed by three Councillors. The exception is where more than three months have passed since the matter was first resolved. In this case it is not a Rescission Motion but simply a new motion (eg: Notice of Motion).
64. Once a Notice to alter or rescind a resolution has been signed by three Councillors and given to the Chief Executive Officer, the purported withdrawal of support for the motion by one or more of the signatories to the motion will not invalidate the motion. The Chief Executive Officer remains obliged to include the motion on the Agenda for the next Council meeting (unless the motion is, or the implementation of the motion would be, unlawful).
65. If Notice to alter or rescind a motion is given at the same meeting at which the matter was considered, any resolution cannot be acted upon until the Rescission Motion has been dealt with. It effectively puts a stop on action to implement the resolution that is subject of the Rescission Motion.
66. If a Rescission Motion is put and lost, a further Rescission Motion in similar terms cannot be put for three months.
67. In practical terms, the consideration of a Rescission Motion is in two steps.
  - (a) first the Council must determine whether to carry the motion, that is, set aside the original decision. It is not necessary to consider what alternate motion may be put, only whether to rescind the original decision of Council; and then
  - (b) the matter is then at large and Council may determine it afresh. Council may make the same decision as was previously rescinded.
68. In some instances a Rescission Motion is not appropriate. Care must be taken where action has progressed on a matter or where the outcome has already been communicated to affected parties.
69. If notice of motion to rescind a resolution is given by 9.30am on the fifth calendar day after the meeting at which the resolution was passed, the resolution must not be carried into effect until the motion of rescission has been dealt with, **subject to Part C clause 68**.

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## D Operative Parts

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### Before a Council or a Committee of the Council Meeting

#### When and where are Ordinary Meetings held?

1. Ordinary Meetings of Council will be held on the fourth ~~Wednesday~~ **Monday** of the months of January to November inclusive at either 49 Mann Street, Gosford or 2 Hely Street, Wyong, on an alternating basis and commencing at ~~5.00pm~~ **6.30 pm**.

#### *Details of the Committees of the Council and when and where they are held*

2. **Council has the following Committees of the Council:**

- (a) *Environment and Planning Committee;*
- (b) *Assets, Infrastructure and Business Committee;*
- (c) *Connected Communities Committee; and*
- (d) *Corporate Services Committee.*

*The Terms of Reference for each of these committees are annexures to this Code.*

3. ***The Committees of the Council listed in Part D Clause 2 will hold meetings on the second Monday of the months of February to November inclusive, and on the first Monday in December, at either 49 Mann Street, Gosford or 2 Hely Street, Wyong, on an alternating basis to the ordinary meeting of the Council that is to follow later in that calendar month, commencing at 6.30 pm and proceeding in the order listed***

#### ***Other Timeframes for Council Meetings and Committees of the Council***

4. Where scheduled Ordinary Meetings of Council ***or meetings of a Committee of the Council*** fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday.
5. ***Council may amend the meeting times for Council Meetings and meetings of a Committee of the Council by resolution.***
6. ***The following timeframes are applicable to Ordinary Meetings of Council which, pursuant to Part D Clause 1, will be on the fourth Monday of the month:***
  - (a) ***Deadline for Notices of Motion is 9 am on the Thursday of week two of the month; and***
  - (b) ***Agenda Paper will be distributed on the Friday of week two of the month.***

***The following timeframes are applicable to Ordinary Meetings of Council which, pursuant to Part D Clause 1, will be on the third Monday of the month of December:***

***(c) Deadline for Notices of Motion is 9 am on the Thursday of week one of the month; and***

***(d) Agenda Paper will be distributed on the Friday of week one of the month.***

7. ***The following timeframes are applicable to meetings of a Committee of the Council which, pursuant to Part D Clause 3, will be on the second Monday of the month:***

***(a) Agenda Paper will be distributed on the Friday of week four of the preceding month.***

***The following timeframes are applicable to meetings of a Committee of the Council which, pursuant to Part D Clause 3, will be on the first Monday of the month:***

***(b) Agenda Paper will be distributed on the Friday of week three of the preceding month.***

#### **When and where are Extraordinary Meetings held?**

8. Extraordinary meetings are not only held in 'extraordinary' circumstances. These meetings can be held to deal with special business or in the exceptional circumstance where there is so much business to be dealt with that an additional meeting is required. Section 366 of the [Local Government Act 1993](#) governs the calling of extraordinary meetings of Council.

#### **Notice of Meetings**

9. The [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#) prescribe how notice is given to Councillors and the public of Ordinary and Extraordinary Meetings of the Council ***and of meetings of a Committee of the Council.*** Those provisions are not repeated in this Code.

#### **Agendas and Business Papers**

10. The [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#) prescribe the content and responsibility for the agenda and business papers for Council Meetings ***and meetings of Committees of the Council.*** Those provisions are not repeated in this Code.
11. Council staff should, when preparing business papers which will be open to inspection by the public, avoid including personal identifiers such as names and addresses unless such information is required by legislation.

#### **Order of Business**

12. The [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#) prescribe the content and responsibility for the agenda and business papers for meetings of Council. Those provisions are not repeated in this Code.



13. For the purpose of the Regulation, the general order of business for Ordinary Meetings of Council will be:

- ~~Opening Prayer;~~
- (a) Acknowledgement of Country;
- (b) Apologies/Requests for leave of absence;
- (c) Declaration of Interest; ~~Report on Disclosure of Pecuniary and Non-Pecuniary Interests;~~
- ~~Report on Proposed Inspections;~~
- ~~Report on Proposed Briefings;~~
- (d) ~~Report of Address by Invited Speakers;~~
- (e) Notice of Intention to Deal with Matters in Confidential Session;
- (f) Confirmation of ~~Ordinary~~ **Council** Meeting Minutes;
- ~~Confirmation of Extraordinary Meeting Minutes;~~
- ~~Confirmation of Confidential Meeting Minutes;~~
- ~~Business Arising out of Minutes;~~
- (g) Minutes of the Mayor;
- (h) ~~Consider Motion of Urgency for Late Items~~ Items considered by exception;
- (i) Reports/Minutes from Committees of the Council;**
- (j) Reports of ~~the Chief Executive Officer and the Executive Leadership Team~~ Directors and Chief Executive Officer;
- ~~Reports of Delegates;~~
- ~~Information Reports;~~
- (k) Question on Notice of which due notice has been given;
- (l) Answers to Questions on Notice;
- (m) Notices of Motion;
- ~~Notices of Rescission;~~
- (n) Motions of Urgency; and
- ~~Questions on Notice;~~
- ~~Correspondence; and~~
- (o) Confidential Items.

14. ***The general order of business for meetings of a Committee of the Council will be:***

- (a) Acknowledgement of Country;**
- (b) Apologies/Requests for leave of absence;**
- (c) Declaration of Interest;**
- (d) Speakers; and**
- (e) Reports of the Chief Executive Officer and Executive Leadership Team.**

**Public access to correspondence and reports.**

15. The [Local Government Act 1993](#) prescribes the processes by which meetings of the Council are closed, and the means by which documents considered or tabled at a meeting of Council are to remain confidential. Those provisions are not repeated in this Code.
16. Agendas and Business Papers will be posted to Central Coast Council's website as soon as practicable after electronic distribution to the Councillors, unless those documents are confidential or relate to business that is proposed to be conducted in a closed meeting of the Council.

## At the Meeting: General

### Who is entitled to attend Meetings? When can Meetings be closed?

17. Meetings of the Council **and meetings of Committees of the Council** are open to the public, except for those parts of a meeting that are closed in the accordance with the [Local Government Act 1993](#). The provisions of the Act relating to the closure of meetings, and the expulsion of people from open meetings of the Council **and committees of the Council** are not repeated in this Code.

However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or **a meeting of a Committee of the Council** ~~of such a committee~~ if expelled from the meeting in the manner permitted by the Act.

### Attendance of Chief Executive Officer at Meetings

18. The [Local Government Act 1993](#) prescribes the meetings of the Council that the Chief Executive Officer is entitled to attend and the role that he or she may have in those meetings. Those provisions are not repeated in this Code.

### Mode of Address

19. Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor (as the case may be) and with the exception of the Chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking.
20. A Councillor shall address all remarks or questions, either through or to the Chairperson.

### Who presides at Meetings of the Council?

21. The [Local Government Act 1993](#) and the [Local Government \(General\) Regulation 2005](#) prescribes who presides at meetings of the Council **and at meetings of Committees of the Council**, including when the Mayor or other Chairperson is not present at a meeting. Those provisions are not repeated in this Code. The following measures supplement those provisions in the Act.
22. If the Mayor declares an interest in any matter being dealt with at a meeting in which he or she will not participate, the Mayor will vacate the chair immediately prior to that item being considered and the Deputy Mayor will chair the meeting for the consideration of that item.
23. If both the Mayor and Deputy Mayor declare interests in any matter being dealt with at a meeting in which they will not participate, the Mayor will vacate the chair immediately prior to that item being considered and a Chairperson will be elected to chair the meeting for the consideration of the item in accordance with the relevant provisions of the [Local Government Act 1993](#) and the [Local Government \(General\) Regulation 2005](#).

### Chairperson to have precedence

24. The [Local Government \(General\) Regulation 2005](#) mandates that the Chairperson has precedence at Meetings of the Council **and at meetings of Committees of the Council** and regulates the conduct of other Councillors when the Chairperson asserts that precedence. Those provisions are not repeated in this Code.

**Conduct of business at a Meeting**

25. The [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#) regulate the business that can be conducted at a meeting of Council. Those provisions are not repeated in this Code. Generally that business is limited to:
- (a) Business that has been the subject of notice in accordance with the Act;
  - (b) Specific kinds of business, such as business that is already before or directly relates to a matter that is already before the Council, a matter or topic put to the meeting by way or a motion of urgency or Mayoral Minute out in accordance with the Regulation, or is for the adoption of recommendations of a committee of the Council.
26. Mayoral Minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by Councillors before coming to a decision. These types of matters would be better placed on the agenda, with the usual period of notice being given to the Councillors and the public. It is considered better practice for any Mayoral Minute to be included as part of the Business Paper.

**Items resolved by Exception**

27. Council may resolve to consider items of business via the Exception Method other than the following items of business:
- (a) Report on Disclosure of Pecuniary and Non-Pecuniary Interests;
  - (b) Matters where a Councillor has declared a pecuniary interest or a significant non-pecuniary conflict of interest; and/or
  - (c) Motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.

**Limitation as to number of speeches**

28. The [Local Government \(General\) Regulation 2005](#) governs the number and sequence of speeches that may be made during a meeting of the Council. Those provisions are not repeated in this Code.

**Questions may be put to Councillors and Council Employees**

29. The [Local Government \(General\) Regulation 2005](#) permits, subject to some controls, questions to be put to Councillors and Council Employees. Those provisions are not repeated in this Code. The following supplement those provisions.
30. A Councillor may ask two Questions on Notice at an Ordinary Meeting of Council. A written copy of each question asked must be handed by the Councillor to the Chief Executive Officer, or in his or her absence to a senior member of staff present at the meeting.
31. The form of responses to Questions on Notice is at the discretion of the person answering the question and may be by way of an answer or a comprehensive report to Council.

32. Where an answer has been provided to a Question on Notice and a Councillor seeks to have a matter arising from that question and answer considered by the Council, notice should be given to the Chief Executive Officer in the usual way. The Chief Executive Officer may include the item on the agenda for the next meeting, and make sure that the relevant Council staff prepare any necessary background documents or reports.
33. A Councillor or a Council employee to whom a question is put is entitled to be given reasonable notice of the question (i.e. a Question (given) On Notice) and, in particular, sufficient notice to enable reference to be made to other persons or to documents before answering the question.
34. Questions asked at Council Meetings will be recorded in the minutes of that meeting.

### **Voting at Council Meetings**

35. The [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#) prescribe voting entitlements in Meetings, how the result of such voting is determined, and how those votes are recorded (including making special provision for the recording of specified planning decisions under the [Environmental Planning and Assessment Act 1979](#)). Those provisions are not repeated in this Code. The following supplement those provisions.
36. Council may use electronic devices to record the votes cast by Councillors, but the requirement that voting take place by 'open means' still applies. Votes in writing are not allowed.
37. Councillors cannot participate in a meeting by video-conferencing or tele-conference. There are no 'proxy' votes at Council or committee meetings. A 'proxy' is a system where an absent Councillor can cast his or her vote by giving their vote to another Councillor.
38. ***Whenever the voting on a motion put to a Council Meeting is equal, the Chairperson is entitled to have a casting vote as well as an original vote.***

### **Voting at a meeting of a Committee of the Council**

39. ***Voting at a meeting of a Committee of the Council is to be by open means (such as on the voices or by show of hands).***
40. ***Council may use electronic devices to record the votes cast by Councillors, but the requirement that voting take place by 'open means' still applies. Votes in writing are not allowed.***
41. ***Whenever the voting on a motion put to a meeting of a Committee of the Council is equal, the Chairperson of the Committee of the Council is to have a casting vote as well as an original vote.***

### **Invited Speakers**

42. It is the absolute discretion of the Council to determine whether or not a member of the public who has requested permission to address the meeting of the Council ***or a meeting of a Committee of the Council*** is permitted to do so.

43. Any member of the public may make a request to the Chief Executive Officer for permission to address a meeting of the Council **or a meeting of a Committee of the Council** on any agenda item with the exception of:
- (a) Individual tenderers in respect to tenders;
  - (b) Reports concerning investigations of allegations of Code of Conduct violations by Councillors, Chief Executive Officer or other Council employees.
44. Only items listed on the current agenda (excluding those outlined in ~~2.12(2)~~ **Part D Clause 43** of this Code) can be spoken about.
45. Council may, by resolution, vary meeting practice to allow consideration of any item relating to the Invited Speaker to be dealt with following an Invited Speaker's address.
46. The speaker must not make defamatory or insulting statements. The speaker is to ensure they have approval to discuss other people's personal information.
47. An invited speaker must not, without the consent of Council, speak for longer than five minutes. Questions to speakers are allowed to clarify the position of the speaker or statements made. The speaker is under no obligation to answer any questions.

#### **Recording and Webcasting of Council Meetings**

48. The proceedings, including all debate, or all Ordinary and Extraordinary Meetings held in the Council chamber (excluding those parts of the meeting which are held in confidential session or those parts of the meeting closed to the public as provided by section 10A of the [Local Government Act 1993](#)) shall be recorded and webcast. The Council may edit or modify any recordings prior to broadcasting. Any such edits or modifications will be notified publicly by way of the Council's website.
49. The purpose of audio recording Council meetings is to ensure the accurate compilation of Minutes of those meetings.
50. The purpose of audio visual recordings of Council ~~and Committee~~ meetings, and the broadcasting over the internet of those recordings, is to provide a means by which to enhance community participation in such meetings, and to support the principles of openness, transparency, accountability and accessibility. The Chief Executive Officer may interrupt or suspend the webcasting of any meeting of the Council where such broadcast might prejudice the interests of the Council such as but not limited to preventing the publication by Council of material that is defamatory.
51. Comments made by participants in any Council or Committee **of the Council** meeting, which are derogatory or damaging to any person's character and reputation, including any other Councillor, employee of the Council, or member of the public, may be defamatory and may subject a participant to an action for defamation. Comments made during the course of a Council or Committee meeting may not be protected by the defence of absolute privilege under the [Defamation Act 2005](#), and may not attract any other defences available under that Act or the common law.
52. At the commencement of each recorded meeting, the Chairperson is to make a statement to the effect that the meeting is being audio and audio visually recorded and may be broadcasted over the internet live or at any time after a meeting at the discretion of Council.

53. Access to audio recordings (or requests for transcripts) by Councillors and members of the public will be determined in accordance with the [Government Information \(Public Access\) Act, 2009](#).
54. The Act and Regulation prohibit the recording of Council Meetings **or meeting of a Committee of the Council** other than by or as permitted by the Council, and permit the expulsion of any such person. Those provisions are not repeated in this Code.

## Conflicts of Interest

See also **Council's Code of Conduct** in relation to Conflict of Interests and Pecuniary Interest

55. The [Local Government Act 1993](#) and the [Code of Conduct](#) adopted by the Council regulate conflicts of interest. Those provisions are complex, and are not repeated in this Code of Meeting Practice. Councillors and Council Staff must comply with those provisions, and take care to ensure they understand their obligations under those provisions and appropriately manage any conflicts of interest. Those provisions are supplemented by the following provisions of this Code.
56. For the purpose of clarity and transparency, general disclosures are not permitted. Appropriate disclosures must be made for each time a matter in which the interest exists is considered.
57. The Minister for Local Government has power under the Act to permit a Councillor or a member of a Council committee who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business; or
  - (b) that it is in the interests of the electors for the area to do so.

## Quorum and Attendance

**Presence at Council Meetings and at Committee of the Council Meeting, Leaves of Absence and Quorum**

58. The [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#) prescribe how Councillors are able to participate in a meeting of the Council **and committees of the Council**, the granting of leave of absence to attend Council meetings, and the requirements for a quorum at a meeting of the Council. Those provisions are not repeated in this Code. It is important that Councillors understand those provisions.

## Motions and Amendments

### Motions

59. A motion is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council to consider.

60. A motion may be moved by the Councillor who placed the motion on the agenda for a meeting. If that Councillor is not present when the motion comes before that meeting another Councillor may move the motion, or the Chairperson may defer the motion to the next meeting of the Council.
61. The Chairperson must receive and put any lawful motion to the meeting, and must rule out of order any motion that is unlawful. A motion that is ruled out of order is taken to be rejected.
62. A motion cannot be debated until it has been seconded. The mover of a motion may be allowed by the Chairperson to briefly speak to the motion before calling for the motion to be seconded. The Regulation provides some exceptions to the requirement that a motion be seconded, which are not repeated in this Code.
63. The seconder of a motion or of an amendment may reserve the right to speak later in the debate.

**What is an Amendment?**

64. An amendment is a change to the motion before the Council (the initial motion), and is moved while the initial motion is being debated. An amendment to a motion must be put forward in a motion itself. It cannot be a direct negative of the original motion.
65. At the meeting a Councillor may move an amendment to any motion except a motion of dissent. An amendment cannot be debated unless it is seconded by another Councillor.
66. The amendment must be dealt with before voting on the main motion takes place. Debate is allowed only in relation to the amendment and not the main motion - which is suspended while the amendment is considered.
67. If an amendment is carried it becomes the motion.
68. If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
69. A Councillor may, when a motion and an amendment have been moved, foreshadow an intention to move a further amendment before the amendment has been voted upon. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with. If the amendment is rejected the foreshadowed amendment may be moved and any intention to move a further foreshadowed amendment outlined and so on until the matter is decided.

**What is a Resolution?**

70. A resolution is a motion that has been passed by a majority of Councillors at the Council Meeting. While in practice it means the 'Council decision', the word 'resolution' also indicates the process by which the decision was made.

## Motions of Dissent

71. The *Local Government (General) Regulation 2005* prescribes, in precise terms, how motions of dissent are made, spoken to and the determined. It is important that Councillors understand those provisions, as they are an important mechanism for regulating conduct and business in Council **and committees of the Council** meetings. Those provisions are not repeated in this Code.

## Rescission Motions

### Rescinding or Altering Resolutions

72. The *Local Government Act 1993* and *Local Government (General) Regulation 2005* prescribe, in precise terms, the circumstances in which a resolution of the Council may be rescinded or altered, and the means by which that may in some circumstances be done. This Code does not repeat those provisions, but does supplement those with the following additional matters.
73. A qualified motion outlining an alternative proposal, should a rescission motion be carried, should accompany any such notice of rescission.
74. The signatories of any such rescission motion will be given the first opportunity to speak to their rescission motion.
75. A rescission motion may come from the floor the same night as the item has been considered by Council. The rescission motion must be in writing, signed by three Councillors and handed to the Chief Executive Officer. The Chief Executive Officer will advise the Council and those present that a rescission motion has been lodged.
76. If notice of motion to rescind a resolution is given prior to 9.30am on the fifth calendar day after the meeting at which the resolution was passed, the resolution must not be carried into effect until the motion of rescission has been dealt with.

## Order at Meetings

### Questions of Order and dealing with disorder

77. The *Local Government Act 1993* and *Local Government (General) Regulation 2005* prescribe how questions of order, and acts of disorder, are to be dealt with. Those provisions are important mechanisms for ensuring that Council meetings and meetings of Committees of the Council (~~where all members of the Committee are Councillors~~) are conducted fairly, openly and efficiently. It is important that Councillors and Council Staff understand those provisions. Those provisions are not repeated in this Code.
78. The role of a Councillor is as follows:
- (a) to be an active and contributing member of the governing body;
  - (b) to make considered and well informed decisions as a member of the governing body;



- (c) to participate in the development of the integrated planning and reporting framework;
- (d) to represent the collective interests of residents, ratepayers and the local community;
- (e) to facilitate communication between the local community and the governing body;
- (f) to uphold and represent accurately the policies and decisions of the governing body; and
- (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

As such, Councillors should not involve themselves in the day-to-day administration of Council. Those matters are the responsibility of the Chief Executive Officer.

- 79. Councillors must not make personal attacks upon staff at meetings. If a Councillor has a complaint about a member of staff that complaint should be addressed in writing to the Chief Executive Officer. If the complaint is about the Chief Executive Officer it should be addressed in writing to the Mayor.
- 80. During debate within a meeting of Council **or at a meetings of a Committee of the Council**, Councillors are to respect the opinions being expressed by other Councillors and Council staff and not make comments of a derogatory or defamatory nature.

## Council Committees

- 81. The governing body of Council may resolve itself into a committee to consider any matter before the Council. All the provisions of the [Local Government Act 1993](#), [Local Government \(General\) Regulation 2005](#) and this Code that apply to meetings of the Council apply to each Committee of the **Council** ~~whole~~, other than those provisions limiting the number and duration of speeches and the requirement that Councillors stand while speaking.
- 82. The Chief Executive Officer or, in the absence of the Chief Executive Officer, an employee of the Council designated by the Chief Executive Officer, is responsible for reporting **at the following Ordinary Meeting of Council** ~~the to the Council~~ proceedings in Committees of the **Council or committees of the** whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 83. The Regulation also permits the Council to establish other committees comprised of the Mayor and such other Councillors as determined by resolution. The Regulation includes provisions regulating how the Council establishes such committees, how the Council determines the functions of those committees, and how those meetings are conducted and their resolutions recorded. This Code does not repeat those provisions.

## After the Meeting

### Decisions of the Council

84. A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.
85. A resolution of Council is effective upon it being passed by the Council.

### Public Access to Correspondence and Reports

86. A Council, a Committee of **the Council and a Committee of** which all members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting. That obligation does not apply if the correspondence or reports:
- (a) relate to a matter that was received or discussed, or were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public; or
  - (b) if the Council or Committee of **the Council** resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential.

## Minutes

### Minutes of the Meeting

87. The [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#) prescribe the content of minutes of Council Meetings **and of meetings of a Committee of the Council**, how those minutes are confirmed and signed, and how those minutes are to be made available for inspection. The provisions in the Act and Regulation are not repeated in this Code.

## Code of Meeting Practice

### Amendment of this Code

88. This Code may be amended only in accordance with the provisions of Chapter 12 Part 2 Division 1 of the [Local Government Act 1993](#).
89. Changes that are made to Act and Regulation will automatically be incorporated into this Code, as will typographical corrections and formatting, and such changes will not be advertised or reports to Council unless they are significant. Revised copies will be distributed to Councillors and placed on the website whenever changes are made.

## Council Workshops and Briefing Sessions

90. The Council may hold workshops and briefing sessions. Workshops and briefing sessions are not meetings of the Council or its formal standing committees, under this Code.
91. A Workshop may involve Councillors, staff and participants invited by the Chief Executive Officer. The Chief Executive Officer or their delegate will facilitate workshops or briefing sessions.
92. Workshops are not open to the public.
93. Workshops are informal and are intended and used to provide useful background information to Councillors on issues, to develop Councillor knowledge and expertise to assist in their role as public officials, and to provide informal input into relevant matters.
94. No Council decisions are to be made at workshops.
95. Workshops do not have any decision making authority or powers and shall not be used for transaction of Council business or detailed or advanced discussions where agreement is reached and/or a (de-facto) Council decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, shall be left to the open forum of a formal Council or committee meeting.
96. All Councillors are entitled to attend workshops.
97. Any information or briefing papers for a workshop shall be given to all Councillors. Any information given to a particular Councillor for a workshop in the performing of their civic duties must also be available to any other Councillor who requests it.
98. Workshop briefing papers shall contain information and options but no recommendations, and no recommendations are to be put to nor sought from, the Councillors or other workshop participants in the course of the workshop. General consensus on any options may be expressed by the workshop participants.
99. Conflict of interests provisions – both Pecuniary and Non-Pecuniary - do apply to workshops conducted by the Council under this clause and as such need to be appropriately identified, managed and a written record made.
100. The meeting procedures in the Act and the Regulation and in this Code do not apply to workshops held by the Council under this clause
  - (a) which apply to meetings of the Council and its formal committees comprising of all Councillors and only Councillors; and
  - (b) in respect of the attendance entitlements or requirements of Councillors and attendance entitlements of the public.
101. Minutes and recordings of the meeting will not be taken but a formal record of the workshop will be kept by Council staff detailing the date, subject, those present, the purpose of the workshop and any disclosures of interest.

## Annexure 1

<b>COMMITTEE OF THE COUNCIL</b>  <b>Environment and Planning Committee Terms of Reference</b> <b>Pursuant to section 355(b) of the NSW Local Government Act 1993</b>		
<b>MEMBERSHIP</b>	Mayor J Smith (Chairperson) Councillor G Best Councillor C Burke Councillor R Collins Councillor L Greenaway Councillor C Holstein Councillor J Hogan Councillor J Pilon	Councillor K MacGregor Councillor B McLachlan Councillor T Marquart Councillor L Matthews Councillor R Mehrtens Councillor J Sundstrom Councillor D Vincent
<b>VOTING MEMBERS</b>	All Councillors.	
<b>QUORUM</b>	Eight.	
<b>MEETING DATE, PLACE &amp; TIME</b>	Second Monday of the months of February to November inclusive. Meeting will be held at 49 Mann Street, Gosford or 2 Hely Street Wyong on an alternating basis, commencing 6.30pm.	
<b>CHARTER</b>	<p>To consider matters relating to significant development applications or those requested by Councillors to be presented to Council, the exhibition and adoption of the Local Environment Plans (LEPs), Development Control Plans (DCPs) and other planning instruments.</p> <p>To enable open discussion and community input into decision making on Central Coast development assessment, engineering assessment, environment, certification and strategic planning.</p> <p>To efficiently consider and recommend to Ordinary Meetings of Council the matters submitted to the Committee by the Chief Executive Officer or Group Leader, Environment and Planning.</p>	
<b>FUNCTIONS AND POWERS</b>	The Environment and Planning Committee of the Council (Committee) has no delegated authority and recommendations of the Committee of the Council will be referred to the next Ordinary Meeting of Council for determination.	
<b>TERM</b>	The term of this Committee shall be for the term of the 2017/2020 Council.	
<b>REPORTING REQUIREMENTS</b>	<p>In accordance with Clause 226 of the <i>Local Government (General) Regulation 2005</i> this Committee must ensure that full and accurate minutes of the proceedings of its meeting are kept and must ensure the following matters are recorded in the minutes:</p> <ul style="list-style-type: none"> <li>(a) details of each motion moved at a meeting and of any amendments moved to it;</li> <li>(b) the names of the mover and seconder of the motion or amendment; and</li> <li>(c) whether the motion or amendment is passed or lost.</li> </ul>	
<b>CONDUCT</b>	<p>All members of the Committee must acknowledge and abide by their responsibilities under Council's Code of Conduct.</p> <p>Meetings are to be held using the provisions of Council's Code of Meeting Practice.</p>	
<b>ADOPTION AND AMENDMENTS</b>	These Terms of Reference were adopted by Council on 23 October 2017 and may only be amended by resolution of Council.	

## Annexure 2

COMMITTEE OF THE COUNCIL		
Assets, Infrastructure and Business Committee Terms of Reference Pursuant to section 355(b) of the NSW Local Government Act 1993		
<b>MEMBERSHIP</b>	Mayor J Smith (Chairperson) Councillor G Best Councillor C Burke Councillor R Collins Councillor L Greenaway Councillor C Holstein Councillor J Hogan Councillor J Pilon	Councillor K MacGregor Councillor B McLachlan Councillor T Marquart Councillor L Matthews Councillor R Mehrtens Councillor J Sundstrom Councillor D Vincent
<b>VOTING MEMBERS</b>	All Councillors.	
<b>QUORUM</b>	Eight.	
<b>MEETING DATE, PLACE &amp; TIME</b>	Second Monday of the months of February to November inclusive. Meeting will be held at 49 Mann Street, Gosford or 2 Hely Street Wyong on an alternating basis, commencing 6.30pm.	
<b>CHARTER</b>	<p>To consider matters relating to the Assets, Infrastructure and Business operational functions of Council and to make recommendations on an ongoing basis.</p> <p>To enable open discussion and community input into decision making on Central Coast property and asset management, animals, business and economic development activities, roads, transport, drainage and water and sewer.</p> <p>To efficiently consider and recommend to full Council the matters submitted to the Committee by the Group Leader, Assets Infrastructure and Business.</p>	
<b>FUNCTIONS AND POWERS</b>	The Assets, Infrastructure and Business Committee of the Council (Committee) has no delegated authority and recommendations of the Committee of the Council will be referred to the next Ordinary Meeting of Council for determination.	
<b>TERM</b>	The term of this Committee shall be for the term of the 2017/2020 Council.	
<b>REPORTING REQUIREMENTS</b>	<p>In accordance with Clause 226 of the <i>Local Government (General) Regulation 2005</i> this Committee must ensure that full and accurate minutes of the proceedings of its meeting are kept and must ensure the following matters are recorded in the minutes:</p> <ul style="list-style-type: none"> <li>(a) details of each motion moved at a meeting and of any amendments moved to it;</li> <li>(b) the names of the mover and seconder of the motion or amendment; and</li> <li>(c) whether the motion or amendment is passed or lost.</li> </ul>	
<b>CONDUCT</b>	<p>All members of the Committee must acknowledge and abide by their responsibilities under Council's Code of Conduct.</p> <p>Meetings are to be held using the provisions of Council's Code of Meeting Practice.</p>	
<b>ADOPTION AND AMENDMENTS</b>	These Terms of Reference were adopted by Council on 23 October 2017 and may only be amended by resolution of Council.	

## Annexure 3

<b>COMMITTEE OF THE COUNCIL</b>  <b>Connected Communities Committee Terms of Reference</b> <b>Pursuant to section 355(b) of the NSW Local Government Act 1993</b>		
<b>MEMBERSHIP</b>	Mayor J Smith (Chairperson) Councillor G Best Councillor C Burke Councillor R Collins Councillor L Greenaway Councillor C Holstein Councillor J Hogan Councillor J Pilon	Councillor K MacGregor Councillor B McLachlan Councillor T Marquart Councillor L Matthews Councillor R Mehrtens Councillor J Sundstrom Councillor D Vincent
<b>VOTING MEMBERS</b>	All Councillors.	
<b>QUORUM</b>	Eight.	
<b>MEETING DATE, PLACE &amp; TIME</b>	Second Monday of the months of February to November inclusive. Meeting will be held at 49 Mann Street, Gosford or 2 Hely Street Wyong on an alternating basis, commencing 6.30pm.	
<b>CHARTER</b>	<p>To consider matters relating relating to the Connected Communities operations of Council and make recommendations on an ongoing basis.</p> <p>To enable open discussion and community input into decision making on Central Coast libraries, learning and education, community engagement, grants, community partnerships and leisure and lifestyle.</p> <p>To efficiently consider and recommend to full Council the matters submitted to the Committee by the Group Leader, Connected Communities.</p>	
<b>FUNCTIONS AND POWERS</b>	The Connected Communities Committee of the Council (Committee) has no delegated authority and recommendations of the Committee of the Council will be referred to the next Ordinary Meeting of Council for determination.	
<b>TERM</b>	The term of this Committee shall be for the term of the 2017/2020 Council.	
<b>REPORTING REQUIREMENTS</b>	<p>In accordance with Clause 226 of the <i>Local Government (General) Regulation 2005</i> this Committee must ensure that full and accurate minutes of the proceedings of its meeting are kept and must ensure the following matters are recorded in the minutes:</p> <p>(a) details of each motion moved at a meeting and of any amendments moved to it;</p> <p>(b) the names of the mover and seconder of the motion or amendment; and</p> <p>(c) whether the motion or amendment is passed or lost.</p>	
<b>CONDUCT</b>	<p>All members of the Committee must acknowledge and abide by their responsibilities under Council's Code of Conduct.</p> <p>Meetings are to be held using the provisions of Council's Code of Meeting Practice.</p>	
<b>ADOPTION AND AMENDMENTS</b>	These Terms of Reference were adopted by Council on 23 October 2017 and may only be amended by resolution of Council.	

## Annexure 4

COMMITTEE OF THE COUNCIL		
Corporate Services Committee Terms of Reference Pursuant to section 355(b) of the NSW Local Government Act 1993		
<b>MEMBERSHIP</b>	Mayor J Smith (Chairperson) Councillor G Best Councillor C Burke Councillor R Collins Councillor L Greenaway Councillor C Holstein Councillor J Hogan Councillor J Pilon	Councillor K MacGregor Councillor B McLachlan Councillor T Marquart Councillor L Matthews Councillor R Mehrtens Councillor J Sundstrom Councillor D Vincent
<b>VOTING MEMBERS</b>	All Councillors	
<b>QUORUM</b>	Eight.	
<b>MEETING DATE, PLACE &amp; TIME</b>	Second Monday of the months of February to November inclusive. Meeting will be held at 49 Mann Street, Gosford or 2 Hely Street Wyong on an alternating basis, commencing 6.30pm.	
<b>CHARTER</b>	To consider matters to the Corporate Service operations of Council and make recommendations on an ongoing basis.  To efficiently consider and recommend to Ordinary Meetings of Council the matters submitted to the Committee by the CEO and the Executive Leadership Team.	
<b>FUNCTIONS AND POWERS</b>	The Corporate Services Committee of the Council (Committee) has no delegated authority and recommendations of the Committee of the Council will be referred to the next Ordinary Meeting of Council for determination.	
<b>TERM</b>	The term of this Committee shall be for the term of the 2017/2020 Council.	
<b>REPORTING REQUIREMENTS</b>	In accordance with Clause 226 of the <i>Local Government (General) Regulation 2005</i> this Committee must ensure that full and accurate minutes of the proceedings of its meeting are kept and must ensure the following matters are recorded in the minutes:  (a) details of each motion moved at a meeting and of any amendments moved to it; (b) the names of the mover and seconder of the motion or amendment; and (c) whether the motion or amendment is passed or lost.	
<b>CONDUCT</b>	All members of the Committee must acknowledge and abide by their responsibilities under Council's Code of Conduct.  Meetings are to be held using the provisions of Council's Code of Meeting Practice.	
<b>ADOPTION AND AMENDMENTS</b>	These Terms of Reference were adopted by Council on 23 October 2017 and may only be amended by resolution of Council.	

**Item No:** 4.4

**Title:** Terrigal Lagoon Walking Track - Marine Discovery Centre Application for NSW Regional Growth - Environment and Tourism Fund

**Department:** Assets, Infrastructure and Business

23 October 2017 Ordinary Council Meeting

Author: Peter Ham, Unit Manager Waterways and Coastal Protection  
 Manager: Mike Dowling, Director Assets Infrastructure and Business

### Report Purpose

To outline the potential for Council to support the Marine Discovery Centre's application to the NSW Government's Regional Growth – Environment and Tourism Fund through the in-kind delivery of a walking track around Terrigal Lagoon.

### Recommendation

***Council resolves to support the Marine Discovery Centre's application for Regional Growth – Environment and Tourism Funding through the construction of an increased educational facility walking track around Terrigal Lagoon by:***

- ***Including an allowance of \$250,000 in Council's draft 2018/19 FY budget, and***
- ***An allowance of \$250,000 in Council's draft 2019/20 FY budget.***

### Background

The Central Coast Marine Discovery Centre (MDC) submitted an expression of interest (EOI) application to the NSW Government's Regional Growth – Environment & Tourism Fund earlier in 2017. The application comprises three components being:

- an upgrade to the Marine Discovery Centre,
- a walking track and boardwalk around Terrigal Lagoon, and
- a 'Wonders of the Wreck' program to link with the Ex-HMAS Adelaide Artificial Reef.

The walking track around Terrigal Lagoon is to be used for environmental educational tours with schools and other groups. The works would also comprise restoration and weed removal in the adjacent bushland.

The MDC has been successful with the EOI phase and has now been requested to provide a detailed application for funding by 31 October 2017. The funding guidelines require a minimum total project size of \$1 million with at least \$500,000 grant funds requested. The MDC has approached Council to provide matching works of \$500,000 value through the construction of the 1.6 kilometre walking track and boardwalk



#### 4.4 Terrigal Lagoon Walking Track - Marine Discovery Centre Application for NSW Regional Growth - Environment and Tourism Fund (contd)

around Terrigal Lagoon. An approximate location of the walking track is shown below in Figure 1. The walking track at this stage is envisaged to comprise sections of gravel on grade walking track and sections of raised boardwalk where water crossings are required.

The provision of a walking track will connect with walkways to be constructed by Council as part of the upgrade to the Terrigal Rotary Park (plan attached). It will also assist to meet specific recreation and education linked actions in Council's Gosford Lagoons Coastal Zone Management Plan.



Figure1: Indicative location of walking track around Terrigal Lagoon

This proposal aligns well with Council's current policies and the approved Coastal Zone Management Plan (CZMP) for the lagoons.

Council's overarching management goals for the coastal lagoons are:

1. To provide a strategic framework for the future management of Gosford's Coastal lagoons, now and into the future.
2. To improve community awareness and understanding of the lagoon systems through their involvement in the development and implementation of the Plan.
3. To be consistent with the NSW Estuaries Policy and the principles of Ecologically Sustainable Development.

4. To provide a framework for implementation such that all the objectives and desired goals set for the lagoons may be achieved.

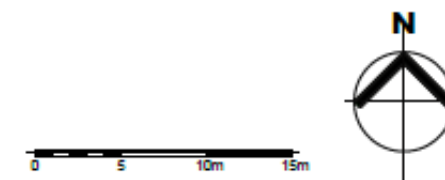
**Financial Impact**

This project if it proceeds would have an estimated Council capital cost of \$250,000 in the 2018/19 financial year and \$250,000 in the 2019/20 financial year.

**Attachments**

- 1 Landscape Concept Plan, Terrigal Rotary Park      D12852417



[illegible]

**Item No:** 5.1  
**Title:** Investment report for September 2017  
**Department:** Finance and Information

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23 October 2017 Ordinary Council Meeting

Author: Devini Susindran, Financial Accountant Treasury and Taxation  
Manager: Eros Tessarolo, Contractor Financial Controller  
Executive: Vivienne Louie, Chief Financial Officer

## Report Purpose

To present the monthly report on the investment portfolio as required in accordance with clause 212 of the *Local Government (General) Regulation 2005*

## Summary

This report details Council's investments as at 30 September 2017.

## Recommendation

***That Council receive the Investment report for September 2017.***

## Background

Council's investments are made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, the investment policy adopted at the Ordinary Council Meeting on 26 April 2017, Ministerial Investment Order issued February 2011 and Division of Local Government (as it was then known) Investment Policy Guidelines published in May 2010.

## Current Status

Council's current cash and investment portfolio totals \$418.8m at 30 September 2017.

Source of Funds	Value (\$'000)
Investment Portfolio	\$415,057
Transactional accounts (per bank statements) and cash in hand	\$3,750
<b>Total</b>	<b>\$418,807</b>

This investment report will focus on the investment portfolio of \$415.1m.

## 5.1 Investment report for September 2017 (contd)

Cash flows are managed primarily through term deposit and floating rate note maturities, with a net inflow of \$2.2m in September 2017.

Total net return on the portfolio for Council, in September was \$1.0m, comprising entirely of interest earnings. The total value of the Council's investment portfolio as at 30 September 2017 is outlined in Table 1 below.

**Table 1 – Portfolio movement for September 2017**

Description	13 May – 30 June 2016 \$'000	Full Year ended June 2017 \$'000	July 2017 \$'000	August 2017 \$000	September 2017 \$000	Year to-date September 2017 \$'000
Opening Balance	293,689	315,179	409,890	401,790	412,827	409,890
Movement for the period	21,490	94,711	(8,100)	11,037	2,230	5,167
Closing Balance	315,179	409,890	401,790	412,827	415,057	415,057
Interest earnings	1,300	10,828	982	966	956	2,904
Gain / (Loss) on disposal of Floating Rate Notes		3	0	0	0	0

Council's investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB long term or above) and time horizon of the investment concerned. Council's investment portfolio includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the term deposit and floating rate notes maturities are listed in Table 2 below.

**Table 2 - Investment Maturities**

Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000
At Call	2.30%	Immediate	9,542
Investments			
0 - 3 months	12.77%	Dec-2017	53,000
4 - 6 months	21.68%	Mar-2018	90,000
7 - 12 months	44.28%	Sep-2018	183,765
1 - 2 years	8.37%	Sep-2019	34,750
2 - 3 years	6.99%	Sep-2020	29,000
3 - 4 years	1.20%	Sep-2021	5,000
4 - 5 years	2.41%	Sep-2022	10,000
Total Investments	97.70%		405,515
Total Portfolio	100.00%		415,057

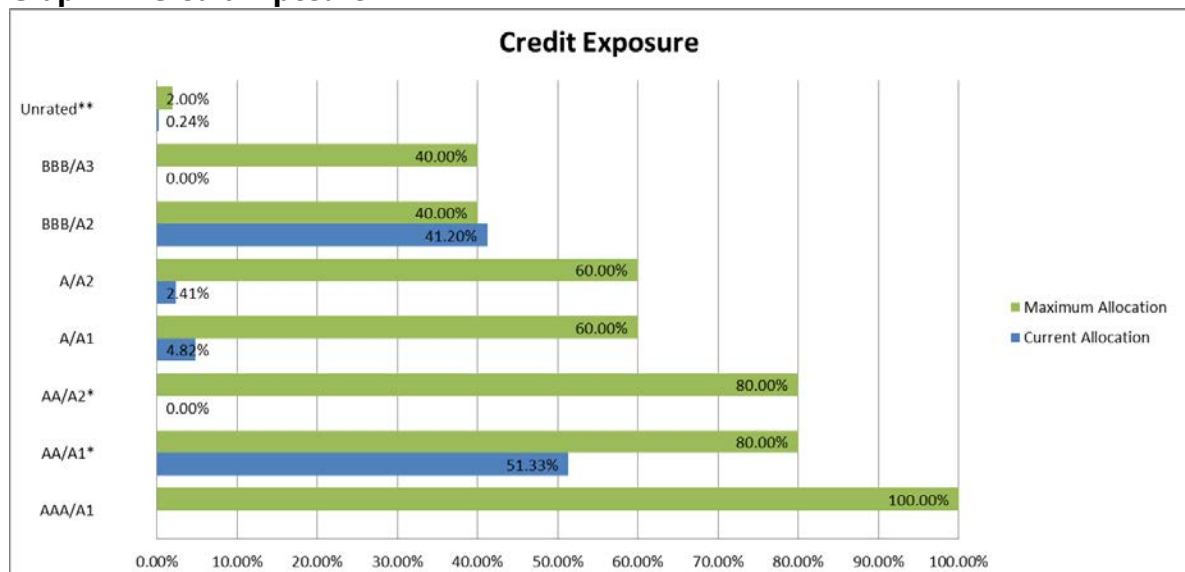
The investment portfolio is concentrated in A1/AA (51.33%) and A2/BBB (41.20%). The investments in A1/AA are of a higher credit rating and A2/BBB represented the best returns at the time of investment within Policy guidelines.

Council adopted its current investment policy at its meeting on 26 April 2017. Subsequent to its adoption Standard and Poors Global Ratings downgraded 23 financial institutions including "Bank of Queensland" and "Bendigo & Adelaide Bank". This downgrade increased Council's exposure in BBB+ investments from 30.84% to 49.00% exceeding the policy guideline. It is expected Council will be back within current policy guidelines by October 2017.

The Finance team are drafting some changes to the policy guidelines based on recommendations from the Audit, Risk and Improvement Committee. It is expected the revised Investment policy and guidelines will be presented to Council for adoption in the next ordinary Council meeting in November. The portfolio will be rebalanced to higher credit classes over the next twelve months.

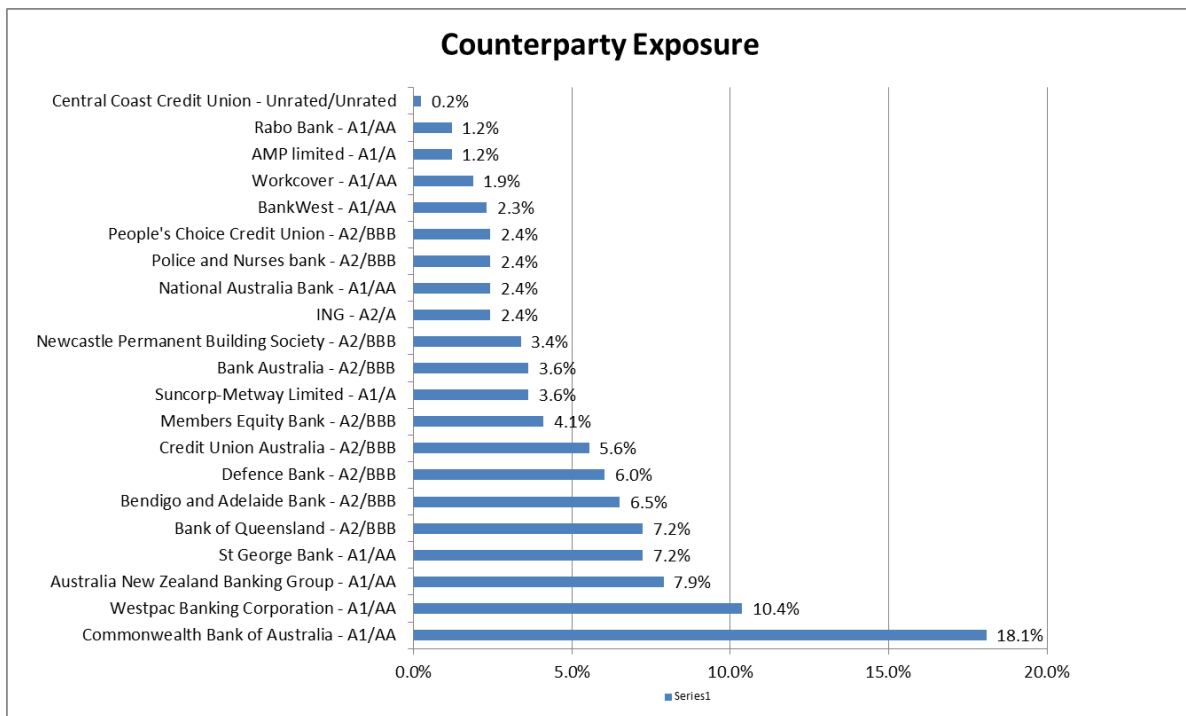
The current spread of investments is listed in Graph 1 and counter party credit exposure is listed in Graph 2.

**Graph 1 – Credit Exposure**



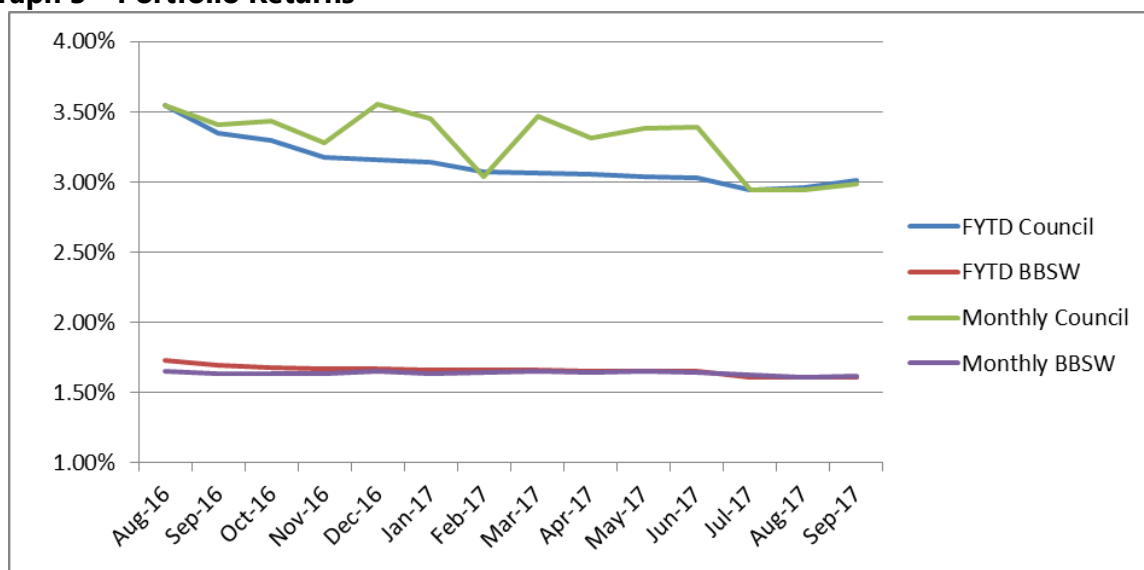
\* **AA/A1:** Council has provided security for self-insurance by way of a term deposit invested in an ADI (with a short term S & P rating of A1) through State Insurance Regulatory Authority (formerly WorkCover NSW). This security has been included as part of Council's investment portfolio. Council regularly conducts a review to identify the optimal security providing Council with the best return possible.

\*\* **Unrated:** Unrated investment comprises of a term deposit with Central Coast Credit Union

**Graph 2 - Counter party credit exposure****Portfolio Return**

Interest rates in the month, ranged from 2.40% to 4.87%, all of which exceeded the annualised monthly Bank Bill Swap Rate (BBSW) benchmark of 1.61%.

The annualised financial year to date return for September of 3.01% for the Central Coast Council is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* Bank Bill Index of 1.61% as shown in Graph 3 - Portfolio returns.

**Graph 3 – Portfolio Returns**



**Council's portfolio by Source of Funds**

Council is required to restrict funds received for specific purposes. Restricted funds consist of funds in the investment portfolio and in transactional accounts as follows:

<b>Source of Funds</b>	<b>Value (\$'000)</b>
Investment Portfolio	\$415,057
Transactional accounts	\$3,750
<b>Total</b>	<b>\$418,807</b>
Restricted Funds	\$322,478
Unrestricted Funds	\$96,329

Attachment 2 details the draft restrictions for Council by fund as at 31 May 2017. Restrictions for June 2017 are currently being finalised as part of the preparation of the Financial Statements for the period ending 30 June 2017.

**Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Summary of Investments By Type at 30 September 2017 | D12850366 |
| <b>2</b> | Summary of restrictions at 31 May 2017              | D12734861 |



Central Coast Council Summary of Investments as at 30-September-2017							
Financial Institution	Type of Investment	Short Term Rating	Long Term Rating	Maturity Date	Portfolio Balance as at 30 September 2017 \$	As a % of the total Portfolio	Interest Rate %
<b>CASH AT CALL:</b>							
Westpac Banking Corporation	Corporate Investment Account	A1	AA	Daily	-	0.00%	1.60
Workcover	At Call Deposit	A1	AA	Daily	-	0.00%	1.00
Bankwest	At Call Deposit	A1	AA	Daily	9,542,022	2.30%	1.75
Commonwealth Bank of Australia	Business On-line Saver	A1	AA	Daily	-	0.00%	1.20
<b>Total Cash At Call</b>					<b>9,542,022</b>	<b>2.30%</b>	
<b>TERM DEPOSITS, FLOATING RATE NOTES &amp; BONDS:</b>							
Credit Union Australia	Term Deposit	A2	BBB	05-Oct-2017	5,000,000	1.20%	2.85
Westpac Banking Corporation	Term Deposit	A1	AA	10-Oct-2017	4,000,000	0.96%	3.00
Credit Union Australia	Term Deposit	A2	BBB	24-Oct-2017	5,000,000	1.20%	2.85
Westpac Banking Corporation	Term Deposit	A1	AA	24-Oct-2017	4,000,000	0.96%	3.00
Credit Union Australia	Term Deposit	A2	BBB	07-Nov-2017	5,000,000	1.20%	2.85
Westpac Banking Corporation	Term Deposit	A1	AA	07-Nov-2017	4,000,000	0.96%	3.00
Westpac Banking Corporation	Term Deposit	A1	AA	21-Nov-2017	4,000,000	0.96%	3.00
Australia New Zealand Banking Group	Term Deposit	A1	AA	22-Nov-2017	5,000,000	1.20%	2.76
Westpac Banking Corporation	Term Deposit	A1	AA	05-Dec-2017	4,000,000	0.96%	3.00
Australia New Zealand Banking Group	Term Deposit	A1	AA	07-Dec-2017	5,000,000	1.20%	2.76
Police and Nurses Bank	Term Deposit	A2	BBB	18-Dec-2017	5,000,000	1.20%	2.95
Credit Union Australia	Floating Rate Note	A2	BBB	22-Dec-2017	3,000,000	0.72%	BBSW +1.20%
Bank of Queensland	Term Deposit	A2	BBB	03-Jan-2018	5,000,000	1.20%	2.76
Police and Nurses Bank	Term Deposit	A2	BBB	03-Jan-2018	5,000,000	1.20%	2.97
Bank of Queensland	Term Deposit	A2	BBB	10-Jan-2018	5,000,000	1.20%	2.78
Australia New Zealand Banking Group	Term Deposit	A1	AA	10-Jan-2018	5,000,000	1.20%	2.77
Bendigo and Adelaide Bank	Term Deposit	A2	BBB	17-Jan-2018	5,000,000	1.20%	2.80
Defence Bank	Term Deposit	A2	BBB	17-Jan-2018	5,000,000	1.20%	3.00
Australia New Zealand Banking Group	Term Deposit	A1	AA	23-Jan-2018	5,000,000	1.20%	2.77
Bank of Queensland	Term Deposit	A2	BBB	07-Feb-2018	5,000,000	1.20%	2.75
Central Coast Credit Union	Term Deposit	Unrated	Unrated	16-Feb-2018	1,000,000	0.24%	2.40
People's Choice Credit Union	Term Deposit	A2	BBB	17-Feb-2018	5,000,000	1.20%	3.10
Defence Bank	Term Deposit	A2	BBB	21-Feb-2018	5,000,000	1.20%	2.75
Credit Union Australia	Term Deposit	A2	BBB	21-Feb-2018	5,000,000	1.20%	2.75
Members Equity Bank	Term Deposit	A2	BBB	22-Feb-2018	5,000,000	1.20%	2.67
Bendigo and Adelaide Bank	Term Deposit	A2	BBB	27-Feb-2018	5,000,000	1.20%	2.83
Newcastle Permanent Building Society	Floating Rate Note	A2	BBB	27-Feb-2018	4,000,000	0.96%	BBSW +1.10%
People's Choice Credit Union	Term Deposit	A2	BBB	07-Mar-2018	5,000,000	1.20%	3.10
Defence Bank	Term Deposit	A2	BBB	14-Mar-2018	5,000,000	1.20%	2.80
Commonwealth Bank of Australia	Term Deposit	A1	AA	14-Mar-2018	5,000,000	1.20%	2.62
Defence Bank	Term Deposit	A2	BBB	20-Mar-2018	5,000,000	1.20%	3.10
Suncorp-Metway Limited	Term Deposit	A1	A	04-Apr-2018	5,000,000	1.20%	2.60
St George Bank	Term Deposit	A1	AA	05-Apr-2018	5,000,000	1.20%	2.90
Bank Australia	Term Deposit	A2	BBB	10-Apr-2018	5,000,000	1.20%	2.85
Suncorp-Metway Limited	Term Deposit	A1	A	11-Apr-2018	5,000,000	1.20%	2.60
Members Equity Bank	Floating Rate Note	A2	BBB	17-Apr-2018	2,000,000	0.48%	BBSW +1.30%
Bank of Queensland	Term Deposit	A2	BBB	18-Apr-2018	5,000,000	1.20%	2.60
Defence Bank	Term Deposit	A2	BBB	18-Apr-2018	5,000,000	1.20%	3.10
Workcover	Term Deposit	A1	AA	19-Apr-2018	7,765,000	1.87%	2.59
Bank Australia	Term Deposit	A2	BBB	24-Apr-2018	5,000,000	1.20%	2.85
Bank of Queensland	Term Deposit	A2	BBB	26-Apr-2018	5,000,000	1.20%	2.60
Bendigo and Adelaide Bank	Term Deposit	A2	BBB	02-May-2018	5,000,000	1.20%	2.70
Bank Australia	Term Deposit	A2	BBB	03-May-2018	5,000,000	1.20%	2.85
Bendigo and Adelaide Bank	Term Deposit	A2	BBB	09-May-2018	5,000,000	1.20%	2.70
Commonwealth Bank of Australia	Term Deposit	A1	AA	09-May-2018	5,000,000	1.20%	2.64
Commonwealth Bank of Australia	Term Deposit	A1	AA	16-May-2018	5,000,000	1.20%	2.64
Australia New Zealand Banking Group	Term Deposit	A1	AA	22-May-2018	5,000,000	1.20%	2.80
Commonwealth Bank of Australia	Term Deposit	A1	AA	22-May-2018	5,000,000	1.20%	2.64
St George Bank	Term Deposit	A1	AA	28-May-2018	5,000,000	1.20%	2.60
St George Bank	Term Deposit	A1	AA	04-Jun-2018	5,000,000	1.20%	2.60
Commonwealth Bank of Australia	Term Deposit	A1	AA	04-Jun-2018	5,000,000	1.20%	2.64

Central Coast Council Summary of Investments as at 30-September-2017							
Financial Institution	Type of Investment	Short Term Rating	Long Term Rating	Maturity Date	Portfolio Balance as at 30 September 2017 \$	As a % of the total Portfolio	Interest Rate %
St George Bank	Term Deposit	A1	AA	12-Jun-2018	5,000,000	1.20%	2.60
Commonwealth Bank of Australia	Term Deposit	A1	AA	12-Jun-2018	5,000,000	1.20%	2.64
St George Bank	Term Deposit	A1	AA	19-Jun-2018	5,000,000	1.20%	2.60
Commonwealth Bank of Australia	Term Deposit	A1	AA	19-Jun-2018	5,000,000	1.20%	2.64
Commonwealth Bank of Australia	Term Deposit	A1	AA	22-Jun-2018	5,000,000	1.20%	2.64
Commonwealth Bank of Australia	Term Deposit	A1	AA	10-Jul-2018	5,000,000	1.20%	2.58
Commonwealth Bank of Australia	Term Deposit	A1	AA	17-Jul-2018	5,000,000	1.20%	2.58
Commonwealth Bank of Australia	Term Deposit	A1	AA	24-Jul-2018	5,000,000	1.20%	2.58
National Australia Bank	Term Deposit	A1	AA	31-Jul-2018	5,000,000	1.20%	2.58
National Australia Bank	Term Deposit	A1	AA	07-Aug-2018	5,000,000	1.20%	2.58
Commonwealth Bank of Australia	Term Deposit	A1	AA	14-Aug-2018	5,000,000	1.20%	2.62
Commonwealth Bank of Australia	Term Deposit	A1	AA	21-Aug-2018	5,000,000	1.20%	2.64
Commonwealth Bank of Australia	Term Deposit	A1	AA	04-Sep-2018	5,000,000	1.20%	2.64
Commonwealth Bank of Australia	Term Deposit	A1	AA	11-Sep-2018	5,000,000	1.20%	2.66
ING	Term Deposit	A2	A	18-Sep-2018	5,000,000	1.20%	2.68
ING	Term Deposit	A2	A	25-Sep-2018	5,000,000	1.20%	2.69
Westpac Banking Corporation	Term Deposit	A1	AA	25-Sep-2018	4,000,000	0.96%	3.10
Australia New Zealand Banking Group	Term Deposit	A1	AA	30-Oct-2018	5,000,000	1.20%	4.87
St George Bank	Term Deposit	A1	AA	04-Nov-2018	5,000,000	1.20%	3.00
Bendigo and Adelaide Bank	Floating Rate Note	A2	BBB	14-Nov-2018	3,000,000	0.72%	BBSW +1.27%
Bank of Queensland	Term Deposit	A2	BBB	22-Nov-2018	5,000,000	1.20%	2.90
Westpac Banking Corporation	Floating Rate Note	A1	AA	25-Feb-2019	5,000,000	1.20%	BBSW +0.94%
AMP Limited	Floating Rate Note	A1	A	11-Jun-2019	5,000,000	1.20%	BBSW +1.10%
Australia New Zealand Banking Group	Floating Rate Note	A1	AA	25-Jul-2019	2,750,000	0.66%	BBSW +0.82%
Westpac Banking Corporation	Term Deposit	A1	AA	24-Sep-2019	4,000,000	0.96%	3.20
Westpac Banking Corporation	Term Deposit	A1	AA	17-Mar-2020	10,000,000	2.41%	3.10
Members Equity Bank	Floating Rate Note	A2	BBB	05-Apr-2020	10,000,000	2.41%	3.05
Bendigo and Adelaide Bank	Floating Rate Note	A2	BBB	18-Aug-2020	4,000,000	0.96%	BBSW +1.10%
Rabo Bank	Term Deposit	A1	AA	07-Sep-2020	5,000,000	1.20%	3.50
Suncorp-Metway Limited	Floating Rate Note	A1	A	20-Oct-2020	4,500,000	1.08%	BBSW +1.25%
Suncorp-Metway Limited	Floating Rate Note	A1	A	20-Oct-2020	500,000	0.12%	BBSW +1.25%
Newcastle Permanent Building Society	Floating Rate Note	A2	BBB	24-Jan-2022	10,000,000	2.41%	BBSW +1.65%
Total Term Deposit & Bonds:					405,515,000	97.70%	
<b>TOTAL PORTFOLIO</b>					<b>415,057,022</b>	<b>100.00%</b>	
Current					336,307,022	81.03%	
Non-Current					78,750,000	18.97%	
<b>TOTAL PORTFOLIO</b>					<b>415,057,022</b>	<b>100.00%</b>	

Central Coast Council

Summary of Restrictions 31/05/2017

Fund	Source of Funds	Principal Amount
GENERAL FUND	Loans	866,917
	Unexpended grants	3,497,813
	Contributions to works including COSS	6,939,447
	Insurance Reserve	876,675
	Developer Contributions	23,402,106
	RMS reserve	65,648
	General Internal Restricted Assets	78,381,919
	Developer Contributions (including Voluntary Planning Agreements)	30,578,242
	Unexpended Grants	13,114,956
	RMS Advances	85,827
	Self Insurance	7,142,674
	Stormwater Levy	4,528,374
	Domestic Waste Management (Tip Rehabilitation)	38,659,116
	Unexpended Contributions	613,874
	Holiday Park Surplus	6,444,227
	Cemeteries Surplus	497,847
	Internal commitments	30,890,134
	<b>TOTAL GENERAL FUND RESTRICTIONS</b>	<b>246,585,796</b>
SEWER FUND	Developer Contributions	4,866,680
	Loans	706,418
	Sewer Internal restricted Assets	6,076,251
	Specific Purpose Unexpended Loans	394,057
	Developer Contributions (including Voluntary Planning Agreements)	8,798,259
	Self Insurance	284,581
	Internal commitments	217,851
	<b>TOTAL SEWER FUND RESTRICTIONS</b>	<b>21,344,097</b>
WATER FUND	Developer Contributions	10,652,564
	Unexpended grants	1,050,000
	Water Internal Restricted Assets	2,240,240
	Drainage Internal Restricted Assets	287,222
	Developer Contributions (including Voluntary Planning Agreements)	38,039,271
	Unexpended Grants	1,441,634
	Self Insurance	337,745
	Unexpended Contributions	99,849
	Internal commitments	399,440
	<b>TOTAL WATER FUND RESTRICTIONS</b>	<b>54,547,965</b>
<b>TOTAL PORTFOLIO</b>		<b>322,477,858</b>

**Item No:** 6.1  
**Title:** Notice of Motion - Status of Women's Advisory Group  
**Department:** Councillor

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23 October 2017 Ordinary Council Meeting

Author: Councillor Matthews

Councillor Matthews has given notice that at the Ordinary Council Meeting to be held on 23 October 2017 she will move the following Motion:

- 1 That Council staff develop a Terms of Reference to form a Central Coast Status of Women's Advisory Group to promote the role women in leadership roles within local government and report back to Council.***
- 2 That all female Councillors be provided the opportunity to be a member of the group.***
- 3 That the group have at least 10 community members including but not limited to one woman being indigenous, one being under 25, one being from non English speaking background and one with a disability.***
- 4 That adequate funding be provided to the group to allow it to perform its role.***

#### **Resources**

There are no staff nor budget currently allocated to this project- so any decisions would have a financial implication.

#### **Attachments**

*Nil.*



**Item No:** 6.2  
**Title:** Notice of Motion - Opposition to the Proposed Wallarah 2 Coal Project  
**Department:** Councillor

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23 October 2017 Ordinary Council Meeting

Author: Councillor MacGregor

Councillor MacGregor has given notice that at the Ordinary Council Meeting to be held on 23 October 2017 he will move the following Motion:

- 1** *That Council continues opposition to the proposed Wallarah 2 Coal Project as previously continually opposed by the former Wyong and Gosford Councils, and consistent with the Central Coast Council's resolution.*
- 2** *That Council, having formally submitted in writing at the 2017 Planning Assessment Commission hearing its opposition to the Wallarah 2 Coal Project, continue to support the community opposition to the Wallarah 2 Coal Project for the following reasons:*
  - *loss of integrity of the Wyong water catchment valleys (Dooralong and Yarramalong),*
  - *loss of the town water supply,*
  - *unacceptable damage to public infrastructure in the subsidence area.*
- 3** *That the Mayor immediately write to the Premier and the Planning Minister affirming its opposition to the Wallarah 2 Coal Project and call upon the Government to honour its ironclad promise and guarantee, made both in public and in writing as Liberal Party Policy, to legislate to not allow mining in the Wyong water catchment valleys.*

#### **Attachments**

*Nil.*