



It's Anzac Day this weekend and a number of events are being held to celebrate the centenary. A flag raising was recently held at Council and a number of centenary flags are now flying high across the Shire.

VALUE. CREATE. LEAD

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MEETING NOTICE

**The Ordinary Council Meeting
of Wyong Shire Council
will be held in the Council Chamber,
Wyong Civic Centre, Hely Street, Wyong on
Wednesday 22 April 2015 at 5.00pm,
for the transaction of the business listed below:**

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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9 QUESTIONS ON NOTICE ASKED

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2015/00040 - D11899443

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jade Maskiewicz; Councillor Services Officer

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2015/00040 - D11899471
MANAGER: Lesley Crawley, Manager Corporate Governance
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

Date	Briefing	Directorate
22 April 2015	Tuggerah Sports Precinct	Community and Recreation Services
22 April 2015	Public Exhibition of Draft DCP 2013: Chapter 3.6 - Tree and Vegetation Management	Development and Building
22 April 2015	Rates Communication	GM Unit
22 April 2015	Ourimbah Masterplan and Land Use Review	Property and Economic Development
22 April 2015	Draft Wyong Shire Council Strategic Plan 2015-2019	GM Unit

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting 22 April 2015 D11911299



Proposed Briefings List to Date



Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Tuggerah Sports Precinct	Community and Recreation Services		22/04/2015
Public Exhibition of Draft DCP 2013: Chapter 3.6 - Tree and Vegetation Management	Development and Building		22/04/2015
Rates Communication	GM Unit		22/04/2015
Ourimbah Masterplan and Land Use Review	Property and Economic Development		22/04/2015
Draft Wyong Shire Council Strategic Plan 2015-2019	GM Unit		22/04/2015
INSPECTION: Rezoning 10 Oscar Drive, Chittaway Point - RZ/7/2009	Development and Building		06/05/2015
INSPECTION: Long Jetty Foreshore	Property and Economic Development		06/05/2015
INSPECTION - Gross Pollutant Traps	Infrastructure Management		06/05/2015
Ward Forums Annual Review	Community and Recreation Services		13/05/2015
Magenta Shared Pathway	Community and Recreation Services		13/05/2015
Future communication and marketing approach	Community and Recreation Services		13/05/2015
Customer Satisfaction Survey 2015 - Overview & Results	Community and Recreation Services		13/05/2015
Rezoning - 10 Oscar Dr Chittaway Point - RZ/7/2009	Development and Building		13/05/2015
Discuss and consider submissions -- Q3	GM Unit		27/05/2015
Voice of Customer Program	Community and Recreation Services		27/05/2015
Fit for the Future - Staff survey results			27/05/2015
INSPECTION: RZ/6/2014 - 216-220 Main Road Toukley - Rustrum Key Site & Part Toukley Gardens	Development and Building		03/06/2015
Review 'Fit for the Future' Final Submission discussion	GM Unit		24/06/2015
Development Infrastructure - Porters Creek Stormwater Diversion Project	Property and Economic Development	May	

1.3 Address By Invited Speakers

TRIM REFERENCE: F2015/00040 - D11899525
MANAGER: Lesley Crawley, Manager Corporate Governance
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

RECOMMENDATION

That Council receive the report on Invited Speakers.

ATTACHMENTS

Nil.

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2015/00040 - D11899529

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 8 April 2015.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 8 April 2015.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Minutes - Ordinary Meeting 8 April 2015 | D11907532 |
| 2 | Confidential Minutes - Ordinary Meeting 8 April 2015 - | D11907990 |

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL**

HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG

ON 08 APRIL 2015
COMMENCING AT 5.00PM

PRESENT

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

IN ATTENDANCE

General Manager, Director Development and Building, Acting Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, Communications Coordinator, IT and Operations Manager and two administration staff.

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.01 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Mayor Eaton OAM delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

APOLOGIES

There were no apologies.

At the commencement of the Ordinary meeting report numbers 1.1, 8.1, 1.5, 2.1, 2.2, 2.3, 3.1, 4.3, 5.1, 5.5 and 6.2 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

Item 2.1 - DA/1137/2014 - Proposed secondary dwelling, deck, awning and pool at Noraville

Councillor Best declared a pecuniary interest in the matter for the reason that he is the owner of the site in question. He left the chamber at 5.49 pm, took no part in discussion, did not vote and returned to the chamber at 5.50 pm.

Item 8.1 - Rescission Motion - Removal of Buff Point Affordable Housing from Major Amendment 1 to Wyong LEP 2013

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he has relatives that live near the Buff Point Oval. Councillor Vincent left the chamber at 5.06 pm, took no part in discussion, did not vote and returned to the chamber at 5.44 pm.

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

294/15 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

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

295/15 That Council allow meeting practice to be varied.

296/15 That Council use the exception method to deal with the balance of the Agenda.

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

297/15 That with the exception of report numbers 1.5, 2.1, 2.2, 2.3, 3.1, 4.3, 5.1, 5.5, 6.2 and 8.1 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

298/15 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

299/15 That Council receive the amended report on Invited Speakers.

300/15 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

1.4 Confirmation of Minutes of Previous Meeting

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

301/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 25 March 2015.

Business Arising

There was no business arising.

1.5 Mayoral Minute - Motions to 2015 National General Assembly of Local Government

RESOLVED unanimously on the motion of Councillor EATON:

302/15 That Council submit the following motions to the 2015 National General Assembly of Local Government:

a Amendments to 888 Significant Investment Visa Scheme

That the National General Assembly call on the federal government to promote investment in rural and regional Australia by way of incentives introduced into the 888 Significant Investment Visa scheme that favours investment in rural and regional Australia.

Council Note

This visa class requires an investment of \$5million but unlike most other business visas there is no regional version that has lower thresholds. This means the majority of the investment is going into the major metropolitan areas.

A requirement could be introduced to have at least \$1m of the \$5 m invested in the regions.

b National Financing Authority

That the National General Assembly calls on the Federal Government to work with State and Territories to establish a national financing authority to finance local government borrowing through the issuance of infrastructure bonds to investment markets.

Council Note:

Such a mechanism follows on success of similar financing programs in Sweden and New Zealand."

2.1 DA/1137/2014 - Proposed secondary dwelling, deck, awning and pool at Noraville

Councillor Best declared a pecuniary interest in the matter for the reason that he is the owner of the site in question. He left the chamber at 5.49 pm, took no part in discussion, did not vote and returned to the chamber at 5.50 pm.

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

303/15 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.

304/15 That Council advise those who made a submission of Councils decision.

305/15 That Council authorise the General Manager to determine any applications for minor modifications to the approved development plans and/or consent conditions.

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

AGAINST: NIL

2.2 RZ/15/2014 - Planning Proposal - Lot 1 DP 1012816 31 Palmdale Road Palmdale.

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

306/15 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 pursuant to section 55 of the Environmental Planning and Assessment Act (EP&A), 1979, to rezone Lot 1 DP 1012816 from RU2 Rural Landscape to Part SP2 Special Purpose – Cemetery, Part E2 Environmental Conservation and Part RU2 Rural Landscape.

307/15 That Council forward the planning proposal to the Department of Planning and Environment (DP&E) seeking a gateway determination.

308/15 That Council request and consider the outcomes of a geotechnical investigation considering the potential for contamination of groundwater and/or surface water in determining if the site is suitable for rezoning.

309/15 That Council undertake community consultation in accordance with the requirements of the gateway determination.

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

AGAINST: NIL

2.3 Jobs Priority 1

Councillor Matthews left the meeting at 6.01 pm and returned at 6.02 pm, during consideration of this item.

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

310/15 That Council receive the report Jobs Priority 1.

311/15 That Council adopt an estimated job creation indice of 10 jobs per \$1 Million of development investment to inform the reporting of job creation through development approvals, rezoning approvals and Council projects.

2.4 Parking Enforcement Policy

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

312/15 That Council place the draft Parking Enforcement Policy on public exhibition for a period of 28 days.

313/15 That Council adopt the Parking Enforcement Policy, subject to there being no significant objections as a result of public exhibition and give appropriate public notice.

3.1 Proposed Acquisition of Lots 63 and 64 DP 13019 at Tuggerawong

Councillor Matthews left the meeting at 6.11 pm and returned at 6.12 pm, during consideration of this item.

Councillor Vincent left the meeting at 6.11 pm and returned at 6.13 pm, during consideration of this item.

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

314/15 That Council consider this item during confidential session.

4.1 Collection and Purchase - Scrap Metal / Batteries - Charmhaven Depot, Long Jetty Depot, Bateau Bay Treatment Plant & Buttonderry Waste Management Facility CPA/248200A

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

315/15 That Council accepts the tender from the company nominated as Tenderer No. 3, Sell & Parker Metal Recycling Services, in the attached Tender Evaluation Report, for a period of up to 3 years for Contract CPA/248200A – Collection and Purchase – Scrap Metal / Batteries – Charmhaven Depot, Long Jetty Depot, Bateau Bay Treatment Plant and Buttonderry Waste Management Facility. The estimated three year income against this contract is \$427,000 (excl GST), however actual income may vary significantly with fluctuations in demand.

316/15 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.

317/15 That Council delegates to the General Manager the power to approve the option for a further one year term.

4.2 CPA/242383 - The Entrance Town Centre Lawn and Garden Maintenance

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

318/15 That Council accept the tender from the company nominated as Tenderer '13', Skyline Landscape Services Pty Ltd, in the attached Tender Evaluation Report, for a period of two years for Contract CPA/242383 – The Entrance Town Centre Lawn and Garden Maintenance. The total expenditure against this contract for the two year term is \$152,361.52 (excl GST), however actual expenditure may vary with fluctuations in demand.

319/15 That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.

320/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

321/15 That Council delegates to the General Manager the authority to approve the option for a further term of one year.

4.3 CPA/249912 - Upgrade of Sewage Pump Station WS11

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

322/15 That Council consider this item during confidential session.

5.1 Community Subsidy Program and Sport and Cultural Sponsorship Program

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

323/15 That Council allocate \$4,196.92 from the 2014-15 Community Subsidy Program as follows:

<i>Applicant</i>	<i>Project Name Summary</i>	<i>Staff Funding Recommended</i>
<i>Toukley RSL Sub-Branch</i>	<i>Road Closure for Anzac Day March</i>	<i>\$1000.00</i>
<i>Ourimbah Lisarow RSL Sub-Branch</i>	<i>Road Closure for Anzac Day March</i>	<i>\$500.00</i>
<i>Wyong Creek Literary Institute Inc</i>	<i>Rates Subsidy</i>	<i>\$496.92</i>
<i>Wyong Family History Group Inc</i>	<i>Venue Hire of Wyong Community Cultural Centre Building</i>	<i>\$2000.00</i>
<i>Long Jetty/The Entrance CWA</i>	<i>Digital Printing</i>	<i>\$200.00</i>
<i>Total</i>		<i>\$4,196.92</i>

324/15 That Council allocate \$4,000.00 from the 2014-15 Sport and Cultural Sponsorship Program as follows:

<i>Applicant</i>	<i>Project Name Summary</i>	<i>Staff Funding Recommended</i>
<i>Kingi Callaghan</i>	<i>Sydney Cavaliers Rugby Union 2015 Under 14's World Cup tour of England/Wales, representing NSW</i>	<i>\$500.00</i>
<i>Mitchell Leard</i>	<i>2015 Australian Expos USA Tour Championships in baseball, representing Australia</i>	<i>\$1,000.00</i>
<i>April Brown</i>	<i>2015 Australian Junior Athletics Championships, Sydney, representing NSW</i>	<i>\$500.00</i>
<i>Elizajane (Muffi) Loader</i>	<i>Australian Junior National Basketball Championships, Ballarat Victoria, representing NSW</i>	<i>\$500.00</i>
<i>Timothy Hopkins</i>	<i>Malaysia Futsal Tour Australian Under 12's Boys Team, representing Australia</i>	<i>\$1000.00</i>
<i>Taylah Jukes</i>	<i>Australian Hockey Championships, NSW Girls Under 15's Team, Southport Queensland, representing NSW</i>	<i>\$500.00</i>
<i>Total</i>		<i>\$4,000.00</i>

325/15 That Council decline the 2014-15 Community Subsidy Program application as follows:

Applicant	Project Name Summary	Staff Funding Recommended
Mannering Park Precinct Committee Inc	Venue hire of Mannering Park Community Hall	\$260.00

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

AGAINST: COUNCILLOR VINCENT

5.2 Sponsorship

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

326/15 That Council receive this report and note the changes that have occurred in the current 2014/15 Sponsorship Program;

Positioning	Initiative	Funding Initially Approved	Revised funding commitment	Total over 3 years
Tier 1 Multi-year	Central Coast Academy of Sport	\$15,000 p/a Pre-existing agreement 2013-2017	\$15,000	\$45,000
Tier 2 Multi-year	The Entrance Triathlon	\$15,000 per year for three years (total \$45,000) approved in last EOI	\$30,000 for 2015/16 and 2016/17 (event did not proceed in 2014/15)	\$30,000
Tier 2 Multi-Year	Central Coast hosting of NSW Academy Games	Approved at March 2014 CCROC meeting	\$10,000 per year for three years	\$30,000
Tier 2 Single Year	Community Automotive Sport And Recreation Park (CASAR) Virtual Launch	\$5,000 approved in principle in last EOI round	\$0 (sponsorship cancelled due to event not proceeding)	N/A
Tier 2 Single Year	Central Coast Business Awards	Pre-committed sponsorship	\$5,000 in 2014	N/A
Tier 2 Single Year	Mingara Christmas Under the Stars	Pre-committed sponsorship	\$5,000 in-kind	N/A

Positioning	Initiative	Funding Initially Approved	Revised funding commitment	Total over 3 years
Tier 3 Single Year	Sports Star of the Year Award Central Coast Academy of Sport	Pre-committed sponsorship	\$3,000	N/A
Tier 3 Single Year	Success Women's Network – series of eight networking events to help women in business	\$500 per event (total of \$4,000) approved in last EOI round	\$500 for Nov2014 event then \$300 per event (total of \$2,600)	N/A

327/15 That Council support the allocation of \$4,950 in available sponsorship funding for the 2014-15 year to the following new request:

Positioning	Initiative	New request	Funding commitment	Total over 3 years
Tier 3 Single year	CASAR Foundation Sponsorship	New	\$4,950	N/A

328/15 That Council support a new two year sponsorship for the Central Coast Business Awards and allocate \$6,000 per annum in sponsorship for the 2015/16 and 2016/17 years subject to the event being held in Wyong in one year.

Positioning	Initiative	New Funding Request	Amount per year funding commitment	Total over 2 years
Tier 2 Multi-year	Central Coast Business Awards	New 2 year funding agreement	\$6,000	\$12,000

329/15 That Council decide that the new Award Category for Wyong Shire Council sponsorship of the Central Coast Business Awards for the next two years will be:

- Outstanding Contribution to the Central Coast OR Creative Industries

330/15 That Council note that at the CCROC meeting on 19 February 2015 Council endorsed in principle allocation of an additional \$20,000 in sponsorship funding to support the hosting of a round of the Offshore Powerboat Championships on the Central Coast provided Gosford City Council and the NSW State Government also provide funding of \$20,000 and \$10,000 respectively. Provision of funds should be subject to the event being held in the Gosford and Wyong areas and that there is a business case presented to Council that demonstrates a positive net benefit arising to the Wyong Community.

331/15 That Council note that the information in relation to NSW Government support has not yet been received and therefore no allocation from the Sponsorship fund has been made at this time.

5.3 Proposed Councillors' Community Improvement Grants

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

332/15 That Council allocate an amount of \$2964 from the 2014-15 Councillors' Community Improvement Grants as follows:

Bateau Bay PCYC (\$4000)	Friday Night Youth Police Program costs.	250
BreakThru People Solutions (\$4000)	Introduction of iPads to Learning Program.	250
Central Coast Bombers (\$2244)	Purchase an Ice Making Machine for the treatment of injuries.	450
Homeless No More Charity (\$4000)	Recruitment Workshops.	250
Mannering Park Precinct Committee Inc. (\$1300)	Administration Costs.	430
Street Ratz Hotrod Kustom Club Inc. (\$4000)	"Summer City Rumbel" - 8th Annual Hotrod Show - Operation Costs.	400
Wyong Dog Training Club Inc. (\$934)	To pay for the rent of the Tuggerah oval which is their training ground.	934

5.4 Election of Council Representatives on Art House Company Board

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

333/15 That Council note the appointment of the Mayor of Wyong Shire to the Board of The Art House Company Limited, (or other such name as allocated for the purpose of managing and operating The Art House Performing Arts and Conference Centre)

334/15 That Council note the appointment of the Manager Community Partnerships and Planning, as the General Manager's representative to the Board of The Art House Company Limited, (or other such name as allocated for the purpose of managing and operating The Art House Performing Arts and Conference Centre).

335/15 That Council note the appointment of Tim Cornish Norths Construction and Building Ltd, as the General Manager's representative to the Board of The Art House Company Limited (or other such name as allocated for the purpose of managing and operating The Art House Performing Arts and Conference Centre) for a period of two years

336/15 That Council endorse this group to act as an interim management committee until such time as formal approval is granted to form the independent company.

5.5 Water & Sewer and Roads & Drainage Restructure

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

- 337/15 That Council receives the report on the Infrastructure and Operations Review.**
- 338/15 That Council notes the structural changes proposed for the Water and Sewer and Roads and Drainage units.**
- 339/15 That the Council notes the non-structural changes proposed and the business philosophy presented for Water and Sewer and Roads and Drainage units.**
- 340/15 That Council approves the name Wyong Water as the name of the Water Service Authority.**
- 341/15 That Council endorse the management committee consisting of the Director Infrastructure and Operations, Chief Financial Officer, General Manager or their delegate and two external members.**
- 342/15 That interested Councillors and council officers visit Hunter Water, Gold Coast Water and Unity Water to observe larger operations.**

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

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

6.1 Road Capital Works Program

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

- 343/15 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.**

6.2 Regional Skate Facility

Councillor Troy left the meeting at 6.21 pm and returned to the meeting at 6.23 pm during consideration of this item.

Councillor Greenwald left the meeting at 6.54 pm and returned to the meeting at 6.55 pm during consideration of this item.

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

- 344/15 That Council receive and note the report on Regional Skate Facility.**

A Division was called by Councillor Vincent.

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

AGAINST: COUNCILLOR VINCENT

6.3 Outstanding Questions on Notice and Notices of Motion

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

345/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

8.1 Rescission Motion - Removal of Buff Point Affordable Housing from Major Amendment 1 to Wyong LEP 2013

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he has relatives that live near the Buff Point Oval. Councillor Vincent left the chamber at 5.06 pm, took no part in discussion, did not vote and returned to the chamber at 5.44 pm.

Mr Steven Vandertouw, Community Member, addressed the meeting at 5.12 pm, answered questions and retired at 5.17 pm

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

346/15 That the following resolution carried at the Ordinary Meeting of Council held on 25 February 2015 be rescinded:

“151/15 That Council defer this matter pending consideration by Council of concept plans for possible affordable seniors accommodation on this site.

152/15 That Council reaffirm that this matter will not progress without extensive community consultation.”

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

347/15 That Council withdraw the proposal to rezone 17W Moola Road, Buff Point (Buff Point Oval) from RE1 Public Recreation to R1 General Residential from Wyong Local Environmental Plan (LEP) 2013 – Major Amendment 1.

348/15 That Council further recognise the importance of providing integrated housing in suitable locations particularly to support our seniors.

349/15 That Council not pursue the establishment of integrated housing on lands adjoining or in close proximity to existing community parklands/playing fields.

350/15 That Council request the General Manager report on opportunities/options to provide integrated housing on Council land in traditional residential areas.

351/15 That Council thank the local community for their submissions and representations that have assisted Council in its deliberation and consideration of this important matter.

At this stage of the meeting, the Mayor adjourned the meeting for a period of 2 minutes to allow the public gallery to clear.

The Mayor resumed the meeting at 5.48 pm.

PROCEDURAL MOTION

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

352/15 That Council move into Confidential Session.

At this stage of the meeting being 6.59 pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

PROCEDURAL MOTION

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

358/15 That Council move back into Open Session.

Council resumed in open session at 7.32 pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

3.1 Proposed Acquisition of Lots 63 and 64 DP 13019 at Tuggerawong

353/15 That Council acquire Lots 63 and 64 DP 13109 at 326-328 Tuggerawong Road, Tuggerawong.

354/15 That Council acquire the land referred to in Item 1 by compulsory acquisition.

355/15 That Council give authorisation to proceed with an application seeking the approval of the Minister and the consent of the Governor NSW, pursuant to the provisions of the Land Acquisition (Just Terms Compensation) Act 1990, to proceed with the compulsory acquisition.

356/15 That Council authorise the General Manager to sign and seal all documentation associated with the acquisition of the land referred to in Item 1 by Council.

4.3 CPA/249912 - Upgrade of Sewage Pump Station WS11

357/15 That Council defer this matter pending further advice from staff.

QUESTIONS ON NOTICE

**Q17/15 Norah Head Boat Ramp
Councillor Greg Best
F2015/00428**

“Mr Mayor,

Over the Easter break I visited the Cabbage Tree Bay/Norah Head boat ramp area on a number of occasions where our new ramp was in full use by locals and visitors alike. The feedback I’ve received is very positive, particularly by those who knew the old ramp. May I take this opportunity to ask you to pass on our appreciation to the staff and contractors who delivered the facility.

Further, just for Council feedback, a reoccurring comment by boaties was around when will the ramp’s stage 2 wave attenuation buffer on the eastern/seaward side be installed?

Thank you again to all involved.”

THE MEETING closed at 7.35 pm.

2.1 Mayoral Minute - 2015 Garage Sale Trail

TRIM REFERENCE: F2004/06859 - D11905530

AUTHOR: Doug Eaton OAM; Councillor

The Garage Sale trail is an award-winning program that has been adopted by councils representing more than 50% of the Australian population. Now in its 5th year, by enabling a partnership between local government and communities the program has an established proud track record in community driven solutions to waste reduction and community building.

The program organises communities around Australia to hold garage sales on the same day it aims to:

- Promote re-use of goods within their communities
- Promote sustainable living and positive behaviour change
- Reduce waste to landfill through education and provision of practical solutions
- Unite communities, build social capital and create a sense of civic pride
- Provide opportunities that stimulate their local economy
- Generate positive local media outcomes
- Provide local charities, community groups and schools the ability to fundraise for their causes
- Make their municipalities better places to live
- Have some fun along the way

The registration cost of the program is \$6,250 and is based on population. The registration includes:

- Brand and trademark access and linked to national promotions
- Communications tools/resources
- Inclusion on WSC website
- Real time program data which includes
 - o Number items listed for sale / reuse locally and waste potentially averted from landfill
 - o Number participants and projected local community connectivity
 - o Local PR and media outcomes generated plus
 - o National outcomes too
 - o • No# of sales inclusive of breakdown across participant categories (household, community groups, schools, maker & creators, cultural institutions and local businesses)
 - o • Value of items listed for sale locally and projected economic impact
 - o • Projected funds that will be raised for charity & local causes
- Information sessions
- Post event report

It is proposed to fund the program using existing funding in the Waste budget.

I formally move:

- 1 *That Council participate in the 2015 Garage Sale Trail program at a cost of \$6,250.*
- 2 *That Council note the cost will be funded by existing funds allocated to its Waste Unit.*

ATTACHMENTS

Nil.

3.1 DA/397/2014 - Proposed Change of Use of part of an Existing Retail and Wholesale Plant Nursery Building to Hardware and Building Supplies at Ourimbah

TRIM REFERENCE: DA/397/2014 - D11845065
MANAGER: Tanya O'Brien, Manager
AUTHOR: Mark Greer; Senior Development Planner

SUMMARY

An application has been received for the change in use of part of a retail and wholesale plant nursery to a hardware and building supplies at Ourimbah. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

This report recommends approval of the development application subject to conditions.

Applicant	Eaton and Sons Pty Ltd
Owner	C Boes
Application No	DA/397/2014
Description of Land	Lot 18 DP 663083 – No 2 Burns Road
Proposed Development	Change of use of part of the existing retail and wholesale nursery to hardware and building supplies
Zoning	E3 Environmental Management
Existing Use	Retail and wholesale nursery
Employment Generation	No additional jobs

RECOMMENDATION

- 1 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues.**
- 2 That Council authorise the General Manager to determine any application for minor modifications to the approved development plans and/or consent conditions.**

3.1 DA/397/2014 - Proposed Change of Use of part of an Existing Retail and Wholesale Plant Nursery Building to Hardware and Building Supplies at Ourimbah (contd)

PRECIS:

Proposed Development	Change of use of part of existing retail and wholesale nursery to hardware and building supplies
Permissibility and Zoning	A plant nursery and hardware and building supplies are prohibited land uses in the E3 Environmental Management zone. Consent is sought under existing use rights provisions.
Relevant Legislation	Environmental Planning and Assessment Act 1979
Current Use	Retail and wholesale plant nursery
Integrated Development	No
Submissions	None received

VARIATIONS TO POLICIES

Nil

THE SITE

The subject land is the premises known as the Big Flower Nursery in Burns Road, Ourimbah. The nursery was established in 1992 and provides indoor and outdoor plant displays with an ancillary café. Direct vehicle and pedestrian access is from the Pacific Highway diversion road.

The land is constrained by the following easements:

1. power transmission easement
2. trunk water main easement.

The site is surrounded by residential development to the east and south; the freeway interchange to the west and a vegetated hillside to the north.



Figure 1: Aerial view of site

THE PROPOSED DEVELOPMENT

Consent is sought to change the use of part of the existing “Big Flower” plant nursery building to a hardware and building supplies store. The hardware store known as “Eaton’s Mitre 10” is a relocated business from North Wyong. It is understood that refurbishment of the premises for the relocation of the business commenced in the immediate period leading up to the lodgment of the subject application.

This report considers the following issues:

- Permissibility for the change in use to a hardware business. A hardware and building supplies premises is a prohibited land use in the E3 Environmental Management zone. The application seeks approval by way of the existing use rights provisions under the EP&A Act 1979.
- Traffic and parking matters.
- Unauthorised construction of a new roof and storage over a water main easement to replace the existing shade cloth (green house area).

The estimated floor area for the hardware building and supplies store is 1,128m² exclusive of outdoor storage areas. As a consequence of the change in use of part of the building, the indoor nursery building is scaled back to approximately 850m² of floor area excluding the café.

The assessment focuses on the issue of the land use. Demolition of the existing shade cloth awning and construction of the new awning and timber storage racks were undertaken prior to the lodgment of the application for the hardware and building supplies. These works required prior development consent.

3.1 DA/397/2014 - Proposed Change of Use of part of an Existing Retail and Wholesale Plant Nursery Building to Hardware and Building Supplies at Ourimbah (contd)

In accordance with Council's Enforcement Policy, staff have enabled the owner of the business the opportunity to remedy the breach by seeking development consent for the use. A development application was lodged shortly after the business commenced trading.

Council cannot retrospectively grant development consent to the new awning and timber storage racks. The assessment does however consider the merits of the awning and timber storage racks over the easement. These works are however discussed in this report due to the impact over the water main easement.

The matters are addressed in detail in the body of the report. Having regard to the potential impacts, approval is recommended subject to appropriate conditions.



Figure 2: Proposed alterations of the building inclusive of outdoor area shown in yellow outline

HISTORY

Prior to 23 December 2013, the site was zoned 6(c) Open Space and Recreation and 7(b) Scenic Protection Zone under Wyong LEP 1991.

On 30 January 1992 development consent for DA/450/1991 was granted for a "Retail and Wholesale Nursery". This approval relates to the indoor premises and has been modified on several occasions. Refer to attachments 1 and 2 to this report for approved plans.

3.1 DA/397/2014 - Proposed Change of Use of part of an Existing Retail and Wholesale Plant Nursery Building to Hardware and Building Supplies at Ourimbah (contd)

On 7 April 1993 consent was granted to DA/67/1993 for a "Wholesale and Retail Outdoor Nursery". This approval relates to the outdoor part of the nursery. Refer to attachment 3 to this report for approved plan.

The gazettal of WLEP 2013 changed the zone to E3 Environmental Management where a plant nursery and hardware and building supplies are prohibited land uses. Consent is sought under existing use rights provisions.

SUBMISSIONS

Any submissions from the public

The DA was notified for 42 days from 12th December 2014 to 23rd January 2015 with letters sent to neighbouring properties. No submissions were received from the public.

Any submissions from public authorities

No submissions were received from public authorities.

CONSULTATION

The application was referred to the following:

Building Surveyor

The provisions of Clause 93 of the EP&A Regulation, 2000 have been examined and as a result of there being no change in building classification (as a result of the buildings change in use), there is no application of conditions of consent requiring any fire safety upgrade of the subject building.

Further, as a result of there being no change to the building classification an Occupation Certificate is not required.

Matters recently raised by NSW Fire Brigade in terms of fire safety deficiencies could be dealt with via appropriate fire safety upgrade orders where necessary.

Accordingly, there will be no building related conditions applicable to the subject development.

Development Engineer

A review of the application raised the following issues for further consideration:

- Rectification of encroachment of unauthorised structures over the water main easement
- The impact to flooding and the risk to property by flood waters.
- Parking and access was found to be acceptable

3.1 DA/397/2014 - Proposed Change of Use of part of an Existing Retail and Wholesale Plant Nursery Building to Hardware and Building Supplies at Ourimbah (contd)

No objection was raised by Council's Development Engineer subject to appropriate conditions of consent.

Water and Sewer

Council's Water and Sewer reviewed the application noting:

An easement for water supply prevents the construction/location of any improvements within the easement area. There is a zone of influence on the pipeline that needs to be observed and that may or may not be within the easement area. Council needs to be in a position to operate, inspect and maintain the water main at all times.

On the basis that Water and Sewer does not wish to allow any improvements within the easement area then Council will rely upon the easement rights.

Comment: A condition of consent will be imposed for the removal of permanent structures within the water easement.

ECOLOGICALLY SUSTAINABLE PRINCIPLES:

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

ASSESSMENT:

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information.

PERMISSIBILITY and PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/POLICIES:

i) Wyong Local Environmental Plan 2013

Permissibility

A hardware and building supplies premises is a prohibited land use in the E3 Environmental Management zone. The applicant has sought permissibility under existing use rights provisions under the EP&A Act.

3.1 DA/397/2014 - Proposed Change of Use of part of an Existing Retail and Wholesale Plant Nursery Building to Hardware and Building Supplies at Ourimbah (contd)

An existing use is a use that is lawfully commenced but subsequently becomes a prohibited use under a new local environmental plan (LEP) or another environmental planning instrument (EPI). Existing uses are regulated by Sections 106 – 109B of the EP&A Act. Section 106 of the EP&A Act 1979 defines “existing use” as follows:

The use of the building for the purpose of a nursery is an existing use, as defined by s. 106(b) of the EP&A Act 1979, as that is a use for which consent was granted well prior to 23rd December 2013 when the WLEP 2013 commenced. Plant nurseries are prohibited in the E3 zone. The EP&A Act 1979 and the EP&A Regulation 2000 makes provisions for the continuance of existing uses. Existing use rights allows an approved operation on a parcel of land to continue. In this regard, the retail and wholesale plant nursery, approved in 1992 as a permissible use in the former 7(b) Scenic Protection zone can continue to operate as approved as an existing land use in this case even though plant nurseries are prohibited in the E3 Zone.

The existing use rights provisions enable the carrying out of alterations including enlargements to existing buildings and/or a change of use of part of that building with the consent of Council.

The change of use of part of the building from a plant nursery to a hardware and building supplies premises, is a change from one commercial use to another commercial use. The existing and proposed uses are considered to be a “Commercial Use” because the plant nursery and the hardware and building supplies are deemed to be “Retail Premises” as described by the WLEP 2013 definitions.

The change of use is permitted by cl. 41(1)(e) of the EP&A Regulation 2000.

Zone Objectives

The subject land is zoned E3 Environmental Management (formerly 7(b) Scenic Protection at the time of the nursery approval).

The zone objectives are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

Most of the land has been developed as the retail and wholesale plant nursery with only a small portion of native bush remaining in the north-east corner of the land on the upward slope. For all intents and purposes the developed footprint is unchanged by this application and thus no further impact on the environmental or aesthetic values of the land is envisaged.

The scale of the proposed change in use provides a form of development consistent with the zone objectives.

3.1 **DA/397/2014 - Proposed Change of Use of part of an Existing Retail and Wholesale Plant Nursery Building to Hardware and Building Supplies at Ourimbah (contd)**

ii) **State Environmental Planning Policies (SEPP)**

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

This Policy aims to provide streamlined assessment processes for specific development as well as identifying development that does not require consent.

In order for a change of use from a plant nursery to a hardware and building supplies to be exempt development (no approval required) the current use (plant nursery) must not be an existing use under the meaning of the EP&A Act 1979 and that the new use (proposed hardware and building supplies) must be permissible with consent under an environmental planning instrument applying to the land on which the development is carried out. In this regard, the nursery is considered to be an existing use as described by the EP&A Act 1979 and the proposed use as a hardware and building supplies is not a permissible land use in the E3 zone.

Accordingly the proposed development is not considered to be exempt development for the purposes of this policy.

iii) **Wyong Development Control Plan 2013 (WDCP)**

WDCP Chapter 2.11 'Parking'

Car parking requirements are noted as:

- Approved parking DA 450/91 (indoor nursery) = 43 car spaces
DA 67/93 (outdoor nursery) = 10 car spaces
Total = 53 car spaces
- Existing car parking = **62** car spaces (in different configurations – the calculation of existing parking considers formal marked areas, informal parallel spaces adjacent to the building and trailer pickup in the loading areas and adjacent to the flower stalls)

The change in use is considered under part 3.12 '*Change of Use or Additions to Existing Development*' in Chapter 2.11. Where a use is to be changed to another similar use generating no increase in the peak volume of traffic and parking requirements and has the same traffic characteristics, including delivery/service vehicle requirements, and no structural alteration, extension, enlargement or rebuilding is proposed, no additional parking provision is required.

In considering this provision it is noted that the hardware supplies generates a lower parking rate than the plant nursery. This suggests that there would be no increase in peak volumes with similar customer activity and loading facilities.

The proposed hardware generates a parking rate of 1 space @ 50m² of gross floor area – being the area of the building. Outdoor display areas are not identified as a consideration for the hardware supplies business and therefore the area nominated as outdoor display is not a factor in the parking calculations.

3.1 DA/397/2014 - Proposed Change of Use of part of an Existing Retail and Wholesale Plant Nursery Building to Hardware and Building Supplies at Ourimbah (contd)

The plant nursery generates a higher parking rate of 1 space @ 30m² including outdoor display areas. Accordingly the outdoor display area previously approved for the plant nursery and now for use as the hardware supplies is excluded from the parking analysis.

As such no additional parking is required with the current 62 spaces catering for the approved and proposed land uses.

LIKELY IMPACTS OF THE DEVELOPMENT:

a) Built Environment

Access and Transport

The proposed development maintains the present access arrangements from Burns Road.

On-site parking has sufficient capacity for the anticipated patronage.

The loading area for the hardware business will generally be similar to the previous loading area for the nursery.

Context and Setting

Although not stated in the application, the "Mitre 10" business web site indicates that the business will operate from 7.00am to 5.00pm Monday to Friday and 8.00am to 3.00pm Saturday and Sunday.

Apart from an earlier opening time, the hardware hours (8.30am – 4.00pm 7 days) are generally similar to the operation of the nursery and thus compatible between the two land uses. The earlier start time is unlikely to create any substantial amenity concerns to local residents. The nearest residences are on the south side of Burns Road. There is no vehicle access to the development from Burns Road – all access is from Pacific Highway which is approximately 130m to the nearest residence in Burns Road. All noise emanating from the premises would be from the northern façade of the building (including loading, customer access and activity) and impacting the subject site only.

Furthermore it is considered that any vehicle activity associated with the development would be substantially similar to that already experienced at the nursery in terms of loading given that the change in use is for the most part a replacement in floor area rather than an expansion or intensification of the land.

Signage

A sign (face area of 2.5m²) has been placed adjacent to Burns Road. The nature of the sign is consistent with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for advertising structures and can remain in place.

No other advertising structure is approved through this application.



Figure 7: Sign adjacent to Burns Road

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

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

b) Natural Environment

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

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

SUITABILITY OF THE SITE FOR THE DEVELOPMENT:

A review of Council's Land Information mapping has identified the following site constraints.

1. Flooding
2. Impact to Water Main Easement

Flooding

The site is located within the Ourimbah Creek Catchment and Council's latest records indicate that the site is affected by flooding and/or minimum floor level requirements. The extent of flooding on the property is illustrated in the Figure 6 below:



Figure 6: Extent of floodwater affecting the property – the area flood affect shown in blue

In accordance with Part 3 Appendix F from Council's DCP 2013, the location of the development on the site is identified within Flood Planning Precinct 2 – Flood Planning Level. Prescriptive controls are thus applicable to this application such as building components, structural soundness, flood affectation, evacuation and access. Minimum floor level requirements are not applicable as the structure has previously been approved for commercial use under DA 450/1991.

Any use of the site will therefore be at risk of inundation during floor events. It is proposed, if approved, to condition any potential chemical water pollutants to be stored at 0.50m above the current flood level approximately 700mm above the current ground level adjacent to the building.

3.1 DA/397/2014 - Proposed Change of Use of part of an Existing Retail and Wholesale Plant Nursery Building to Hardware and Building Supplies at Ourimbah (contd)

Impact to Water Main Easement

A 200mm concrete trunk water main with a 5.03m wide easement extends through the land from Burns Road adjacent to the eastern façade of the nursery building. The water main is Council infrastructure with the terms of the easement benefitting Council for access and maintenance. The pipeline is located slightly off-centre toward the western side of the easement. Under the terms of the easement no structure is to be built over the easement. Prior to recent works on site, attached to the building was a shade cloth structure which extended over the water main easement. It is noted that the shade cloth structure was approved as part of the outdoor display area for the plant nursery with the building approval plans clearly indicating that the structure was not to attach to the indoor nursery building as it was eventually constructed. The shade cloth structure has been replaced (without development approval) with a fixed metal roof and permanent storage shelves associated with the proposed indoor hardware premises (see figures 4 and 5).

Although the approval for DA 450/1991 did not state any storage or otherwise over the easement, plants or small movable items were kept within the easement for display.

The unauthorized fixed metal roof in place of the shade cloth and fixed storage facilities impacts on maintenance to the water main. The fixed shelves obstruct the easement on both sides and would need to be removed to provide clear access to the length and width of the easement. Accordingly if approval is granted to the application the shelves and awning would be required to be removed and all obstruction from the easement. The reconstruction of the timber storage shelving elsewhere would require development consent.



Figure 3: Early 2014 aerial view of site with water main easement (5.03 wide shown superimposed in red) minus approved shade structure and prior to unauthorized metal roof extensions (shown superimposed in yellow).



Figure 4: Recently constructed metal awning (easement for water superimposed in red)



Figure 5: Awning structure and material storage on other side of Easement for Water Supply.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

The application was notified from 17 December 2014 till 23 January 2015 in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with no submissions received.

THE PUBLIC INTEREST

There are no matters associated with the proposal that would be considered contrary to the local or community interest.

OTHER MATTERS FOR CONSIDERATION

Nil to report

CONCLUSION

The proposal has been assessed using the heads of consideration in S79C of the EP&A Act 1979. It is considered that the proposed development has demonstrated satisfaction of the existing use rights provisions enabling the granting of development consent to the hardware and building supplies in accordance with the proposed conditions of consent.

The relevant matters have been given due consideration. The site has sufficient parking and loading areas to cater for the plant nursery and the hardware supplies store. The current access arrangements and traffic management are satisfactory and would remain unchanged. There is unlikely to be any significant impact to local amenity, the hours of the business are compatible with the present land use.

As noted in this report, Council requires the removal of the storage shelving presently positioned within the water main easement to provide unobstructed access for maintenance.

3.1

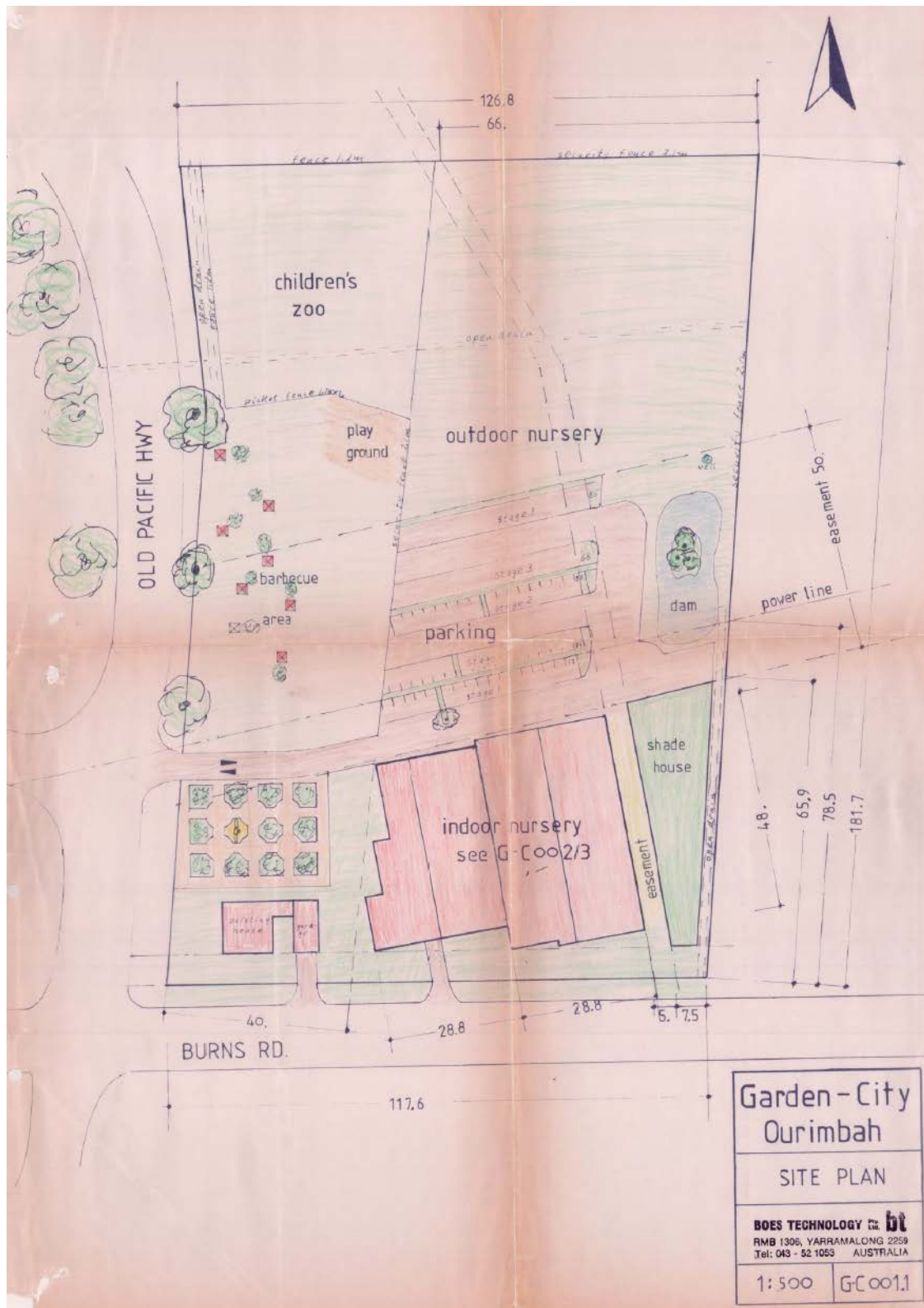
DA/397/2014 - Proposed Change of Use of part of an Existing Retail and Wholesale Plant Nursery Building to Hardware and Building Supplies at Ourimbah (contd)

Attachment 1 – plan for DA 397/2014

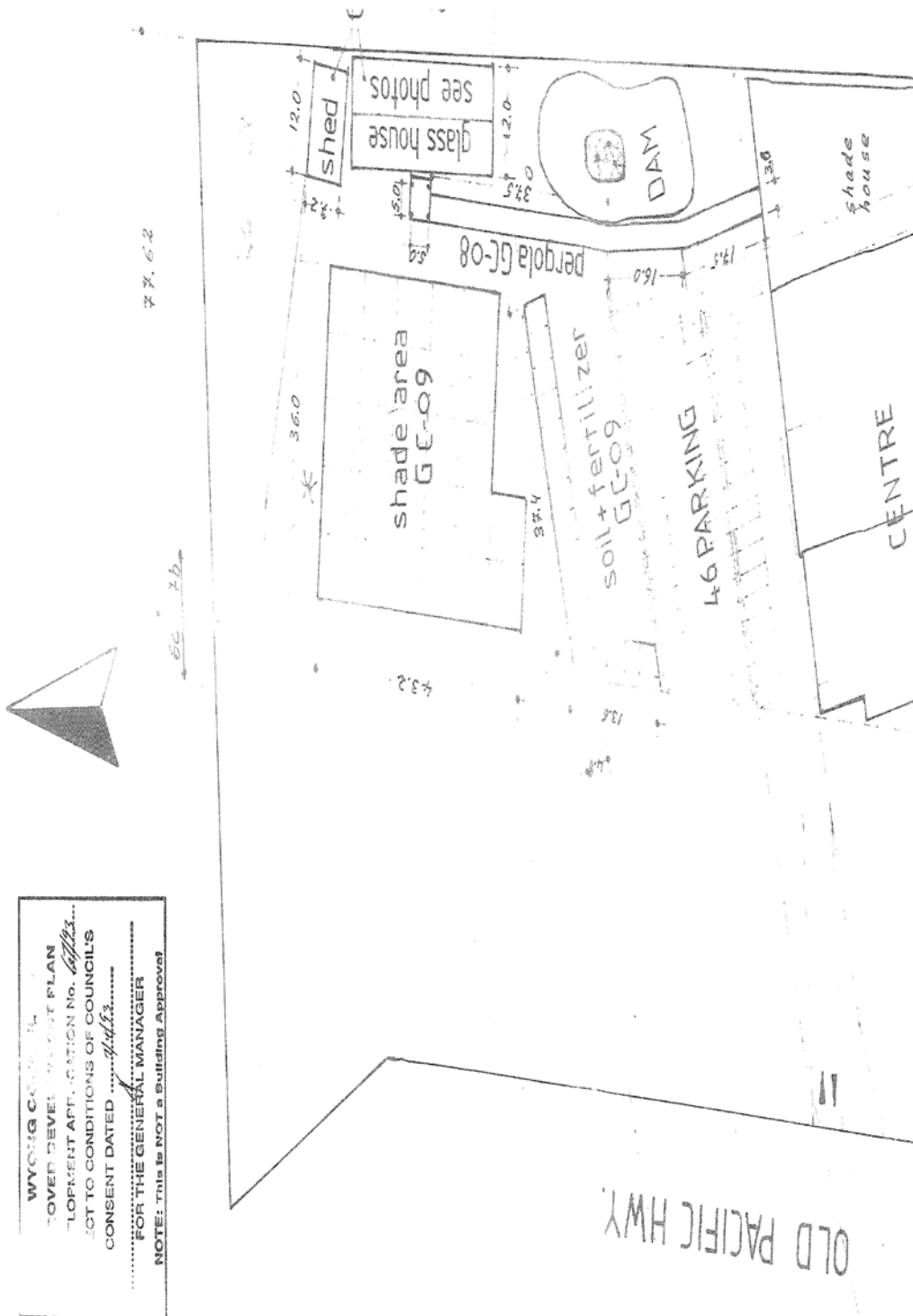


3.1 DA/397/2014 - Proposed Change of Use of part of an Existing Retail and Wholesale Plant Nursery Building to Hardware and Building Supplies at Ourimbah (contd)

Attachment 2 – plan for DA 450/1991



Attachment 4 – Plan for DA 67/1993



ATTACHMENTS

- 1 Draft Conditions of Consent D11875133

Date: 5 March 2015
Responsible Officer: Mark Greer
Location: Big Flower Nursery, 2 Burns Road, OURIMBAH NSW 2258
 Lot 18 DP 663083
UBD Reference:
Owner: Mr C H Boes
Applicant: Eaton & Sons Pty Ltd
Date Of Application: 26 May 2014
Application No: DA/397/2014
Proposed Development: Change of use of part of existing retail and wholesale nursery to hardware and building supplies
Land Area: 20640.00
Existing Use: XXXX

PROPOSED CONDITIONS

Approved Plans

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

Title	Drawing No.	Rev	Date	Drawn By
Change of use plan	397/2014	-	December 2014	-

Water Main Easement Requirements

- Within 28 days of this consent being granted, the developer shall remove all permanent structures that encroach within the 5.03m wide Easement for Water Supply burdening the subject property. This shall include, but not be limited to, the awning, all storage facilities and all building materials. A survey is to be submitted for verification for clearance of the easement.

Demolition

- Demolition of the awning and shelving is to be carried out in accordance with the requirements of AS 2601-2001 – The Demolition of Structures.

Outdoor Display and Storage Requirements

- Storage of permanent structures and fixtures is not permitted within the water main easement.

Liquid Trade Waste

- 5 Within 14 days of this consent being granted, the applicant shall comply with any requirements specified within an approved Liquid Trade Waste Agreement. These requirements will be provided following the lodgement of a formal Liquid Trade Waste Application (fees applicable). The site is currently serviced by a private sewer pump station.

Water Management Act

- 6 Within 14 days of this consent, the developer shall obtain a Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority. The Applicant must submit an application to Council under Section 305 of the Water Management Act 2000 for any requirements for the obtaining of this Section 307 Certificate of Compliance.

Flooding

- 7 During the on-going operation of the use of the building all materials that are not in waterproof packaging and potential chemical pollutants shall be stored at a level of 0.50 metres above the current floor level.

Hours of Operation

- 8 For the purposes of preserving the amenity of neighbouring occupants and residents, hours of operation are restricted to between:
- 7.00am and 5.00pm Monday to Friday
 - 8.00am and 4.00pm Saturday and Sunday

Advertising Sign Requirements

- 9 No advertising sign/s shall be erected on or in conjunction with the use and/or development without prior development consent unless the advertisement is an 'approved sign' under Development Control Plan 2013, Chapter 2.6 - *Signage*.

Plan Details

- 10 Within 60 days of this consent being granted, the developer shall submit a set of plans detailing the hardware and building supplies floor area. The plans are to be drawn to scale.

3.2 DA/450/1991/A - Proposed application to modify approved Retail and Wholesale Plant Nursery building to include hardware and building supplies at Ourimbah

TRIM REFERENCE: DA/450/1991/A - D11849300
MANAGER: Tanya O'Brien, Manager
AUTHOR: Mark Greer; Senior Development Planner

SUMMARY

A Section 96(1A) application has been received to modify an approved retail and wholesale plant nursery to include an ancillary use for a hardware and building supplies at Ourimbah. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	C Boes
Owner	C Boes
Application No	DA/450/1991/A
Description of Land	Lot 18 DP 663083 – No 2 Burns Road
Proposed Development	Modify existing retail and wholesale nursery to include hardware and building supplies
Zoning	E3 Environmental Management
Existing Use	Retail and wholesale nursery
Employment Generation	No additional jobs

RECOMMENDATION

- 1 ***That Council offer the applicant the opportunity to withdraw the Section 96(1A) application DA/450/1991/A within 14 days.***
- 2 ***That Council authorise the General Manager to refuse the Section 96(1A) application if the application is not withdrawn within 14 days***

PRECIS:

Proposed Development	Modify existing retail and wholesale nursery to include hardware and building supplies as an ancillary use
Permissibility and Zoning	A plant nursery and a hardware and building supplies are prohibited land uses in the E3 Environmental Management zone
Relevant Legislation	EP&A Act 1979
Current Use	Retail and wholesale plant nursery
Integrated Development	No
Submissions	None received

REPORT

The subject land is the premises known as the Big Flower Nursery at No 2 Burns Road, Ourimbah. The nursery was established in 1992 and provides indoor and outdoor plant displays with an ancillary café.

Approval is sought to modify development consent No DA/450/1991 relating to the “Big Flower” plant nursery to include within the permitted ancillary uses reference to hardware and building supplies. The applicant seeks to amend condition No 21, the condition which specifically identifies the scale of uses permitted under the approved development. The condition currently lists a number of ancillary uses with no reference to hardware.

Condition 21 states:

“21 No more than 1576m² (excluding garden café, fruit shop, toilets and amenities) is to be used for display of ancillary merchandise and accessories within the confines of the existing building. These ancillary uses can be carried out in the area identified for such purposes on the drawing marked GC-95-S6 and may include the following:

- a. Garden supplies*
- b. Fertiliser*
- c. Insecticides*
- d. Garden tools*
- e. Pots and pottery*
- f. Small garden ornaments*
- g. Landscaping equipment*
- h. Cut flowers*
- i. Artificial flowers*
- j. Turf*
- k. Demonstration area*
- l. Herbs*
- m. Garden and outdoor furniture”*

The intent of condition No 21 was to permit the display of goods and uses considered to be ancillary to the plant nursery. Under Wyong Local Environmental Plan 1991 (WLEP 1991) a plant nursery only permitted the propagation, growing and selling of plants and other horticultural products within the premises.

The applicant seeks to insert a reference in part a. to “hardware” (i.e., Hardware and Building Supplies) citing that the reference in the consent notes garden supplies which in the opinion of the applicant suggests that the approval would also capture hardware supplies. The objective is to enable the use of the land for the “Mitre 10” hardware business through this application.

The Section 96 application has been assessed concurrently with DA/397/2014, a development application also applying to this site which seeks a change in use of part of the plant nursery building to hardware and building supplies. DA/397/2014 is recommended for approval based on the existing use rights for the retail and wholesale plant nursery established for the site.

Upon review of the additional land use sought, it is considered that the appropriate mechanism to enable the assessment of the proposal was through the lodgment a development application not an application to modify the existing consent under S96 of the EP&A Act.

3.2 DA/450/1991/A - Proposed application to modify approved Retail and Wholesale Plant Nursery building to include hardware and building supplies at Ourimbah (contd)

On the basis that DA/397/2014 is recommended for approval, it is unnecessary to determine the Section 96 application as the desired outcome to establish a hardware and building supplies business would be achieved under DA/397/2014.

CONSIDERATION

A key consideration in the assessment of the application to modify a development consent is the following:

The proposed development is substantially the same as that for which consent was originally granted and before that consent as originally granted (prior to any amendment).

The WLEP 2013 includes definitions of Hardware and Building Supplies and of Plant Nursery as two separate land uses noted in the dictionary to WLEP 2013 as:

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Accordingly, the both land uses are distinctly different and suggesting that the application to amend DA/450/1991/A is not substantially the same development as originally approved and thus not consistent with the provisions of Section 96 of the EP&A Act.

Council's inspection of the occupation of part of the building for the hardware supplies suggests that at least 80% of the goods on display are typical and in quantities of those found in a hardware and building supplies store.

Given that Council has received the application DA/397/2014 specifically to change part of the building from one (WLEP 2013) defined land use (plant nursery) to another different land use (hardware and building supplies), the conclusion is that the two land uses are not the same, hence the need for the development application. The proposal would result in a development substantially different to that approved under DA/450/1991.

It is therefore recommended that the applicant be given the opportunity to withdraw the Section 96 application to modify the original consent. If the application is not withdrawn within 14 days it is recommended that Council authorise the General Manager to refuse the application.

ATTACHMENTS

Nil.

3.3 DA/895/2014 - Proposed 3 Storey Dwelling at The Entrance North

TRIM REFERENCE: DA/895/2014 - D11874458
MANAGER: Jamie Loader, Manager
AUTHOR: Scott Rathgen; Team Coordinator

SUMMARY

An application has been received for the erection of a dwelling, detached garage & demolition of the existing dwelling on the subject property.

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

Applicant	Ms Kath Ifield
Owner	Mrs D Laing
Application No	DA/895/2014
Description of Land	Lot 6 DP 11341 45 Hutton Road THE ENTRANCE NSW 2261
Proposed Development	Dwelling & demolition of existing dwelling
Site Area	923.1
Zoning	R1 General Residential
Estimated Value	\$800,000

RECOMMENDATION

That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.

PRECIS:

Proposed Development	The proposal consists of a dwelling, detached garage & demolition of the existing dwelling.
Permissibility and Zoning	The subject site is zoned R1 General Residential under the Wyong Local Environmental Plan 2013. (WLEP) The proposed development is permissible with consent and complies with the objectives of the zone.
Relevant Legislation	Council has assessed the proposal against the relevant provisions of the following environmental planning instruments, plans and policies: <ul style="list-style-type: none"> • State Environmental Planning Policy 71 (Coastal Protection) • SEPP Basix • Wyong Local Environmental Plan 2013 • Development Control Plan 2013, Chapter 2.1 Dwelling Houses & Ancillary Structures • Development Control Plan 2013, Chapter 3.5 Coastal Hazards – both draft and current
Current Use	Dwelling
Integrated Development	N/A
Submissions	Two submissions – one submission in support and one submission withdrawn as a result of design changes

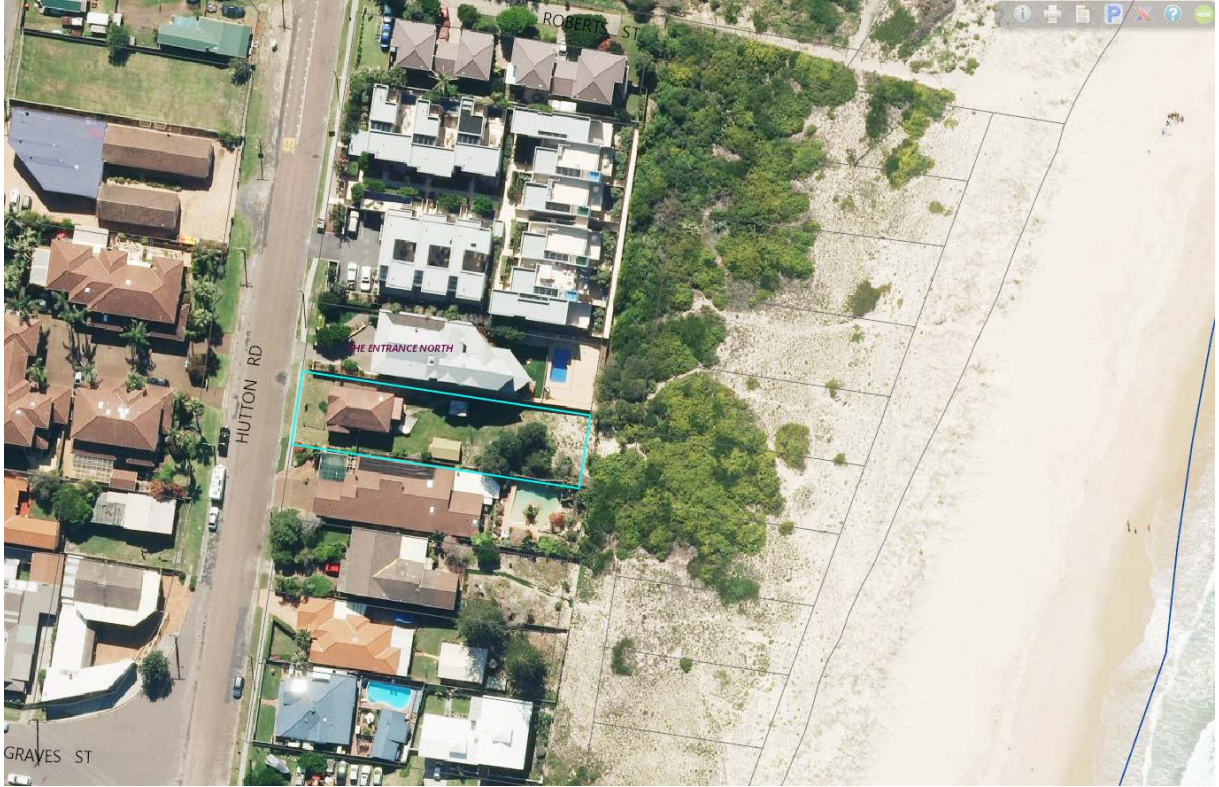
VARIATIONS TO POLICIES

Clause	4.3 (2) Wyong LEP
Standard	Height of Buildings 8.5m
LEP/DCP	Wyong LEP Principal Development Standards
Departure basis	10.38m maximum height - which represents a 22.1% variation to the standard.
Clause	3.2 d. Building Height
Standard	7.0m ceiling height.
DCP.	Chapter 2.1 Dwelling Houses and Ancillary Structures. 3.2 d. Building Height
Departure basis	Highest point 9.2m. A 31% variation.
Clause	3.2 f. Privacy and overshadowing
DCP.	Chapter 2.1 Dwelling Houses and Ancillary Structures. 3.2 Building design.
Departure basis	Less than 75% for three hours.

THE SITE

The site is a regular shaped allotment with the rear boundary adjoining the coastal dune. The rear portion of the property rises up approximately 1.5 metres above the land level of the rest of the site.

The site is currently occupied by an existing dwelling and has no significant vegetation proposed for removal.



Aerial Photograph Showing No. 45 Hutton Rd and Surrounding Properties

SURROUNDING DEVELOPMENT

The surrounding land comprises of single and multi-unit residential dwellings.

THE PROPOSED DEVELOPMENT

The proposal is to demolish the existing dwelling and garage and construct a new three (3) storey dwelling and detached garage.

HISTORY

The property owner and Building Designer had a Pre-lodgment meeting with Council Officers on the 19 August 2014. Issues with regard to Coastal Hazard and the variation to the LEP height requirements were discussed and recorded.

SUBMISSIONS

The application was initially notified for a period of fourteen (14) days and two (2) submissions were received from the adjoining landowners at numbers 43 Hutton Rd and 47 Hutton Rd.

The submission received from the Owners of 43 Hutton Rd was made in support of the proposed development.

The submission received from 47 Hutton Rd was subsequently withdrawn due to modifications made and submitted by the applicant to address the privacy issue raised in the submission.

The amended dwelling design was re-advertised and no submissions were received.

Submissions from Public Authorities

Nil

INTERNAL CONSULTATION

The application was referred to Council's Coastal Management Officer in regard to DCP 2013, Chapter 3.5 Coastal Hazard.

The following comments were provided;

"I agree that the proposed development and the pool be founded on deep piles as recommended in Coastal Engineering report and letter, and I have no further comments regarding coastal erosion."

ECOLOGICALLY SUSTAINABLE PRINCIPLES:

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

CLIMATE CHANGE

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application. This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope/ combat/withstand these potential impacts. In this particular case, the proposed development has been considered and where applicable is discussed within this report as a site constraint.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/POLICIES:

Wyong Local Environmental Plan 2013 (WLEP 2013)

Permissibility

The subject site is zoned R1 General Residential under the WLEP 2013. The proposed development is permissible with consent and complies with the objectives of the zone as follows:

Zone R1 General Residential - Objectives of zone

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

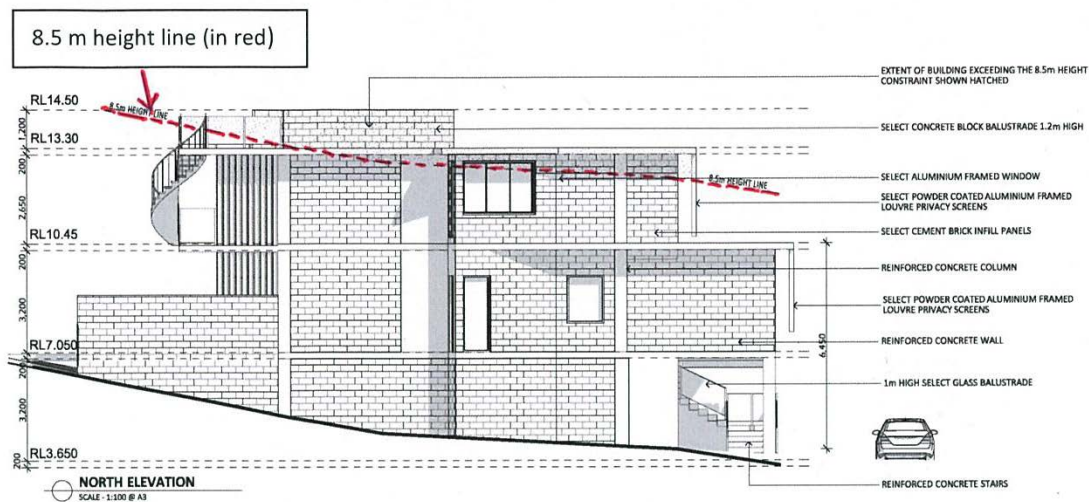
The proposed development is a permissible land use within this residential zone which is development that provides for a style of housing use commensurate with the scale, character and desirable amenity of the surrounding area.

Height of Buildings

Clause 4.3(2) applies to the height of buildings on land. The proposed building is not to exceed the maximum height shown for the land on the Height of Buildings Map in order to achieve the following objectives:

- to establish the maximum height limit for buildings to enable the achievement of appropriate development density,
- to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- to ensure that the height of buildings protects the amenity of neighboring properties in terms of visual bulk, access to sunlight, privacy and views.

The subject allotment is mapped as having a maximum building height of 8.5 metres with the development proposing a maximum building height of 10.38 metres above natural ground level. The purpose for designing the development at this height is to achieve ocean views from the second floor level and roof top terrace.



As the proposed development does not meet the requirements of this Development Standard it is necessary for consideration of the proposal with particular reference to LEP Clause 4.6, Exceptions to Development Standards.

Clause 4.6 Variation to Development Standards

Clause 4.6 of Wyong Local Environment Plan allows exceptions to development standards. Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the Applicant that seeks to justify contravening the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental grounds to justify contravening the development standard. The consent authority must be satisfied that the applicant's written request has satisfied the relevant criteria and that the proposed development will be in the public interest as it is considered with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless concurrence of the Director-General has been obtained.

1. Written Request provided by applicant

The Applicant has provided a written request seeking to justify the variation to the development standard prepared by Progressive Property Solutions.

2. Whether compliance with the development consent standard would be unreasonable or unnecessary in the circumstances of the case

The applicant contends that compliance with the development standard is unreasonable or unnecessary in this case for the following reasons;

- The proposed development is in keeping with the character, scale and density of the development within the vicinity.
- Minimal impact upon the amenity of adjoining properties.
- Strict compliance would result in a larger building footprint.

The exceedance of the height development standard ranges from approximately 0.1m to 1.88m, (southern elevation) and 0.2m to 1.7m, (northern elevation). The height exceedance is for a length of approximately 15.5m which is approximately 70% of the total building length.

It is considered that compliance with the Height of Buildings development standard is unnecessary in this instance due to the following:

- The property rises up relatively steeply at the rear and it is proposed to excavate the dwelling into this land form. This design reduces the bulk and scale of the dwelling and the siting of the proposed development at the rear of the lot reduces the impact upon the streetscape. There are also a number of single dwellings and unit developments in the vicinity of a similar height or higher to this proposed development.
- The impact upon amenity with regards to privacy is addressed by design and overshadowing is significantly reduced by the building location that moves the midday and afternoon overshadowing towards the rear of the adjoining property.
- The contention that compliance with the standard would result in a larger footprint has some merit although ultimately the site coverage and Floor Space Ratio is regulated by the LEP and Chapter 2.1. The subject allotment is mapped as having a maximum floor space ratio of 0.5:1 with the proposed development proposing a lesser floor space ratio of 0.33:1.

The application has demonstrated that the location at the rear of the property limits the impact upon the adjoining properties with respect to privacy by design and overshadowing by moving the shadowing east to the rear of the allotments. Accordingly as the impact of the development is not significant, it is unnecessary to comply with the Height of Buildings standard in this instance.

In these circumstances, compliance with the development standard would be unnecessary.

3. Environmental grounds to justifying contravening the development standard.

The reasons for the proposed variations from the applicant were identified above.

The following environmental grounds justify the variation of the height standard as follows:

- The height, size and bulk of the development is consistent with the character of the beach front development along Hutton Road, ie: large contemporary buildings.
- The development is consistent with the objectives of WDCP 2013 Chapter 2.1
- The owners of the dwelling at No, 43 support the development as it will enable them greater solar access for their dwelling, whilst allowing reasonable levels of solar access to the pool area between October and March.

4. Consistent with zone objectives and objectives of development standard

The zone and development standard objectives have already been identified within an earlier section of this report. As previously concluded the development is consistent with these objectives.

5. Concurrence of the Director-General.

Department of Planning Circular PS 08-003 provides notification of assumed concurrence of the Director-General for the use of clause 4.6 of Wyong Local Environmental Plan 2013.

Council may assume the Director-General's concurrence for exceptions to development standards, in respect of all applications (with exception to certain boundary adjustment subdivisions) made under clause 4.6 of Wyong Local Environmental Plan 2013.

Further, in accordance with Circular No PS 08-014 where variations in excess of 10% to a LEP provision occurs, the application must be determined at a Council meeting rather than at staff delegation level.

Summary

The siting of the dwelling at the rear of the property is considered reasonable for the following reasons

- Minimising the impact from the Height of Building non compliance
- Permitting ocean view features of the block that is otherwise unattainable
- Maintaining amenity and reducing shadowing upon the adjoining dwelling

State Environmental Planning Policy (SEPP) 71 Coastal Protection

The provisions of SEPP No 71- Coastal Protection requires Council to consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the Department of Planning NSW. The subject property falls within the Coastal Zone.

The Aims and Objectives and the matters listed under Clause 8 have been considered and the application complies with the provisions of the SEPP as tabled below.

SEPP 71	Matters for Consideration	Proposed
Clause 8		
a	The aims of the Policy	The proposal is compliant with the objectives of the Policy in terms of protection of the coastal zone and environment.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The proposal will not affect public access to nearby foreshore areas.

c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	The proposal does not provide new public access to the foreshore. There is existing adequate access in the nearby area.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	The development is considered suitable for the location, and the proposal is considered suitable in terms of its relationship with the surrounding area.
e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposal will not have a detrimental impact on the amenity of the coastal foreshore and public places given the nature of the development, its articulated design and being of residential scale.
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal will have no adverse impact on the scenic qualities of the coastline.
g	Measures to conserve animals (within the meaning of the <u>Threatened Species Conservation Act 1995</u>) and plants (within the meaning of that Act), and their habitats.	The subject site does not contain any threatened species or their habitat.
h	Measures to conserve fish (within the meaning of Part 7A of the <u>Fisheries Management Act 1994</u>) and marine vegetation (within the meaning of that Part), and their habitats.	The proposal has no impact on the conservation of fish and marine vegetation or their habitat.
i	Existing wildlife corridors and the impact of development on these corridors.	The proposal will not affect any identified wildlife corridor.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The proposed development has been located behind the immediate hazard line but over the 2050 hazard line. The application has demonstrated that the proposal will not be affected and will have no effect on coastal processes or hazards.
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal has no impact on water-based coastal activities.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain any aboriginal sites or relics, and there are no known sites within the immediate locality.
m	Likely impacts of development on the water quality of coastal water bodies.	The proposal will not adversely affect the downstream water quality. Stormwater disposal has been conditioned to minimise impacts.
n	The conservation and preservation of items of heritage, archaeological or historic significance.	The site does not contain any and will have no impact on items of heritage, archaeological or historic value.
o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.

p(i)	The cumulative impacts of the proposed development on the environment.	The proposal is not considered to have any adverse cumulative impacts on the environment.
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	A BASIX certificate accompanies the application

SEPP (Building Sustainability Index) BASIX

BASIX, the Building Sustainability Index, ensures homes are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for new dwellings, alterations & additions greater or equal to \$50,000, and swimming pools with a water capacity greater or equal to 40,000 litres. The web-based planning tool assesses the water and energy efficiency and provides a BASIX certificate upon successfully achieving predetermined targets.

A BASIX certificate has been submitted with this development application to achieve the Government's target to reduce water and energy use.

Development Control Plan 2013 Chapter 2.1 Dwelling Houses and Ancillary Structures.

The proposed development has been assessed against the relevant provisions of Chapter 2.1. The dwelling is fully compliant with the provisions contained within this chapter except for the ceiling height limits and the extent of overshadowing.

Building Height

The maximum ceiling height is 7.0 metres and in this case a significant portion of the second floor level is non-compliant with a ceiling height extending between 7.5 metres to 9.2metres above the natural ground level.

This criteria for dwellings is superfluous for properties that are mapped in WLEP 2013 with a maximum building height. Both of these criteria have similar objectives which are to minimize the impact upon adjoining properties particularly with regard to solar access, privacy and maintenance of views.

The LEP building height limit for this property is 8.5 metres. The building is non-compliant with this criteria and accordingly although a portion of the ceiling height is also non-compliant the assessment on the merits of the variation to the LEP requirement address any issues with the ceiling height variation. This has been addressed in detail previously in this report.

Under these circumstances the ceiling height variation is not a matter to prevent the approval of the application.

Privacy

The building has been designed to limit the extent of overlooking of the adjoining properties. There are limited windows on the side elevations and the roof top terrace area is sited towards the rear and centre portion of the building. The objective of this area is to obtain views towards the ocean and not the adjoining properties.

Under these circumstances it is considered that there is not a significant impact upon the privacy of the adjoining properties.

Overshadowing

Overshadowing within Chapter 2.1 Dwelling Houses and Ancillary Structures contains the following requirement for the maintenance of solar access to adjoining properties.

- i *a minimum of 75% of this area of the external active living areas of the subject allotment's, and of the neighbours' external active living areas, is to receive at least 3 hours unobstructed sunlight between the hours of 9 am and 3 pm on June 21 (at the winter solstice).*

The adjoining property to the south has the main outdoor active living area in the rear yard around the existing swimming pool. There also is a courtyard under an existing awning.

The applicant has provided shadow diagrams for the proposed development at winter solstice that quantifies the extent of overshadowing as follows:

- 9.00am - 48% unobstructed sunlight
- 12.00 noon - 38% unobstructed sunlight
- 3.00pm - 62% unobstructed sunlight

It is important to note that the outdoor active living area is partially overshadowed by the existing structures on the adjoining property and also that part of this area is the pool itself. The outdoor active living area does not at any time obtain the minimum of 75% of unobstructed sunlight.

Due to the design of the development and the non-compliance with the height of buildings residing mainly towards the centre of the proposed development, compliance with Height of Building requirements would have minimal to no impact upon the overshadowing created.

Siting the property forward would certainly see an increase in the 9.00am unobstructed sunlight and could achieve the required 75%, but it would be to the detriment of the 3.00pm unobstructed sunlight in the active outdoor area in addition to an undesirable, almost continuous overshadowing of the adjoining dwelling. Taken over a whole 6 hour period it is considered that there is a sufficient level of solar access for the adjoining property. This is because the nominated outdoor area is large at approximately 355sqm. Many residential properties have significantly smaller outdoor areas which make the amount of sunlight being received more critical. This area allows for the occupants to make use of different areas of the property that are in sunlight.

In addition, although 75% is not achieved for a 3 hour period, relatively high levels of sunlight are received over the 6 hour period. This would be an acceptable if not a better situation as the mandated 75% for 3 hours and then 0% for the next 3 hours particularly where the occupants have different areas to use in the rear yard.

Although the development would overshadow the outdoor active living area of the property to the south it is considered that it is acceptable in this case due to the large outdoor area available which allows for occupants to make use of spaces receiving sunlight and also that over the six hour period a substantial level of sunlight is received. It is also important to note that the adjoining landowner to the south has submitted a letter of support for the proposal.

The objective for overshadowing contained in Chapter 2.1 is:

“A dwelling house which:

fits the needs of the occupants and does not excessively compromise the privacy, views and solar access of neighbours.”

It is considered that the development would not excessively compromise the solar access for the adjoining property and under these circumstances the development would not result in an unacceptable loss of sunlight to the main outdoor active living area.

THE LIKELY IMPACTS OF THE DEVELOPMENT

Built Environment

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

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

Natural Environment

There will be no significant impact upon the natural environment as a result of the proposal.

All other relevant issues regarding the likely impacts of the development have been discussed throughout this report. In general, it is considered that the property is suitable for an approval subject to conditions.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

A review of Council's Land Information mapping has identified the property with Coastal Hazard/Costal Erosion site constraints. This has been considered in accordance with Chapter 3.5 as part of the assessment.

Development Control Plan 2013, Chapter 3.5 Coastal Hazards

The proposed development has been assessed against the relevant provisions of Chapter 3.5 Coastal Hazards as the site is identified to be within a coastal hazards risk area. Accordingly the proposal was referred to Council's Waterways and Coastal Management Officer.

The following advice was received

“I have reviewed the coastal engineering advice in relation to the proposed pool prepared by Haskoning Australia on their letter dated 3 February 2015 for the above subject property.

I agree that the proposed development and the pool be founded on deep piles as recommended in Coastal Engineering report and letter, and I have no further comments regarding coastal erosion. Let me know if you have any further queries on this.”

In accordance with this advice, the proposed development is considered to be suitable in its current location subject to compliance with the coastal engineering requirements.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

Nil

OTHER MATTERS FOR CONSIDERATION:

This development is subject to the shire wide S94A contribution plan created under the provisions of Section 94 of The EP&A Act 1979. Accordingly the contributions have been applied to the consent.

CONCLUSION

The proposed development complies with the objectives of subject zone and will be compatible with the existing and desired future character of the area. Although the proposed dwelling does not comply with the prescriptive building height requirements of WLEP 2103 and the ceiling height requirements of Chapter 2.1 Dwelling Houses and Ancillary Structures, it has been demonstrated that these variations are justified. Accordingly the proposal raises no significant issues under Section 79C of the EP& Act 1979 to warrant refusal, and as such the application is recommended for approval.

ATTACHMENTS

1	Draft Conditions of Consent	D11881100
2	Chapter 2.1 compliance table	D11878810
3	Application to Vary Height of Building Standard	D11878848
4	Development Plans	D11878862

Date: 11 March 2015
Responsible Officer: Paul Davies
Location: 45 Hutton Road, THE ENTRANCE NORTH NSW 2261
Lot 6 DP 11341
UBD Reference:
Owner: Mrs D Laing
Applicant: Ms K Ifield
Date Of Application: 8 October 2014
Application No: DA/895/2014
Proposed Development: Dwelling, garage, carport, inground pool including demolition of existing structures
Land Area: 923.10

PROPOSED CONDITIONS

- 1 The development taking place in accordance with the approved development plans reference number 2014-33 pages 1 to 14 (issue C) and 2014-33 pages 17 to 19 (issue A) prepared by Kath Ifield dated October 2014 except as modified by any conditions of this consent, and any amendments in red.

Certificates – Application and Approval

- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.

Prior to Release of Construction Certificate:

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

Contribution Payment Requirements

- 4 Prior to the issue of a Construction Certificate, the payment to Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Section 94 and Section 94A Contribution Plan. Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment.

Structural Design Requirements

- 5 Prior to the issue of a Construction Certificate, satisfactory structural plans prepared by a suitably qualified Registered Structural Engineer are to be submitted for the approval of the Accredited Certifier, for the following building elements:
- Reinforced concrete slab and retaining walls.

Prior to Commencement of Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

Erosion and Sediment Control Requirements

- 6 Erosion and sediment controls shall be provided on site prior to commencement of construction activities in accordance with Council's Policy E1 – Erosion and Sediment Control for Building Sites. Erosion and sediment controls are to be maintained, monitored and adapted throughout construction to prevent sediment moving off-site. Failure to comply with this condition may result in fines under the provision of the *Protection of the Environment Operations Act 1997*.

Protection of Adjoining Property Requirements

- 7 Prior to works associated with the development commencing, the owner of the adjoining property affected by the proposed excavation and/or structural protective works, must be given written notice of the intention to commence works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protective works.

Roads - Preconstruction Requirements

- 8 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

Site Requirements

- 9 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.
- 10 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
- be a standard flushing toilet connected to a public sewer system; or
 - have an on-site effluent disposal system approved under the *Local Government Act 1993*, or be a temporary chemical closet approved under the *Local Government Act 1993*, supplied by a suitably licensed contractor.
- 11 Prior to works associated with the development commencing, a suitable metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) is to be provided upon the development site for the duration of the construction phase of the development in accordance with the requirements of Development Control Plan 2013, Chapter 2.1 – *Dwelling Houses & Ancillary Development*. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.
- 12 A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
 - could cause damage to adjoining lands by falling objects; or
 - involve the enclosure of a public place or part of a public place.

These works are specified as exempt development within the SEPP (Exempt & Complying Development Codes) 2008 – subdivision 2.110 for which scaffolding, hoardings and temporary construction site fences have the following applicable standards:

- enclose the work area;

- if it is a temporary construction site fence adjoining, or on, a public place—be covered in chain wire mesh that is designed, appropriately fixed and installed in accordance with AS 2423—2002, *Coated steel wire fencing products for terrestrial, aquatic and general use*; and
- be removed immediately after the work in relation to which it was erected has finished if no safety issue will arise from its removal.

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

During Construction Works:

The following conditions must be satisfied during construction works.

Site Requirements

- 13 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 14 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 15 During the construction phase of the development, downpipes and the associated stormwater disposal system is to be suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run off. The Principal Certifying Authority for the development will not issue a compliance certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

Swimming Pool Construction Requirements

- 16 Prior to the swimming pool being filled with water, required swimming pool safety barriers and gates are to be installed in accordance with the approved plans and specifications and the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulations 2008* and AS 1926.1-2012 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following information:
 - “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”;
 - “POOL GATES MUST BE KEPT CLOSED AT ALL TIMES”;

- “KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900mm CLEAR OF THE POOL FENCE AT ALL TIMES”; and
 - A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults).
- 17 Prior to the swimming pool being filled with water, the common boundary fence forming part of the pool enclosure, it is to have a minimum height of 1.8 metres when measured inside the pool enclosure in accordance with the provisions of AS 1926.1-2012. The maintenance and effectiveness of the fence is the responsibility of the pool owner whilst ever the pool exists. Alternatively, the pool must be fully enclosed by swimming pool safety fencing complying with the provisions of AS 1926.1-2012 in lieu of any boundary fencing.
- 18 Prior to the swimming pool being filled with water, the disposal of filter backwash to the sewer must be completed in a manner that will not cause a nuisance, or where sewer is not available, the disposal of filter backwash must be discharged into a rubble absorption trench to the satisfaction of the Principal Certifying Authority.
- 19 Prior to filling the pool with water, the swimming pool is to be isolated by a 1.2 metre high swimming pool safety fence as detailed in red on the approved plans.

Prior to Release of Occupation Certificate:

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

Building Code of Australia – Compliance Requirements

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

Dilapidation Rectification Requirements

- 21 Prior to the issue of an Occupation Certificate, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant’s expense.

Plumbing and Drainage - Compliance Requirements

- 22 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.

Swimming Pool Compliance Requirements

- 23 Prior to the issue of an Occupation Certificate, the filter plant equipment associated with the swimming is to be sited in accordance with the approved plans, or where necessary, is to be sound insulated so as to minimise the noise to adjoining properties. Under the provisions of the Protection of the Environment Operations Regulations 2000, (Noise Control), a person must not cause or permit a swimming pool or spa pump to be used on residential premises if noise is audible within a habitable room of any other residential premises;
- before 8.00am or after 8.00pm on any Sunday or public holiday; and
 - before 7.00am or after 8.00pm on any other day.
- 24 Prior to the issue of an Occupation Certificate, the swimming pool surrounds and any associated paving must be constructed in a manner that water from pool overflow does not discharge onto neighbouring properties.

Ongoing Operation:

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

Restrictions on Use – Ongoing Requirements

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

Swimming Pools Compliance Requirements

- 26 The swimming pool is not to be used for commercial purposes.

SCHEDULE OF CONTRIBUTIONS

Section 94A Levy

\$8,000.00

Chapter 2.1 Dwelling Houses and Ancillary Structures	
3.0 Development Provisions	
3.1 Streetscape and Setbacks	
3.1.1 Residential Setbacks (6.0 metres to street and 900mm to side boundaries)	Complies.
3.1.2 Corner Sites – Dwelling Design, Fencing and Landscaping	N/A
3.2 Building Design	
a National Building Standards	Complies
b Setbacks (As per section 3.1)	Complies
c Density (60% site coverage)	Complies
d Height (7.0 metres to ceiling).	Doesn't comply.
e Bulk and Scale	Complies
i Privacy and Overshadowing	Doesn't comply.
ii (a minimum of 75% of this area of the external active living areas of the subject allotment's, and of the neighbours' external active living areas, is to receive at least 3 hours unobstructed sunlight between the hours of 9 am and 3 pm on June 21 (at the winter solstice).	
f	
g Acoustic Design	Complies
3.3 Site Design	
a Private Open Space	Complies
iii (The external active living area shall receive a minimum of 3 hours of sunlight to at least 75% of the area, between 9 am and 3pm in midwinter.)	

b	Flood Prone Land	Complies
c	Landscaping	Complies
d	Bush Fire Protection	Complies
e	Fencing	Complies
f	<p>Carparking</p> <p>At least 1 fully enclosed garage carpark is required for each new home in urban areas. Designs shall provide carparking for residents as follows:</p> <p>i. 1 space per dwelling if 3 or less bedrooms</p> <p>ii. 2 spaces per dwelling if 4 or more bedrooms</p>	Complies
g	Swimming Pools	n/a
h	Spa Pools	n/a
i	Roof Water	Complies
j	Surface Water Disposal from Paved Areas	Complies
3.4 Cut and Fill		
<i>3.4.2 Development Controls for Cut and Fill or Retaining Walls</i>		
a	Restrictions on Cut (Generally 900mm)	Complies
b	Restrictions on Fill (Generally 900mm)	Complies
c	General Restrictions	Complies

3.5 Building Materials	
a Material Selection	Complies
b Additions	
3.6 Trees	
a Threatened, Endangered or Keystone Species	Complies
b Services and Ancillary Development	Complies
c Tree Removal	Complies
d Tree Waste	Complies
e Construction Protection	Complies
4.0 Site Preparation and Management Complies Complies	
a Conditions of Consent	Complies
b Control of Clearing	Complies
c Protection of Trees	Complies
d Erosion and Sediment Control	Complies
e Signboard	Complies
f Sanitary Service	Complies
g Site Storage	Complies
h Construction Waste Management	Complies
5.0 Sustainability	
5.2.1 <i>NSW Government Requirements – the BASIX Program</i>	
a Energy and Water Efficient Dwelling Houses	Complies
b Energy and Water Efficient Additions	Complies
5.2.2 <i>Materials</i>	
c Selection	Complies



45 Hutton Rd The Entrance North

CLAUSE 4.6 SUBMISSION – DA/895/2014 – AS AMENDED
PAUL BOWDITCH – PROGRESSIVE PROPERTY SOLUTIONS

20 FEBRUARY 2015



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Application to Vary the Height of Building Standard – Clause 4.3 of Wyong Local Environmental Plan 2013

(Amended – February 2015)

Property: No. 45 Lot 6 DP 11341 Hutton Rd The Entrance North

Development Application: DA/895/2014

Introduction

The following submission has been prepared to support a request to vary the building height controls for DA/895/2014.

The submission has been prepared in consultation with the applicant and architect for the proposed development Ms Kath Ifield from Creative Coastal Homes and references the NSW Planning and Infrastructure document – Varying Development Standards: A Guide – August 2011. It is also based on plans prepared for the proposed development (Issue C) and submitted to Council with the above DA dated October 2014.

1. What is the name of the environmental planning instrument that applies to the land?

Wyong Local Environmental Plan 2013 (WLEP 2013).

2. What is the zoning of the land?

R1 General Residential.

3. What are the objectives of the zone?

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

4. What is the development standard being varied?

Height of Building.

WLEP 2013 defines “Height of Building” as follows:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but



excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

5. Under what clause is the development standard listed in the environmental planning instrument?

Clause 4.3 Height of Buildings.

6. What are the objectives of the development standard?

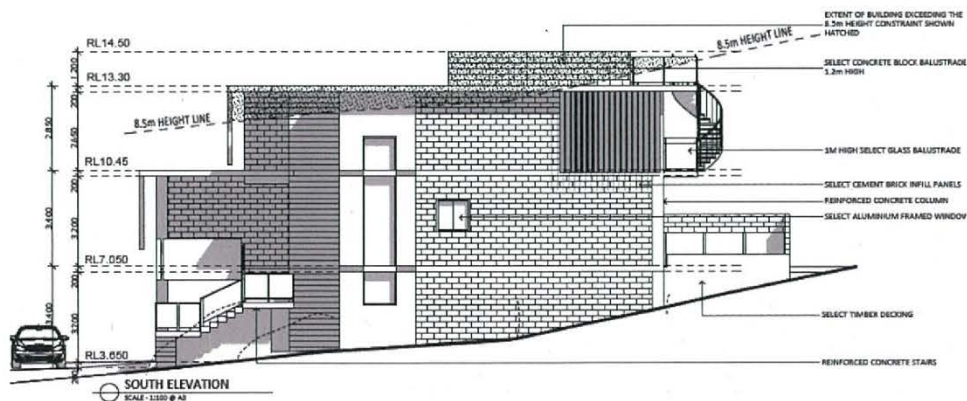
- (a) to establish the maximum height limit for buildings to enable the achievement of appropriate development density,
 - (b) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
 - (c) to ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.
- (ca) in relation to land at Kanwal that is within Zone B6 Enterprise Corridor and is identified as "Area 4" on the Height of Buildings Map:
- (i) to provide incentives for the development of health-related facilities in this locality, and
 - (ii) to encourage lot consolidation of smaller lots to reduce the possibility of fragmented development, encourage shared facilities and manage traffic movements.

7. What is the numeric value of the development standard in the environmental planning instrument?

8.5m.

8. What is proposed numeric value of the development standard in your development application?

At its highest point above ground level, the building has a height of 10.38m as shown on the below elevation.





9. What is the percentage variation (between your proposal and the environmental planning instrument)?

The percentage variation of the building height standard being sought is 22.1% or 1.88m.

10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

Strict compliance with the development standard is considered to be unreasonable and unnecessary in this particular case for the following reasons:

- The proposed development is in keeping with the character, scale and density of the surrounding developments within the immediate vicinity of the subject property.
- The proposed development has been designed to ensure minimal impact on the amenity of the neighbouring properties.
- Strict compliance would result in a larger building footprint (and lower building height) which would be overshadowed significantly by the 3 storey dwelling on No. 47 Hutton Rd.
- The owner of the subject property has met with the owners of No. 43 Hutton Rd and No. 47 Hutton. As a result of these discussions, the adjoining owners have requested some minor amendments to the building design by way of installing frosted windows on the north and south wall of the property to minimise overlooking. This has been agreed.
- The owners of the property considered to be most likely impacted by the proposed development, No. 43 Hutton Rd are supportive of the proposal.

11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

The objects of this Act are:

(a) to encourage:

(i) 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,

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

Strict compliance with the building height development standard would generally not hinder the above specified objects. However, compliance with the building height of 8.5m would severely restrict the quality and appearance of the proposed dwelling as it would require a larger building envelope to achieve the necessary floor space for the occupants.

12. Is the development standard a performance based control?

No – the development standard which is the subject to this application is a numerical control.



13. Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why?

It is possible to strictly comply with the development standard of an 8.5m building height. However, this would negatively impact on the occupants of the proposed development and also on the neighbouring residents.

Strict compliance with the 8.5m building height would result in a significant reduction to the ocean views – potentially a total loss. The fore dune at the rear of the subject property rises beyond the rear boundary and would therefore impact significantly. The proposed dwelling would also need a much larger footprint to cater for the required amount of floor space for the dwelling. This larger footprint would see the dwelling extend further to the west and impact on the private open space of the neighbouring properties – particularly No. 43 Hutton Rd. It would also result in the proposed dwelling being overshadowed by the 3 storey dwelling on No. 47 Hutton Rd.

14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

The main environmental planning grounds to be considered when justifying a variation to the development standard of building height are:

Privacy

Care has been taken in the design of the proposed dwelling to ensure that the privacy of the adjoining residents is not impacted or minimised as much as possible. Through discussions with the neighbours, frosted treatment of selected windows on both the north and south facades has been agreed. In addition, the courtyard area and covered terraces have been sited off the living areas to capture ocean views. Privacy screens have been added to the western façade to minimise overlooking. Selective landscaping will also be used to encourage visual privacy both the proposed development and the neighbouring allotments.

Overshadowing

Please refer to the shadow diagrams submitted separately with DA/895/2014.

Cumulative Impacts

As discussed elsewhere in this report, the cumulative impact of this variation would be minimal given the many examples of existing buildings in the area that already exceed the maximum building height of 8.5m. This is particularly evident in that part of The Entrance North which is located south of Roberts Street.

Local Planning

In addition to the above, a review of The Entrance Peninsula Planning Strategy has been undertaken. The subject land is located within Precinct 2 of The Entrance Peninsula Planning Strategy. The Strategy differentiates this section of The Entrance North from the remainder (being Precinct 1).



Precinct 2 The Entrance North Neighbourhood Centre



The Strategy identified a desired future character for the precinct as:

Precinct 2 will be a mixed use waterfront holiday, tourist, recreational and residential area, of generally low scale, that provides good awareness of its location adjacent to, and with good access to the foreshores of The Entrance Channel and the Pacific Ocean.

Precinct 2 will have strong connections to other areas outside the precinct. The precinct will provide tourist and local convenience retail and commercial facilities located in a well-planned and conveniently located node.

Despite the Strategy differentiating this part of The Entrance North from the remainder of the suburb, WLEP 2013 imposes a uniform building height of 8.5m across the R1 zoned land of the suburb. However, it is clear that Precinct 2 has an existing distinctive character which is different to the remainder of the suburb. The height, bulk and scale of existing developments within both precincts differs greatly and it is therefore suggested that a greater building height within Precinct 2 has merit.

It is also noted that the Dunleith Caravan Park is contained within this precinct. WLEP 2013 has designated the caravan park land as a Key Site under Clause 7.11 and sets a maximum building height of 9.5m/16m under clause 4.3 of WLEP 2013 or up to a maximum height of 70m using the Key Site provisions.



The 'five part test'

Written applications to vary development standards will not only address the above matters but may also address matters set out in the 'five part test' established by the NSW Land and Environment Court. Councils may choose to not only use the principles of Clause 4.6 but also this five part test.

Court cases dealing with applications to vary development standards resulted in the Land and Environment Court setting out a five part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standards is well founded:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard.

Objective of the Standard	Comment
To establish the maximum height limit for buildings to enable the achievement of appropriate development density.	Whilst this objective seeks to ensure that an appropriate development density is achieved, the floor space ratio of the proposed development is well within the designated FSR for this area – being 0.5:1.
To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.	The proposed development will be compatible with the height, bulk and scale of the existing and desired future character of the locality – see appendix 1 showing photos of existing buildings within the immediate vicinity of the proposed development which are equal to or greater than the height, bulk and scale of the proposal.
To ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.	A significant amount of effort has gone into the design of the proposed development to ensure that the amenity of the neighbouring properties has not been compromised. The courtyard area and covered terraces have been sited off the living areas to capture ocean views. Privacy screens have been added to the western façade to minimise overlooking. Selective landscaping will also be used to encourage visual privacy both the proposed development and the neighbouring allotments. The proposed development has been positioned as close to the eastern boundary as possible (as per the advice of Council officers) to minimise the impact of overshadowing to the neighbouring property.
In relation to land at Kanwal that is within Zone B6 Enterprise Corridor and is	Not Applicable



<p>identified as "Area 4" on the <u>Height of Buildings Map</u>:</p> <p>(i) to provide incentives for the development of health-related facilities in this locality, and</p> <p>(ii) to encourage lot consolidation of smaller lots to reduce the possibility of fragmented development, encourage shared facilities and manage traffic movements.</p>	
--	--

- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.**

The proposal is for a residential dwelling. Whilst the inclusion of building height as a development standard to ensure an appropriate scale of development generally has merit, it is not considered to be relevant in this instance given the scale of surrounding developments and also the design of the proposed building.

- 3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.**

The underlying object of purpose would not be defeated or thwarted if compliance was required. However, the re-designed building would have impacts on the occupants of the proposed development and the neighbouring properties.

- 4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.**

It is recognised that the development standard of a 8.5m building height was only introduced in December 2013 with the creation of Wyong Local Environmental Plan 2013. Such a standard may be suitable for the majority of the suburb of The Entrance North (although there are several examples of where Council has approved buildings in excess of this height). However, for the area known as Precinct 2 of the suburb (south of Roberts Street) and especially for properties on the eastern side of Hutton Road, Council has approved many buildings above the designated building height.

- 5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.**

The subject property should remain in the existing R1 zone.



Conclusion

The proposed development has been carefully designed to ensure that impacts on the amenity of the neighbouring properties are minimised whilst at the same time capturing the ocean views for the occupants. The owners of both neighbouring properties have been consulted throughout the design process and are not opposed to the proposal.

The development has embraced the concept of design excellence and will represent a significant improvement to the appearance of the streetscape in this area. The development also represents a significant investment in the Shire.

Given the nature of the surrounding developments in the immediate vicinity, it is considered that the request to vary the development standard relating to building height has merit in this instance. It is therefore recommended that Council support this request.

A handwritten signature in blue ink, which appears to read 'Paul Bowditch'. The signature is fluid and cursive, with a large, stylized initial 'P'.

Paul Bowditch
Director
Progressive Property Solutions



Appendix 1 – Photos of Surrounding Development



Photo 1: Looking North West. 2 & 3 storey buildings located south of Hargraves Street as they appear from the ocean.



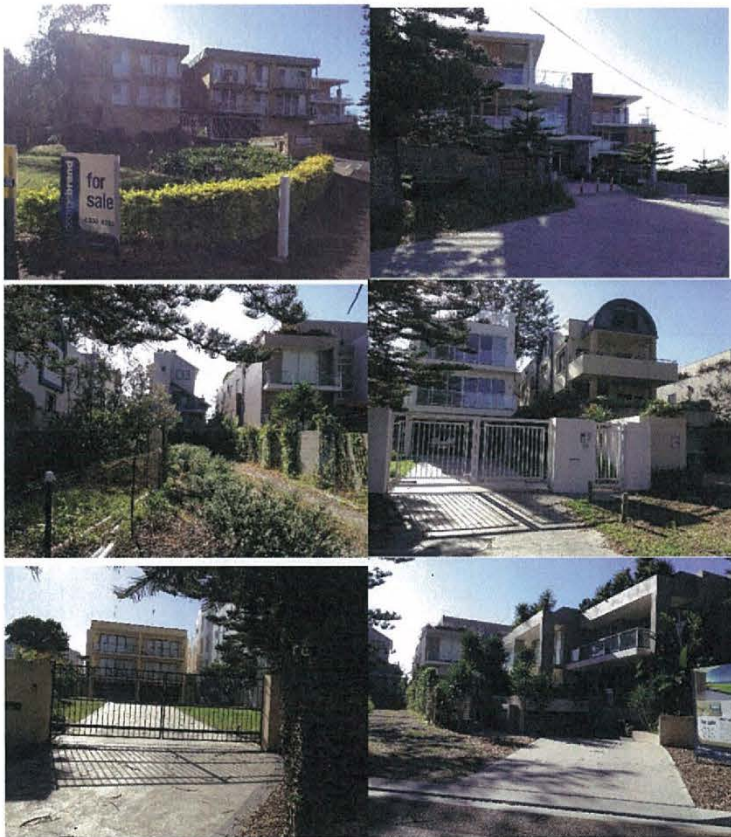
Photo 2: Looking South West. Same area as Photo 1 but looking further South across to Marine Pde The Entrance.



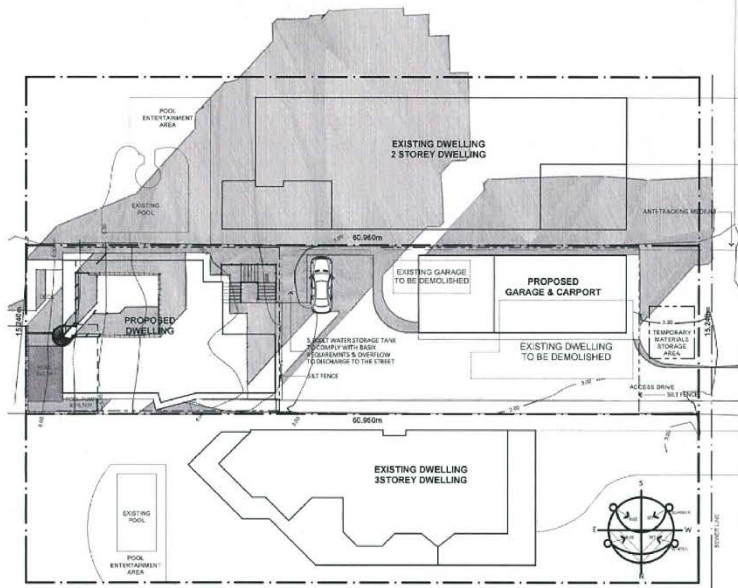
Photo 3: Dwelling at the rear of 35 Hutton Rd.



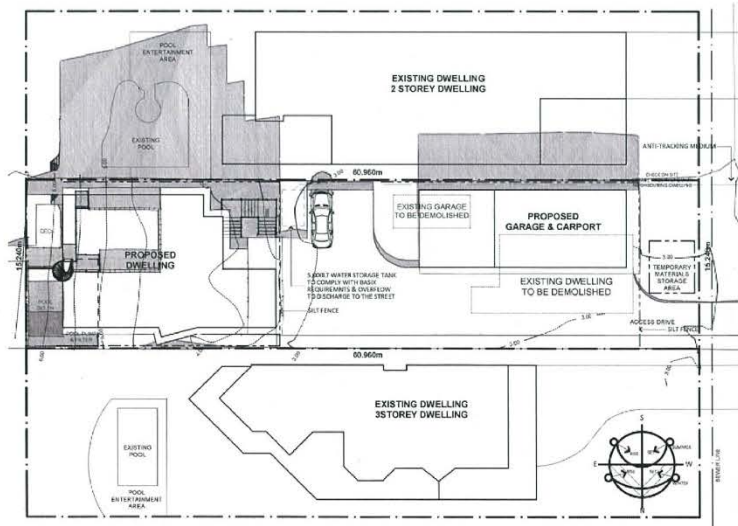
Photo 4 & 5 : 3-4 storey building behind No. 35 Hutton Rd



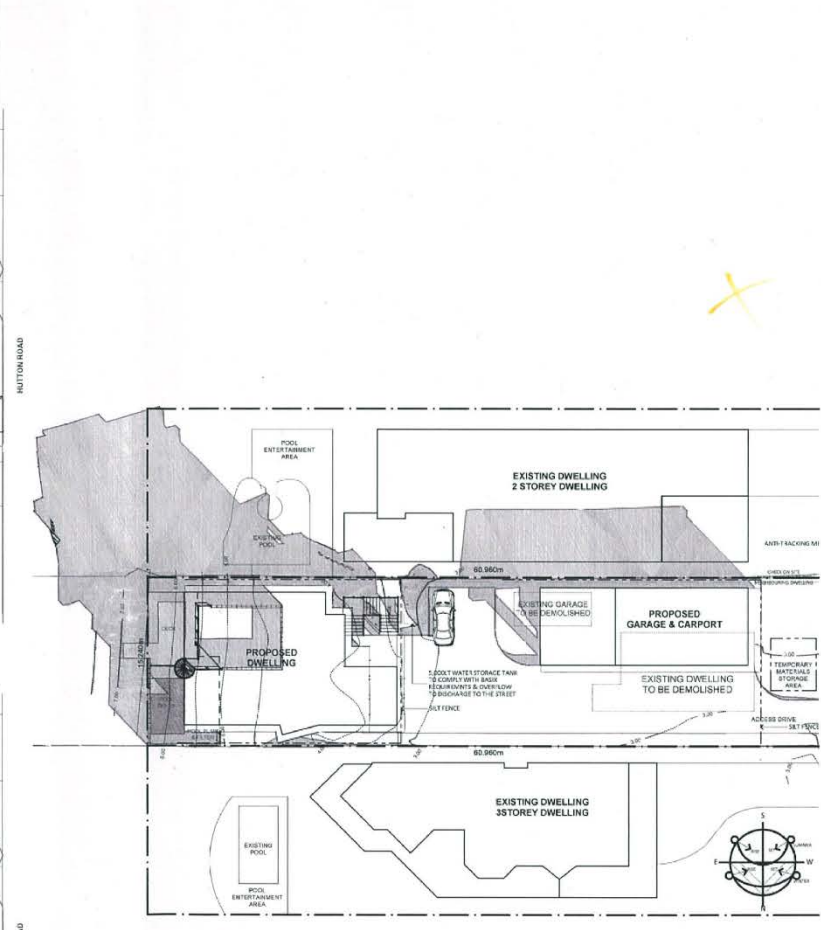
Photos 6 – 11: Other properties in Hutton Rd (generally NO. 1- No. 25)



SHADOWS - JUNE 21 - 9am
NTS



SHADOWS - JUNE 21 - 12noon
NTS



SHADOWS - JUNE 21 - 3pm
NTS



ISSUE: DATE: AMENDMENT:
 B. October 2014. In response to planning conditions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. L11. Shall be to travel to roof top terrace. Fill vertical shutters to northern facade of beach house to provide privacy. 2m high privacy wall to roof top terrace.
 C. January 2014. Delete structure from roof top entertainment area & reduce extent of balustrade to roof to entertainment area. Extend ground level lining area.

design by
**KATH
 IFFIELD**

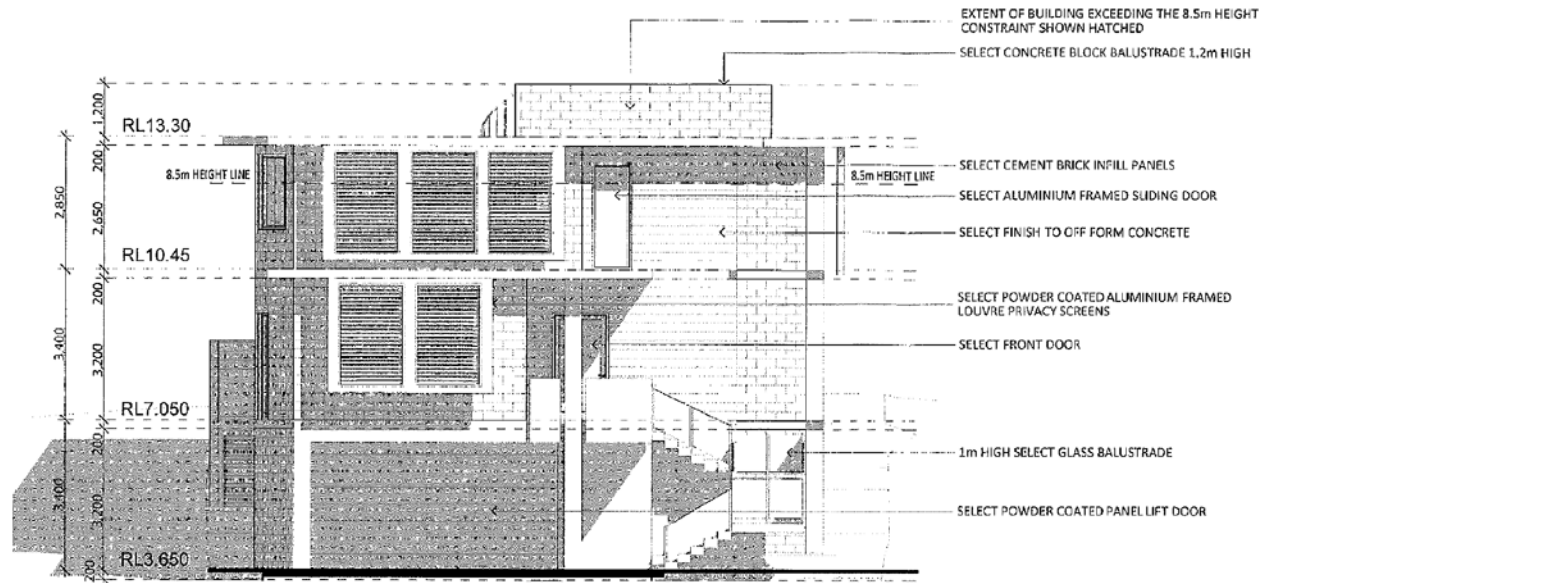
O : 29 Stewart Street
 The Entrance North 2261
 T : 4333 4552

PROJECT:
 LAING RESIDENCE
 LOT 6 DP 11341
 45 HUTTON ROAD
 THE ENTRANCE NORTH
 NSW 2261

SCALE: NTS
 DATE: OCT 2014

DRAWING:
 Shadow
 Diagrams

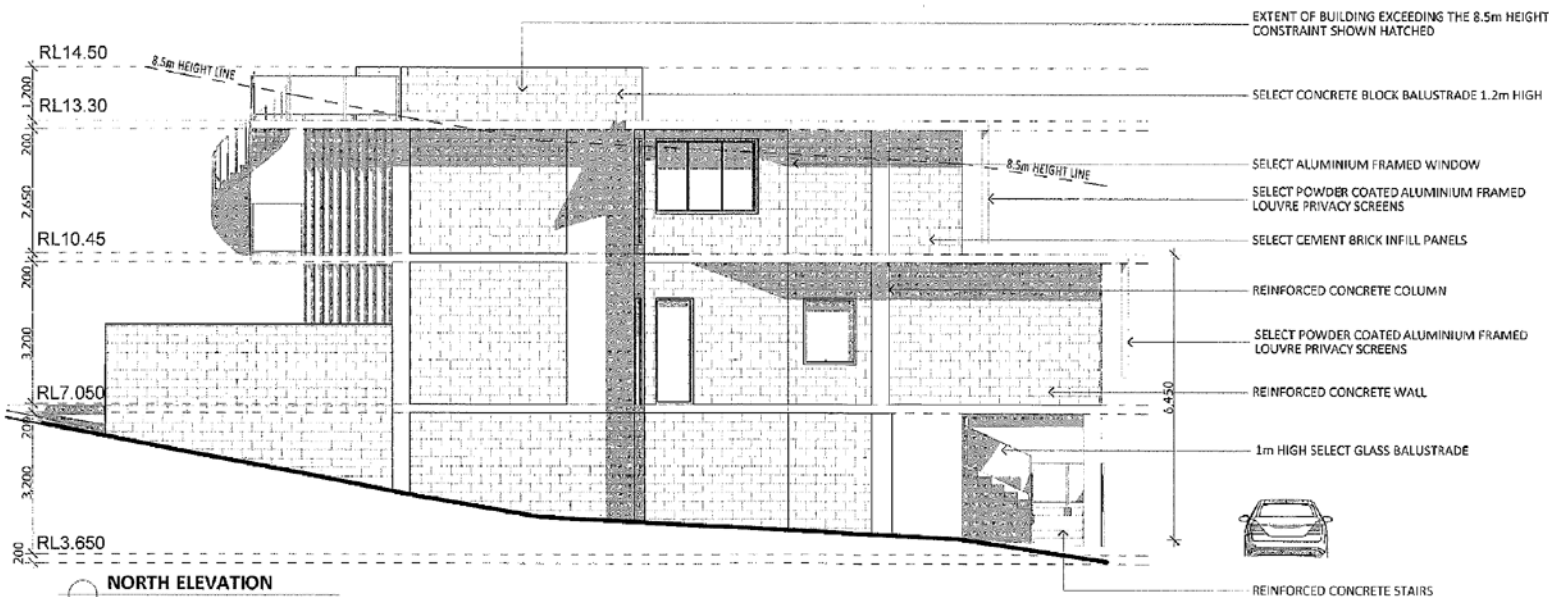
JOB No.: 2014-33
 DRAWING No.: 012
 ISSUE: C



WEST ELEVATION

SCALE - 1:100 @ A3

- EXTENT OF BUILDING EXCEEDING THE 8.5m HEIGHT CONSTRAINT SHOWN HATCHED
- SELECT CONCRETE BLOCK BALUSTRADE 1.2m HIGH
- SELECT CEMENT BRICK INFILL PANELS
- SELECT ALUMINIUM FRAMED SLIDING DOOR
- SELECT FINISH TO OFF FORM CONCRETE
- SELECT POWDER COATED ALUMINIUM FRAMED LOUVRE PRIVACY SCREENS
- SELECT FRONT DOOR
- 1m HIGH SELECT GLASS BALUSTRADE
- SELECT POWDER COATED PANEL LIFT DOOR



NORTH ELEVATION

SCALE - 1:100 @ A3

- EXTENT OF BUILDING EXCEEDING THE 8.5m HEIGHT CONSTRAINT SHOWN HATCHED
- SELECT CONCRETE BLOCK BALUSTRADE 1.2m HIGH
- SELECT ALUMINIUM FRAMED WINDOW
- SELECT POWDER COATED ALUMINIUM FRAMED LOUVRE PRIVACY SCREENS
- SELECT CEMENT BRICK INFILL PANELS
- REINFORCED CONCRETE COLUMN
- SELECT POWDER COATED ALUMINIUM FRAMED LOUVRE PRIVACY SCREENS
- REINFORCED CONCRETE WALL
- 1m HIGH SELECT GLASS BALUSTRADE
- REINFORCED CONCRETE STAIRS

ISSUE: DATE: AMENDMENT
 B October 2014 6. Decking above to remain North & South facing windows. Lift shaft to travel to roof top terrace. Fit voids subject to maintain inside of bench privacy wall to roof top terrace. 2m high
 C January 2014 Delete structure from roof top entertainment area & reduce extent of building to roof to entertainment area. Extend ground level living area.

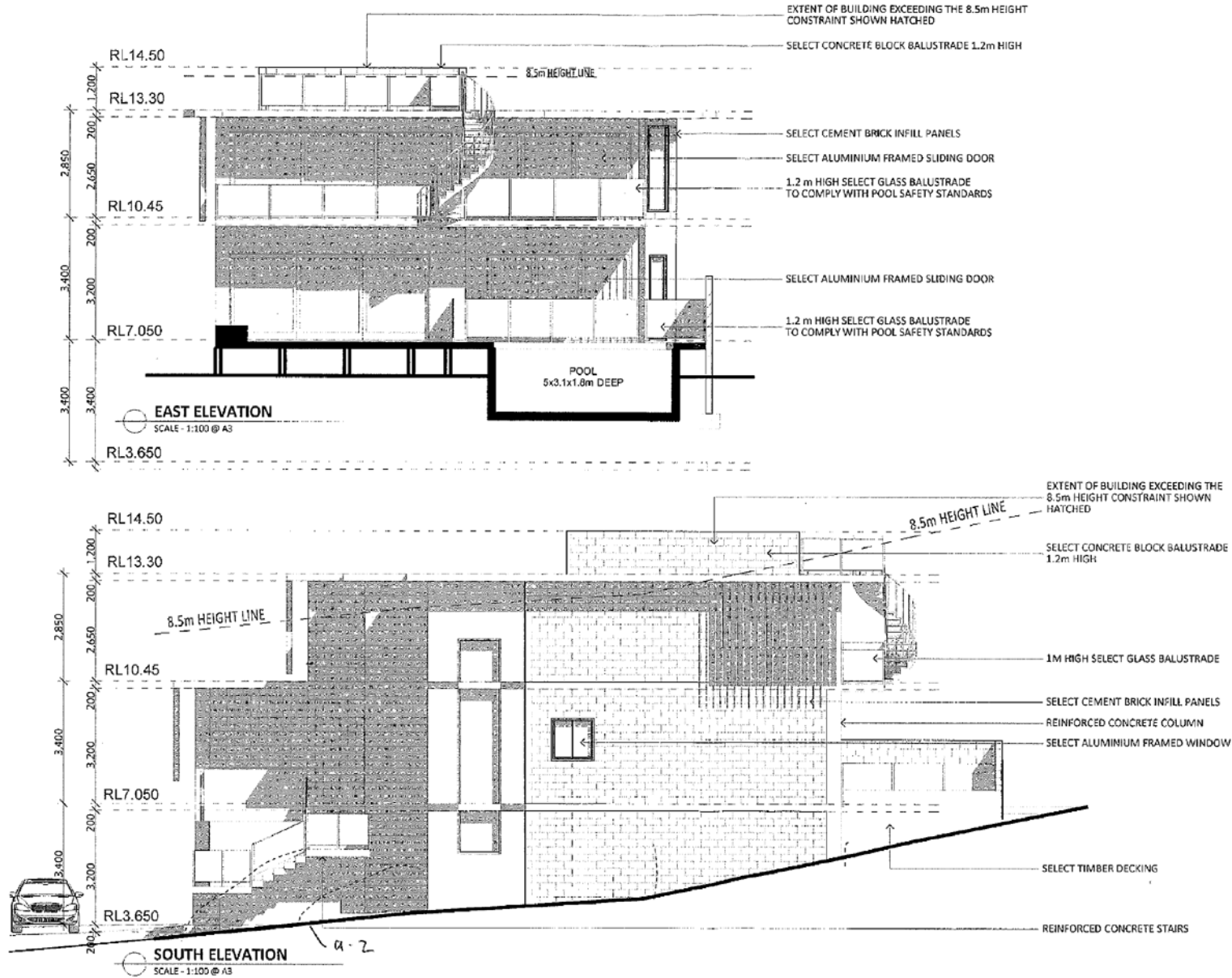
design by
KATH IFFIELD
 O: 28 Stewart Street
 The Entrance North 2261
 T: 4333 4552

PROJECT:
 LAING RESIDENCE
 LOT 6 DP 11341
 45 HUTTON ROAD
 THE ENTRANCE NORTH
 NSW 2261

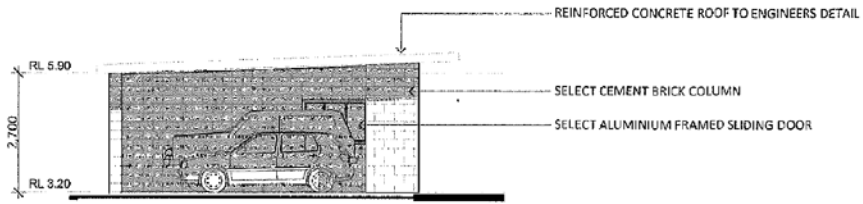
SCALE: 1:100
 DATE: OCT 2014

DRAWING:
Elevations

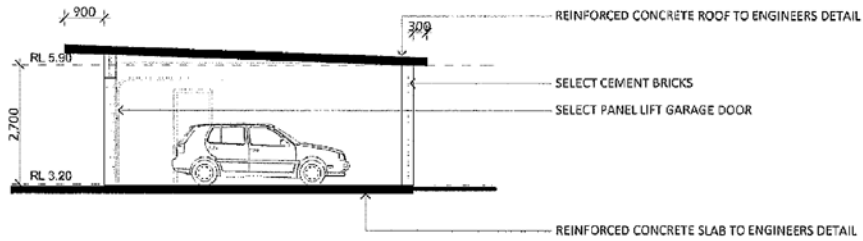
JOB No.: 2014-33
 DRAWING No.: 08
 ISSUE: C




ISSUAC: DATE: AMENDMENT:	
B. October 2014. To clarify plans to remaining North & South facing windows. Lift shaft to travel to roof top terrace. Fit vertical balustrade to maintain scope of beach privacy wall to roof top terrace. 2m high.	
C. January 2014. Delete structure from roof top entertainment area & reduce extent of structure on roof top entertainment area. Extend ground floor living area.	
 design by KATH I FIELD	
O : 29 Stewart Street The Entrance North 2261 T : 4353 4552	
PROJECT: LIVING RESIDENCE LOT 6 DP 11341 45 HUTTON ROAD THE ENTRANCE NORTH NSW 2261	
SCALE: 1:100	DATE: OCT 2014
DRAWING: Elevations	
JOB NO.: 2014-33	
DRAWING NO.: 09	
ISSUAC: C	

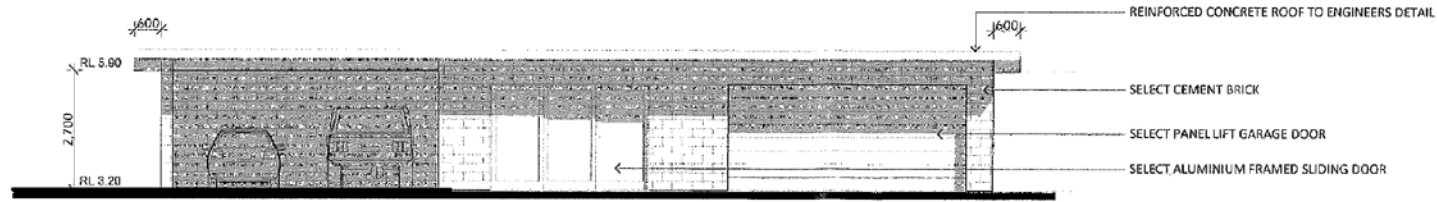


EAST ELEVATION
SCALE - 1:50 @ A3

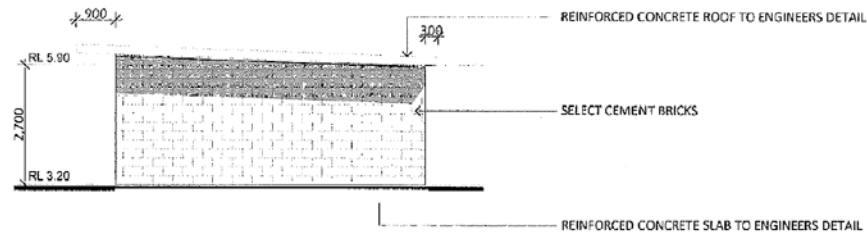


SECTION A-A
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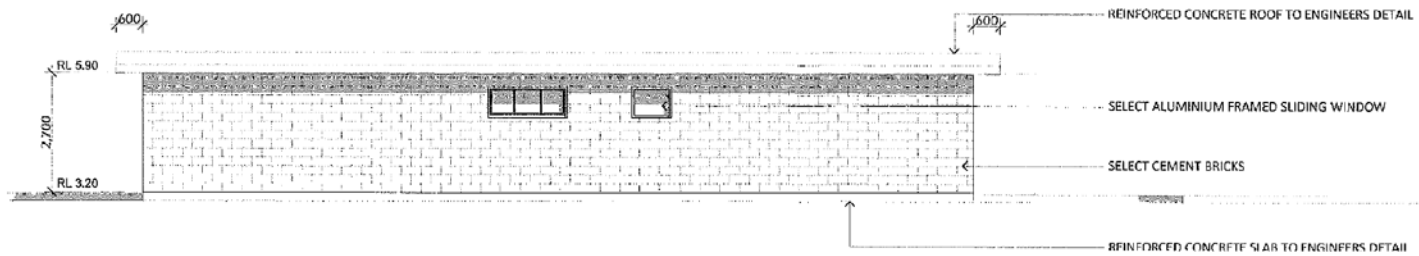
ISSUE:	DATE:	AMENDMENT:
 design by KATH IFIELD		
O : 29 Stewart Street The Entrance North 2261 T : 4333 4522		
PROJECT: LAING RESIDENCE LOT 6 DP 11341 45 HUTTON ROAD THE ENTRANCE NORTH NSW 2261		
SCALE:	DATE:	
1:100	OCT 2014	
DRAWING: Elevation & Section A-A		
ID# No.:	2014-33	
DRAWING No.:	019	
ISSUE:	A	




NORTH ELEVATION
SCALE - 1:100 @ A3



WEST ELEVATION
SCALE - 1:100 @ A3



SOUTH ELEVATION
SCALE - 1:100 @ A3

ISSUE:	DATE:	AMENDMENT:
 <p>design by KATH IFIELD</p> <p>O : 22 Stewart Street The Entrance North 2261 T : 4339 4532</p>		
<p>PROJECT:</p> <p>LIVING RESIDENCE LOT 6 DP 11341 45 HUTTON ROAD THE ENTRANCE NORTH NSW 2261</p>		
SCALE:	DATE:	
1:100	OCT 2014	
<p>DRAWING:</p> <p>Elevations</p>		
JOB NO.:	2014-33	
DRAWING NO.:	018	
ISSUE:	A	

3.4 RZ/8/2014 - Proposed Rezoning of Land at Gwandalan

TRIM REFERENCE: RZ/8/2014 - D11913604
MANAGER: Scott Cox, Director
AUTHOR: Peter Kavanagh; Senior Planner

SUMMARY

The Gwandalan Bowling Club has sought Council approval to rezoning land at 2-8 Aldinga Road, Gwandalan to allow for short and long term development of the site. The application was considered by Council at its meeting of 10 December 2014 and Council resolved to refer the matter to the February 2015 Employment Economic Development Committee (EEDC).

Following consideration of the matter by the EEDC, this report recommends the preparation of a Planning Proposal to amend the Wyong Local Environmental Plan (WLEP 2013) to insert an enabling provision within Schedule 1 - Additional Uses, to permit a form of "tourist and visitor accommodation" on the land.

It is considered that the proposed additional use provides an appropriate opportunity for the Gwandalan Bowling Club to seek additional revenue opportunities as well as providing tourist accommodation in Gwandalan.

This report recommends the preparation of a planning proposal to be forwarded to DP&E for gateway determination.

Applicant	Aconsult
Owners	Gwandalan Bowling Club
Proposal No	RZ/8/2014
Description of Land	Lots 1, 2, 3 & 4, Section 22, DP 28961, Nos. 2 – 8 Aldinga Road, Gwandalan
Zoning	R2 Low Density Residential
Proposal	Insert an enabling provision within Schedule 1-Additional Uses to permit a form of "tourist and visitor accommodation" on the land
Existing Use	Vacant

RECOMMENDATION

- 1 That Council prepare a planning proposal to amend the Wyong Local Environmental Plan (WLEP 2013) to insert an enabling provision within Schedule 1-Additional Uses, to permit a form of "tourist and visitor accommodation" on the land.***
- 2 That Council forward the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.***

- 3 ***That Council require, subject to the gateway determination, the proponent enter into a Funding Agreement with Council in accordance with Council's adopted Statement of Revenue Policy to recover the costs involved in further progressing the proposal.***
- 4 ***That Council authorise the General Manager (or delegate) to sign the Funding Agreement.***
- 5 ***That Council undertake agency and community consultation regarding the Planning Proposal in accordance with the gateway determination.***

BACKGROUND

The applicant (Aconsult, on behalf of the Gwandalan Bowling Club) lodged an application to amend the WLEP 2013 to rezone No 2-8 Aldinga Road, Gwandalan from R2 Low Density Residential to R1 General Residential. The application sought to facilitate an interim use of the site for tourist accommodation cabins and the longer term use of the land for medium density residential development.

Council at its meeting held on 10 December, 2014 *resolved unanimously on the motion of Councillor Best and seconded by Councillor Troy:*

1393/14 *"That Council temporarily defer to the next EEDC meeting to be held in February 2015 with a view in assisting the club in identifying the optimum use of the site and return on capital for the club in conjunction with the local community."*

The Employment and Economic Development Committee (EEDC) considered a report regarding the land, including an address by the Applicant, at its meeting of 4 February, 2015, and resolved:

"That the Committee note this matter is to be reviewed by the Development and Building and Property and Economic Development Departments, with advice from the Legal Department, with a view to addressing strategic issues on the site and preparation of a report to Council."

The EEDC was concerned that a complete rezoning to R1 could potentially enable the development of land uses that may be incompatible with the location of the site and its surrounding land uses. The Committee resolved to refer that matter to appropriate staff to discuss.

Further options for the site

Staff from Property and Economic Development, Development and Building and General Counsel met to discuss options. The preferred option was to proceed with an LEP amendment to insert a clause into Schedule 1 to enable use of the site for *"tourist and visitor accommodation"*.

Staff conveyed this option to the applicant's consultant's Town Planner for their consideration. The applicant agreed to proceed with this option.

The Site

The site is currently zoned R2 Low Density Residential and is described as Lots 1 – 4, Section 22, DP 28961, Nos. 2 – 8 Aldinga Road, Gwandalan. The Lots are vacant with scattered trees, and have a combined area of approximately 3066 m².



Figure 1: The site indicated by red boundary and hatching on the aerial photograph

The land is situated to the south of the neighbourhood shopping centre and to the west of the Gwandalan Bowling Club, which is located within the foreshore reserve to Crangan Bay, Lake Macquarie (see Figure 2). The combined land parcels have frontage to three roads, Aldinga Road, Gamban Road and Winbin Crescent.



Figure 2: Site Context

The land is generally flat, with a gentle fall to Gamban Road. It is currently being partly utilised for informal car parking. There are no historic records of previous developments on any of the four lots.

The land is bounded on three sides by bitumen sealed road with table drains, with no kerb and gutter. There is formal piped drainage in Aldinga Road and Gamban Road. There is also an open channel in the adjoining properties to the south.

There are water and sewer mains within the three road frontages which will be able to service development on the site. Any future development of the site will require consideration of the sewer main traversing the site, as well as formalisation of the road frontage with kerb, gutter and pavement widening at the DA stage.

66 remnant mature trees exist on site, of which 31 comprise a mature Bottlebrush hedge. Generally the trees are of reasonable health. Several have a pronounced lean, or have a poor aesthetic, having been poorly pruned to avoid adjacent power lines, and the soil over the root systems has been compacted by the utilisation of the land as an informal carpark. The majority of the trees (49) have been identified as likely to be removed, with only 13 noted in the application as suitable for protection and preservation. There are no identified threatened or endangered flora or fauna species observed on site.

The locality to the west and south is generally characterised by low density housing (R2 Low Density Residential zone). On the opposite side of Aldinga Road (to the north) and fronting Gamban Road is a small shopping centre (B1 Neighbourhood Centre zone) containing 10 shops. Land immediately to the west (across a lane from the commercial area) and opposite the subject land, is zoned R1 General Residential. This zone extends to the north to the intersection of Winbin Crescent and Gamban Road (see Figure 3).

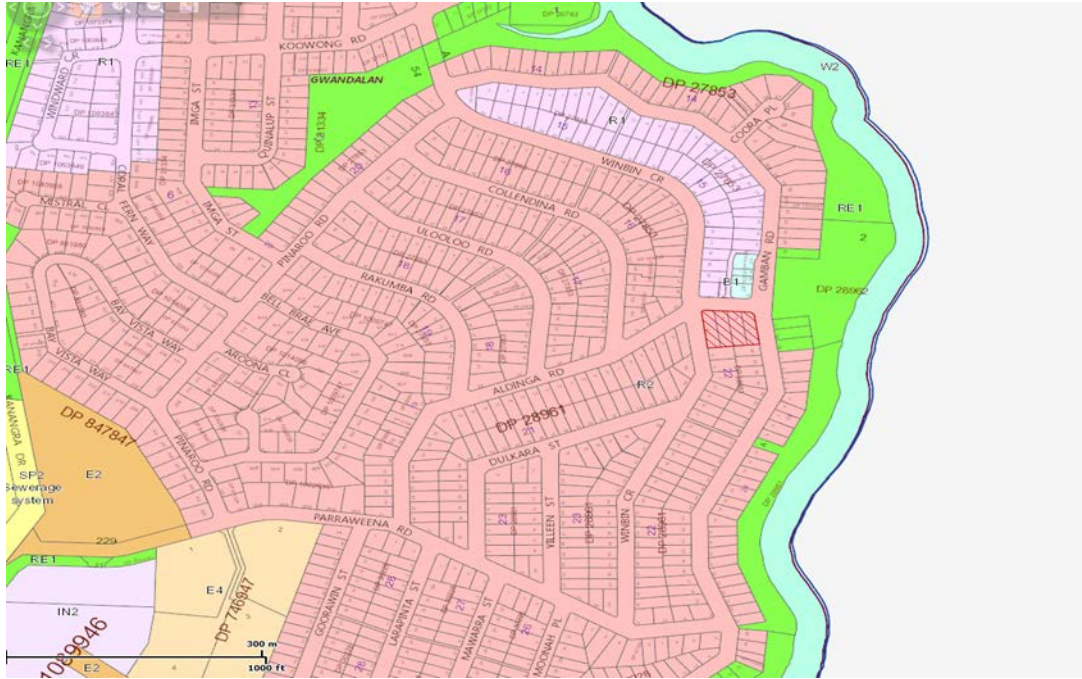


Figure 3: Land Zonings in the locality, with the subject land indicated by red boundary and hatching on the map.

THE PROPOSAL

The application identifies that there is currently no commercial tourist accommodation (e.g. hotel or motel) in Gwandalan and only six dwellings are currently advertised as providing short-term rental accommodation. The Gwandalan Bowling Club has therefore identified an opportunity to provide a new facility which provides holiday and tourist accommodation on this site creating new employment opportunities in close proximity to the surrounding services available within the suburb of Gwandalan.

The applicant has confirmed in writing that while the Club considers that there were merits in the original application for rezoning to R1 General Residential, it is the Club's intention to proceed with an application for an enabling clause which would make permissible the development of the site for tourist (cabin) purposes. The applicant proposes that this could be facilitated via an amendment to *Schedule 1 Additional Permitted Uses*, to insert permit an additional use "tourist and visitor accommodation" subject to development consent.

Within the WLEP the following definition applies:

Tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

The Applicant submits:

*“It never has been, and never will be, the Club’s intention to develop the site as a Caravan Park rather, we implore Council to consider our client’s intentions on the basis of a **more affordable form** of construction be included within the current Enabling Clause...This will enable our client to seek Council’s approval for Tourist and Visitor Accommodation with the form of construction being be suitably developed for the site by way of moveable/manufactured dwellings, commonly referred to as “cabins”.”*

As such, the Club intends to propose a tourist (cabin) development on the land. The definition above would only enable a development where the “cabins” are permanent structures (buildings). This is because *moveable dwellings* and *manufactured homes* are separately defined by the legislation as not being *buildings* and therefore prohibited under WLEP 2013.

The Applicant has therefore requested that the enabling clause also permit the “form” of construction for the *tourist and visitor accommodation* (likely to be a form of *hotel or motel accommodation*) to be the placement of moveable dwellings on the land, operated by the Club for that purpose.

CONSIDERATION

It is noted that each of the accommodation types allowed under the *tourist and visitor accommodation* definition are separately defined as “buildings”, which means they could not be relied upon for the development proposed. However:

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests’ vehicles,

but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. Hotel or motel accommodation is a type of ***tourist and visitor accommodation***—see the definition of that term in this Dictionary.

The inclusion of the words “a building or place” enables consideration of a cabin based tourist and visitor accommodation development under this definition.

The Schedule 1-additional use wording can therefore specifically reference the intended form of the development as follows:

8 Use of Certain Land at 2- 8 Aldinga Road, Gwandalan

- 1) This clause applies to land identified as "Item 30" on the Additional Permitted Uses Map.
- 2) Development for the purposes of tourist and visitor accommodation is permitted with development consent if the development is associated with a registered club.
- 3) Nothing within this clause allows for use of the site as a Caravan Park.

It is considered that the above draft Clause would adequately address the proposed development and be consistent with existing clauses in WLEP 2013.

STATUTORY COMPLIANCE - LOCAL PLANS POLICIES AND STRATEGIES

State Environmental Planning Policies (SEPP's)

The proposal has been assessed having regard for all SEPP's and has been found to be generally consistent with those Policies. Compliance with the SEPPs is addressed in Attachment 1.

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) was released by the Department of Planning (DoP) in July 2008. The CCRS identifies the population potential of the Central Coast expected by 2031, expected employment capacity targets and the likely phasing of release areas. The strategy also identifies actions and principles to ensure ongoing growth and prosperity of the region, including actions for centres and housing, economy and employment, environment and natural resources, natural hazards, water supply, regional infrastructure and regional transport.

The CCRS provides under the "Key Economic Opportunities for the Region", that "the regions tourism advantages are also likely to increase". The proposal could facilitate provision of accommodation for tourists attracted to the recreational opportunities provided in Gwandalan and the north of the Wyong LGA. As such the proposal will support job creation in the management and service industries and therefore is consistent with the key objectives of the Strategy.

North Wyong Shire Structure Plan (NWSSP)

The broad strategies within the CCRS were further developed and refined in the release of the North Wyong Shire Structure Plan (NWSSP) in October, 2012. The NWSSP seeks the provision of approximately 7,970 additional dwellings and 1360 jobs in the north of the Wyong LGA during the medium term years to 2027. The proposal is complimentary to this Plan.

Ministerial Directions under Section 117 of the Environmental Planning Assessment Act 1979 (EP&A Act)

Section 117 of the EP&A Act 1979 provides for the Minister for Planning to issue directions to Council specifying principles, aims, objectives or policies that must be considered when preparing a local environmental plan. The current 117 directions that apply to the preparation of an LEP associated with this Planning Proposal are addressed in Attachment 2. The proposal is generally consistent with the Section 117 directions.

OPTIONS

Options for the development of the land, including single residential, dual occupancy and medium density development were presented and discussed at the Employment and Economic Development Committee meeting of 4 February, 2015.

The current proposal, being a specific additional use provision is considered to be the most appropriate to meet the economic needs of the Club (and other small businesses) while minimizing impacts on the environment and the community.

STRATEGIC LINKS**Budget Impact**

The Planning Proposal is privately funded. Phase 1 fees were paid at lodgement, for preliminary assessment and the preparation of a report, to gauge whether there is merit for Council to support the Proposal. Subject to any gateway determination, the proponent would be required to enter into a Funding Agreement with Council in accordance with Council's Statement of Revenue Policy to recover the costs involved in further progressing the proposal.

CONSULTATION

Government agency and public consultation requirements for the Planning Proposal will be established by the gateway determination, and will be conducted accordingly. It is likely that the gateway determination may require the following groups and agencies to be consulted:

- Darkinjung Local Aboriginal Land Council;
- Guringai Tribal Link;
- Mine Subsidence Board;
- NSW Trade and Investment - Minerals and Petroleum;
- NSW Office of Environment & Heritage; and
- NSW Roads and Maritime Services.

CONCLUSION

The site is a vacant urban in fill site with capacity to be fully serviced to facilitate urban development. The proposed land use of tourist accommodation is important to the economy of the region on a site with good access to shops and recreation facilities.

It is considered that the proposal has merit and is recommended to be forwarded to the DP&E for a gateway determination. Delegated Authority for Council's General Manager to make minor amendments and to make the plan will be sought.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | State Environment Planning Policy Assessment | D11877162 |
| 2 | S 117 Ministerial Direction Assessment RZ_8_2014 | D11877167 |

RZ/8/2014 – 2 – 8 Aldinga Road, Gwandalan

State Environmental Planning Policy (SEPP)		Applicable?	Comments
1	Development Standards	No	<ul style="list-style-type: none"> Excluded by Cl. 1.9(2) of WLEP, 2013
14	Coastal Wetlands	No	
15	Rural Land-sharing Communities	No	
19	Bushland in Urban Areas	No	
21	Caravan Parks	No	<ul style="list-style-type: none"> Caravan Parks are not a permissible use of land within the R2 zone
26	Littoral Rainforests	No	
29	Western Sydney Recreation Area	No	
30	Intensive Agriculture	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	<ul style="list-style-type: none"> The Proposal will enable increased density, supply and diversity in potential uses for the land, subject to merit assessment via Development Application. The Proposal is consistent with the aims of the Policy.
33	Hazardous and Offensive Development	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal
36	Manufactured Home Estates	No	<ul style="list-style-type: none"> Caravan Parks (and Manufactured Home Estates) are not a permissible use of land within the R2 zone.
39	Spit Island Bird Habitat	No	
44	Koala Habitat Protection	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal – land is less than 1 Ha
47	Moore Park Showground	No	
50	Canal Estate Development	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal
52	Farm Dams & Other works in Land & Management Plan Areas	No	
55	Remediation of Land	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal
59	Central Western Sydney Regional Open Space and Residential	No	
62	Sustainable Aquaculture	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal
64	Advertising and Signage	Yes	<ul style="list-style-type: none"> The Proposal is not inconsistent with the aims of the Policy.

State Environmental Planning Policy (SEPP)		Applicable?	Comments
65	Design Quality of Residential Flat Development	No	<ul style="list-style-type: none"> Residential Flat Development is not a permissible use within the R2 General Residential Zone.
70	Affordable Housing (Revised Schemes)	No	
71	Coastal Protection	Yes	<ul style="list-style-type: none"> The Proposal is located on land within the Coastal Zone, and is land which is identified as a "sensitive coastal location" under SEPP 71 – Coastal Protection (approx. 12% of one of the four lots is within 100m of Lake Macquarie). The subject land is located on the opposite of the road from the Gwandalan Bowling Club, which is situated on the public reserve Lake foreshore, between the land and Lake Macquarie. The land currently has an R2 zoning and it is proposed to enable the additional use "tourist and visitor accommodation". This will have no material impact on the issues relevant to the Coastal Protection Act or SEPP 71. The Proposal is not inconsistent with the aims of the Policy.
SEPP	Affordable Rental Housing 2009	Yes	<ul style="list-style-type: none"> The Proposal will enable increased supply and diversity in potential accommodation forms for the land, and is therefore consistent with the aims of the Policy.
SEPP	(Building Sustainability Index: BASIX) 2004	Yes	<ul style="list-style-type: none"> The Proposal is consistent with the aims of the Policy.
SEPP	(Exempt and Complying Development Codes) 2008	Yes	<ul style="list-style-type: none"> E & C Development is enabled by the SEPP for the land. The Proposal is consistent with the aims of the Policy.
SEPP	(Housing for Seniors or People with a Disability) 2004	Yes	<ul style="list-style-type: none"> The Proposal will enable increased supply and diversity in potential housing forms for the land, and is therefore consistent with the aims of the Policy.

State Environmental Planning Policy (SEPP)		Applicable?	Comments
SEPP	Infrastructure 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Kosciuszko National Park – Alpine Resorts) 2007	No	
SEPP	(Kurnell Peninsula) 1989	No	
SEPP	(Major Development) 2005	Yes	▪ Not relevant to this Proposal
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Miscellaneous Consent Provisions) 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Penrith Lakes Scheme) 1989	No	
SEPP	(Rural Lands) 2008	Yes	▪ Not relevant to this Proposal
SEPP	SEPP 53 (Transitional Provisions) 2011	No	
SEPP	(State and Regional Development) 2011	Yes	▪ Not relevant to this Proposal
SEPP	(Sydney Drinking Water Catchment) 2011	No	
SEPP	(Sydney Region Growth Centres) 2006	No	
SEPP	(Three Ports) 2013	No	
SEPP	(Urban Renewal) 2010	No	
SEPP	(Western Sydney Employment Area) 2009	No	
SEPP	(Western Sydney Parklands) 2009	No	

Deemed State Environmental Planning Policy (SEPPs which were previously referred to as SREPs before 1/7/2009)		Applicable?	Comments
8	Central Coast Plateau Areas	Yes	▪ Not relevant to this Proposal
9	Extractive Industry (No 2 – 1995)	Yes	▪ Not relevant to this Proposal
16	Walsh Bay	No	
18	Public Transport Corridors	No	
19	Rouse Hill Development Area	No	
20	Hawkesbury-Nepean River (No 2 – 1997)	No	
24	Homebush Bay Area	No	
26	City West	No	
30	St Marys	No	
33	Cooks Cove	No	
SREP	(Sydney Harbour Catchment) 2005	No	



Section 117 Ministerial Direction Assessment

Direction	Comment
Employment and Resources	
<i>1.1 Business and Industrial Zones</i>	
<ul style="list-style-type: none"> ▪ Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. ▪ Applies when a dLEP affects land within an existing or proposed business or industrial zone. 	<ul style="list-style-type: none"> ▪ Not Applicable.
<i>1.2 Rural Zones</i>	
<ul style="list-style-type: none"> ▪ Aims to protect the agricultural production value of rural land. ▪ Applies when a dLEP affects land within an existing or proposed rural zone. 	<ul style="list-style-type: none"> ▪ Not Applicable.
<i>1.3 Mining, Petroleum Production and Extractive Industries</i>	
<ul style="list-style-type: none"> ▪ Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. ▪ Applies when a dLEP would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. 	<ul style="list-style-type: none"> ▪ Not applicable.

<i>1.4 Oyster Aquaculture</i>	
<ul style="list-style-type: none"> ▪ Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers. ▪ Applies when a dLEP could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses. 	<ul style="list-style-type: none"> ▪ Not applicable.
<i>1.5 Rural Lands</i>	
<ul style="list-style-type: none"> ▪ Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes. ▪ Applies to Councils to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a dLEP that affects land within an existing or proposed rural or environment protection zone. 	<ul style="list-style-type: none"> ▪ Not applicable.
Environment and Heritage	
<i>2.1 Environmental Protection Zones</i>	
<ul style="list-style-type: none"> ▪ Aims to protect and conserve environmentally sensitive areas. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable ▪ The Proposal does not apply to land within an environmental protection zone or land otherwise identified for environmental protection purposes. ▪ The Planning Proposal is therefore not inconsistent with this Direction.

2.2 Coastal Protection	
<ul style="list-style-type: none"> ▪ Aims to implement the principles in the NSW Coastal Policy. ▪ Applies when a dLEP applies to land in the coastal zone as defined in the Coastal Protection Act 1979. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The Proposal is located on land within the Coastal Zone, and is land which is identified as a “sensitive coastal location” under SEPP 71 – Coastal Protection (approx. 12% of one of the four lots is within 100m of Lake Macquarie). ▪ The subject land is located on the opposite of the road from the Club, which is situated on the public reserve Lake foreshore, between the land and Lake Macquarie. The land currently has an R2 zoning and it is proposed to enable the additional use “tourist and visitor accommodation”. This will have no material impact on the issues relevant to the CP Act or SEPP 71. ▪ The Planning Proposal is not inconsistent with this Direction, or if it is inconsistent, the inconsistency is of a minor nature.
2.3 Heritage Conservation	
<ul style="list-style-type: none"> ▪ Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ There are no known sites or relics of European or Aboriginal Heritage significance on or near the land. ▪ The Proposal is not inconsistent with this Direction.
2.4 Recreational Vehicle Areas	
<ul style="list-style-type: none"> ▪ Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The Proposal does not enable the land to be used for a recreation vehicle area, and is not inconsistent with this Direction.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
<ul style="list-style-type: none"> ▪ Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. ▪ Applies when a dLEP affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted. 	<ul style="list-style-type: none"> ▪ Applicable. The Proposal will enable an interim development which will attract and accommodate tourists, who will contribute to the use of local cultural and community facilities, open space, sports and recreation facilities. Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable strategies to Wyong. Council is currently seeking to increase utilisation of existing facilities. ▪ The Proposal will allow for the better and more efficient utilisation of existing infrastructure and services. The land is currently serviced with electricity, telephone, water, sewerage and drainage infrastructure which can be embellished to accommodate future developments. ▪ The Proposal will facilitate the use of the land for a variety of quality housing types.

	<p>It is a vacant urban in-fill site, not contributing to the consumption of additional land.</p> <ul style="list-style-type: none"> ▪ The proposal is consistent with this Direction.
<p><i>3.2 Caravan Parks and Manufactured Home Estates</i></p>	
<ul style="list-style-type: none"> ▪ Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Not Applicable. ▪ Caravan Parks and Manufactured Home Estates are not permissible uses within the R2 General Residential zone.
<p><i>3.3 Home Occupations</i></p>	
<ul style="list-style-type: none"> ▪ Aims to encourage the carrying out of low impact small business in dwelling houses. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ Home Occupations provide important economic activity and job opportunities in the local economy. They often comprise “start-up” level businesses which later expand to larger enterprises and relocate to larger premises. Home Occupations are a permissible use without consent in dwellings in the R2 zone. ▪ The proposal is consistent with this Direction.
<p><i>3.4 Integrating Land Use and Transport</i></p>	
<ul style="list-style-type: none"> ▪ Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight. ▪ Applies when a dLEP creates, alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The proposal will permit additional economic activity and increased population density in a developed urban area, contributing to the sustainable utilisation of existing transport infrastructure. ▪ The Proposal is consistent with this Direction.

3.5 Development Near Licensed Aerodromes	
<ul style="list-style-type: none"> ▪ Aims to ensure the effective and safe operation of aerodromes and that the operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity. Development for residential purposes or human occupation (within the Annual Noise Exceedance Frequency (ANEF) contours between 20 and 25) must incorporate appropriate mitigation measures so that the development is not adversely affected by aircraft noise. ▪ Applies when a dLEP creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome. 	<ul style="list-style-type: none"> ▪ Not Applicable.
3.6 Shooting Ranges	
<ul style="list-style-type: none"> ▪ Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range; reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land; and identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. ▪ Applies when a dLEP affects, creates or removes a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range. 	<ul style="list-style-type: none"> ▪ Not Applicable.
Hazard and Risk	
4.1 Acid Sulphate Soils	
<ul style="list-style-type: none"> ▪ Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. ▪ Applies when a dLEP applies to land having a probability of containing acid sulfate soils on the Acid Sulphate Soils Planning Maps. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The land contains soils identified as Class 5 on the Acid Sulfate Soils Map (WLEP, 2013). It is noted that Class 1 soils are located on the opposite side of Gamban Road, within the Lakefront Reserve. Future development of the land will require detailed assessment of the soil conditions via the Development Application process, particularly for any excavation required, as dependant on the depth proposed the excavations may impact groundwaters, and mitigation measures may be required. ▪ The Proposal is not inconsistent with this Direction.

4.2 Mine Subsidence and Unstable Land	
<ul style="list-style-type: none"> ▪ Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence. ▪ Applies when a dLEP permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of Council or other public authority and provided to Council. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The land is within the Swansea / North Entrance Mine Subsidence District. The Mine Subsidence Board will impose appropriate building controls for development on the land. ▪ The Proposal is not inconsistent with this Direction.
4.3 Flood Prone Land	
<ul style="list-style-type: none"> ▪ Aims to ensure development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the <i>Floodplain Development Manual 2005</i>; and provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on an off the subject land. ▪ Applies when a dLEP creates, removes or alters a zone or provision that affects flood prone land. 	<ul style="list-style-type: none"> ▪ Not Applicable. ▪ The Proposal does not affect land classified as Flood Prone, and is therefore not inconsistent with this Direction.
4.4 Planning for Bushfire Protection	
<ul style="list-style-type: none"> ▪ Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas. ▪ Applies when a dLEP affects or is in proximity to land mapped as bushfire prone land. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The Proposal does not affect land classified as Bush Fire Prone, and is therefore not inconsistent with this Direction.
Regional Planning	
5.1 Implementation of Regional Strategies	
<ul style="list-style-type: none"> ▪ Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within Regional Strategies. ▪ Applies to land to which the following regional strategies apply: <ul style="list-style-type: none"> ▪ Far North Coast Regional Strategy, ▪ Lower Hunter Regional Strategy, ▪ Illawarra Regional Strategy, ▪ South Coast Regional Strategy, ▪ Sydney-Canberra Corridor Regional Strategy, ▪ Central Coast Regional Strategy, and ▪ Mid North Coast Regional Strategy. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The Central Coast Regional Strategy (CCRS p29) provides under the <i>Key Economic Opportunities for the Region</i>, that "the regions tourism advantages are also likely to increase". Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable strategies to Wyong. ▪ The development of tourist accommodation is important to the economy of the Region and will lead to the better utilisation of existing infrastructure and services. The Proposal is consistent with this Direction.

5.2 Sydney Drinking Water Catchments	
<ul style="list-style-type: none"> ▪ Aims to protect water quality in the hydrological catchment. ▪ Applies when Council prepares a dLEP that applies to Sydney's hydrological catchment. 	<ul style="list-style-type: none"> ▪ Not applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
<ul style="list-style-type: none"> ▪ Aims to ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas. ▪ Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council. 	<ul style="list-style-type: none"> ▪ Not applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
<ul style="list-style-type: none"> ▪ Aims to manage commercial and retail development along the Pacific Highway, North Coast. ▪ Applies to all Councils between and inclusive of Port Stephens and Tweed Shire Councils. 	<ul style="list-style-type: none"> ▪ Not applicable.
5.5, 5.6 and 5.7 - Revoked	
5.8 Second Sydney Airport: Badgerys Creek	
<ul style="list-style-type: none"> ▪ Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. ▪ Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas. 	<ul style="list-style-type: none"> ▪ Not applicable.
5.9 North West Rail Link Corridor Strategy	
<ul style="list-style-type: none"> ▪ Aims to promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL), and to ensure development within the Corridor is consistent with the proposals set out in the relevant Strategy and Structure Plans. ▪ Applies to Hornsby Shire Council, the Hills Shire Council and Blacktown City Council. 	<ul style="list-style-type: none"> ▪ Not Applicable

Local Plan Making	
<i>6.1 Approval and Referral Requirements</i>	
<ul style="list-style-type: none"> ▪ Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The proposal does not introduce any additional requirements for referrals, concurrences or consultation and does not identify development as designated development. ▪ The proposal is consistent with this Direction.
<i>6.2 Reserving Land for Public Purposes</i>	
<ul style="list-style-type: none"> ▪ Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition. ▪ Applies when Council prepares a dLEP. 	<ul style="list-style-type: none"> ▪ Applicable. ▪ The proposal does not seek to alter or create land for public purposes. ▪ The Proposal is not inconsistent with this Direction.
<i>6.3 Site Specific Provisions</i>	
<ul style="list-style-type: none"> ▪ Aims to discourage unnecessarily restrictive site specific planning controls. ▪ Applies when Council prepares a dLEP to allow particular development to be carried out. 	<ul style="list-style-type: none"> ▪ Not applicable. ▪ The Proposal will retain a zone existing within the EPI to the land, whilst enabling an additional site specific use, without imposing any development standards or requirements in addition to those already contained within the principle EPI being amended (6.3(4)). ▪ The Proposal is consistent with this Direction.
Metropolitan Planning	
<i>7.1 Implementation of the Metropolitan Strategy</i>	
<ul style="list-style-type: none"> ▪ Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. ▪ Applies to Sydney Metropolitan Councils 	<ul style="list-style-type: none"> ▪ Not Applicable. ▪ The dLEP does not affect land within the Sydney Metropolitan Region of Councils

4.1 CPA/253210 - Water Meter Reading

TRIM REFERENCE: CPA/253210 - D11896829
MANAGER: Michael Whittaker, General Manager
AUTHOR: Carlton Oldfield; Financial Controller

SUMMARY

Evaluation and selection of tenders for Contract CPA/253210 – Water Meter Reading

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

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer ‘4’ in the attached Tender Evaluation Report, for a period of up to four years for Contract CPA/253210 – Water Meter Reading. The estimated annual expenditure against this contract is \$457,027 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.**
- 2 That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**
- 4 That Council delegate to the General Manager the power to approve the option for a further term.**

BACKGROUND

Council has sought tenders for Water Meter Reading services that assist in generating revenue of \$27.5m annually for the sale of water. Water Meters are read predominantly on a bi-annual basis for residents with high user businesses are read on a monthly basis.

Council currently utilises two to three Water Meter Readers to perform this function. One Water Meter Reader is a permanent full time staff member whilst the other is procured from a Local Government Procurement Supplier on a short term basis.

Council is investigating the use of alternative resourcing options to determine if Council is achieving best value for ratepayers in undertaking Water Meter Reading.

The scope of Water Meter Reading at Council is changing as Council looks to introduce separated rates and water notices in 2015/16. This will result in the issuance of a quarterly water bill and residents will have a rates and water bill structure similar to that received by residents in Sydney and the Hunter. Currently Council does not have internal resources to accommodate an increased water meter reading cycle under this new billing structure.

PROBITY

The tender process has been conducted in accordance with a Probity Plan approved by the Chief Financial Officer, due to the higher probity risks associated with this tender because it is a service that is performed internally.

The following Probity measures were put in place:

- Two teams were established: a RFT Team, which was responsible for running the tender process; and a Bid Team, responsible for submitting the in-house bid.
- A 'Firewall' was established between the RFT Team and the Bid Team, to ensure there is clear physical and operational separation between RFT Team and the Council Bid Team.
- TRIM access for all records relating to RFT process were limited to the people directly involved in the tender process for this contract.
- All records relating to the RFT process were placed in limited access TRIM folder.
- Finance Team established a firewall to enable them to provide financial services support to both the Bid team and the RFT Team.
- Confidentiality Agreements were signed by all staff who will be directly involved in the RFT process. No information about the **RFT process** was disclosed to the Bid Team, any other Council staff (unless involved in the RFT process), staff or members of organisation
- The Chief Financial Officer supported the Bid Evaluation Panel whilst the Financial Controller- Financial Systems and three Finance staff supported the Bid Team and acted to provide approval authority for Contact Plan & RFT documents.
- Contract Technical Advisors not part of the RFT evaluation panel were not involved in the RFT evaluation process but participated in the Bid Team. Contribution to Technical Specifications/Contract Brief was limited to providing confirmation that key business requirements were included.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Chief Financial Officer before the Request for Tender was issued. The approved Contract Plan is in TRIM D11774521.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Advertiser and eTender on 27 January 2015 and closed on 19 February 2015.

The invitation documents called for a schedule of rates tenders, based on a detailed specification.

Tenders closed at Council's Chambers at 2.00pm on 19 February 2015.

TENDER SUBMISSIONS

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

Under Service model 1 – Bi-Annual cycle

- AMRS (Aust) Pty Ltd
- Celebee Pty Ltd
- Mullane Maintenance Pty Ltd
- Skilltech Consulting Services Pty Ltd
- Taggle Systems Pty Ltd
- Wyong Shire Council (internal bid)

Under Service model 2 – Quarterly cycle

- AMRS (Aust) Pty Ltd
- Celebee Pty Ltd
- Mullane Maintenance Pty Ltd
- Skilltech Consulting Services Pty Ltd
- Taggle Systems Pty Ltd
- Wyong Shire Council (internal bid)

Under Service model 3 – Quarterly cycle

- AMRS (Aust) Pty Ltd
- Celebee Pty Ltd
- Mullane Maintenance Pty Ltd
- Skilltech Consulting Services Pty Ltd
- Taggle Systems Pty Ltd
- Wyong Shire Council (internal bid)

No late submissions were received.

TENDER EVALUATION

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

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A. Only conforming tenders were scored.

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

- a) Price;
- b) Methodology;
- c) Experience;
- d) Capacity for Growth

The tender requested pricing for three different service levels and a possible communication component.

Service Model	Description	Comment
1	Predominantly Bi-Annual meter reading cycle	Current model that will become redundant with new rates/water billing structure being developed.
2	Quarterly meter reading cycle on ongoing basis	Requires ongoing billing and staffing requirements throughout year
3	Quarterly meter reading cycle on an accelerated basis	Achieves four set billing dates similar to rates instalments and allows for staff resources to be aligned to key dates.

It is currently proposed to proceed with Service Model 3 as it allows Council greater ability to focus resources and it will improve customer communication. Residential customers throughout the shire will have the same billing schedule promoting ease of understanding

In the event Council elects to award the contract to a party outside of Council, it may result in the elimination of the one Water Meter Reading role employed by Council. Should this arise staff members have investigated redeployment opportunities within Council. The second Water Meter Reading role is filled by an external contractor.

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year’s operational budget under CPA/253210.

RELEVANT LEGISLATION

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

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

Under the Local Government (State) Award 2014 ("Award") staff were consulted in a series of discussions prior to a formulating the decision to go to tender on Water Meter Reading Services. The United Services Union was involved in these preliminary discussions. After these consultations a draft business case was evaluated resulting in the decision that going to tender was in the best interests of maximising ratepayer value. The Award provisions of Workplace Change section 39(i) were complied with and staff and the United Services Union were duly informed.

Relevant staff did elect to prepare an internal bid for this tender and in accordance with section 39(ii)(d) they were supported by senior staff members from Finance. Should the Council decision stemming from this Council report involve further Workplace Change, staff will continue to adhere with the provisions of the Award and in particular s.39 Workplace change.

CRITICAL DATES / TIME FRAMES

It is anticipated that the contract will be awarded on 27 April 2015 and that the service will commence onboarding activities by 4 May 2015.

RISK

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

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract: NIL

PROCESS REVIEW

The Tender evaluation and this Report and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

OPTIONS/ALTERNATIVES

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

PUBLIC CONSULTATION

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

ATTACHMENTS

1 CPA 253210 - Water Meter Reading Assessment Spreadsheet - D11910062

4.2 CPA/254049 - Construction of Forecourt Landscaping - Shelly Beach Surf Life Saving Club

TRIM REFERENCE: CPA/254049 - D11900196

MANAGER: Gary Kinney, Project Director

AUTHOR: Ben Fullagar; Project Manager

SUMMARY

Evaluation and selection of tenders for Contract CPA/254049 – Construction of Forecourt Landscaping – Shelly Beach Surf Life Saving Club

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

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer No 1 in the attached Tender Evaluation Report, for the lump sum amount of \$389,099.00 (excl GST) for Contract CPA/254049 – Construction of Forecourt Landscaping, Shelly Beach Surf Life Saving Club.**
- 2 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

The work under the contract involves the upgrade on landscaping facilities to the forecourt area and to the north of the Shelly Beach Surf Life Saving Club. The new landscaping work is partly funded by the NSW Governments Metropolitan Greenspace program and the remainder from Council funding. The work includes new concrete pavements, paths and stairway beach access, new sandstone log feature walls, new beach showers and new planting and turf. The work is designed to improve the visual appeal of the beach front, improve public facilities and reduce existing erosion in the grassed areas where there is no pathway.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Community and Recreation Services, before the Request for Tender was issued. The approved Contract Plan is in TRIM D11790225.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Central Coast Express and eTender on 17 February 2015 and closed on 12 March 2015.

The invitation documents called for lump sum tenders, based on a detailed specification.

A compulsory pre-tender meeting was held on site on the 26 February 2015 to allow tenderers to become familiar with site conditions.

Tenders closed at 2.00pm on 12 March 2015.

TENDER SUBMISSIONS

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

- Glenn Simpson Landscapes P/L
- Michilis P/L
- Mt Elliot Concreting and Fraser Developments.
- Scape Constructions P/L

No late submissions were received.

TENDER EVALUATION

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

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

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

Threshold Criteria:

- Compliance with Tender requirements, including lodgement by Closing Time.
- Tenderer has corporate Work Health and Safety and Environmental Management systems.

Weighted Criteria:

- Local Content.
- The tendered price and structure; as well as any other potential costs to Council that may be identified.
- Proposed methodology/program which demonstrates an understanding of the project and the capacity to provide the Services as required under the Contract.
- Experience and proven performance in the specific field.

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the 2014/15 and 2015/16 capital works program under project number 14626. The project is partly funded by Council a NSW Government Grant under the Metropolitan Greenspace program.

RELEVANT LEGISLATION

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

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

CRITICAL DATES / TIME FRAMES

It is anticipated that the contract will be awarded in early May 2015 and with a 16 week construction period it is expected the works will be completed prior to October 2015.

RISK

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

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- Part 5 assessment under the *Environmental Planning and Assessment Act 1979* in Trim (D11830348).

PROCESS REVIEW

The Tender evaluation and this Report and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

OPTIONS/ALTERNATIVES

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

PUBLIC CONSULTATION

Consultation with the Shelly Beach Surf Life Saving Club specific to this contract has occurred and further consultation with the club and the general public will occur prior to and during construction. Signage will be installed to inform users of the beach and surf club of the construction impacts and the planned improvements.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Confidential Attachment A- Tender Evaluation Report Shelly Beach Landscaping CPA254049 - | D11911883 |
|---|--|-----------|

4.3 CPA/257092 - Construction of Gross Pollutant Traps at Beach Parade, Canton Beach, and Erin Avenue, Berkeley Vale

TRIM REFERENCE: CPA/257092 - D11904949

MANAGER: Andrew Pearce, Director

AUTHOR: Peter Sheath; Senior Planning Engineer Hydrology

SUMMARY

Evaluation and selection of tenders for Contract CPA/257092 – Construction of Gross Pollutant Traps at Beach Parade, Canton Beach, and Erin Avenue, Berkeley Vale.

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

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer No ‘3’ in the attached Tender Evaluation Report, for the lump sum amount of \$315,425 (excl GST) for Contract CPA/257092– Construction of Gross Pollutant Traps at Beach Parade, Canton Beach, and Erin Avenue, Berkeley Vale.**
- 2 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

Three (3) new under-ground Gross Pollutant Traps, two (2) at Canton Beach, and one (1) at Berkeley Vale, are to be simultaneously constructed over a nine (9) week period.

One of the GPTs at Canton Beach, opposite Crossingham Street, will upgrade an existing open GPT that has not been performing satisfactorily and will be removed as part of the contract. The other two are new GPT’s to be located in strategic locations.

All three GPT’s will help minimize gross pollutants from entering Tuggerah Lake.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Infrastructure and Operations before the Request for Tender was issued. The approved Contract Plan is in Wyong Shire Council's Document Management System D11865028.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Central Coast Express Advocate and eTender on 10/03/2015.

The invitation documents called for lump sum tenders, based on a detailed specification.

Tenders closed at Council's Chambers at 2.00pm on 26 March 2015.

TENDER SUBMISSIONS

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

- Celtic Civil Pty Ltd
- Gongues Constructions Pty Ltd
- Kerroc Constructions Pty Ltd

No late submissions were received.

TENDER EVALUATION

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

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

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

- a Compliance with Tender documents, including lodgement of tender by specified time.
- b Local Content
- c The tendered price and structure; as well as any other potential costs to Council that may be identified
- d Proposed methodology/program which demonstrates capacity to provide the services as required under the contract
- e Experience and proven performance in the specific field

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's capital works program under project numbers 16830, 16831 and 16829. The source of funds is a combination of the Stormwater Levy, Local Infrastructure Renewal Scheme (LIRS) and Tuggerah Lakes Clean Up Project (Federal Grant).

RELEVANT LEGISLATION

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

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

CRITICAL DATES / TIME FRAMES

It is anticipated that the contract will be awarded late April 2015 and that the works are scheduled for completion within 9 weeks from the date of the Letter of Acceptance.

RISK

This contract has been assessed as a low risk contract. The key risks and mitigations measures have been addressed in the Contract Plan and detailed Risk Assessment which is on the TRIM file D11871498.

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- Part 5 Environmental Impact Assessment, under EP&A Act.

PROCESS REVIEW

The Tender evaluation and this Report and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

OPTIONS / ALTERNATIVES

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

**4.3 CPA/257092 - Construction of Gross Pollutant Traps at Beach Parade,
Canton Beach, and Erin Avenue, Berkeley Vale (contd)**

PUBLIC CONSULTATION

Residents of properties adjacent to each of the worksites have been informed by letter of the pending works specific to this contract.

ATTACHMENTS

- 1 CPA/257092 - Tender Evaluation - Installation of Gross Pollution Traps at Beach Parade, Canton Beach and Erin Avenue, Berkeley Vale - D11911598

5.1 Draft Policy on Community Infrastructure Asset Management

TRIM REFERENCE: F2007/02021 - D11892727

MANAGER: Andrew Pearce, Director

AUTHOR: Louise McDonald; Personal Assistant to Manager

SUMMARY

An updated draft policy on Community Infrastructure Asset Management is submitted for adoption by Council.

RECOMMENDATION

- 1 That Council include the updated Asset Management Policy in the draft Wyong Shire Council Strategic Plan 2015-2019 for public exhibition.**
- 2 That Council adopt the Community Infrastructure Asset Management Policy presented in this report.**

BACKGROUND

Council has a requirement under the Integrated Planning Legislation to have an Asset Management Policy in place.

This policy sets out the broad frame work for undertaking asset management and defines key principles that underpin asset management for the Council.

CURRENT STATUS

The previous Asset Management is due for renewal. A new Asset Management Policy has been developed for adoption.

THE PROPOSAL

A draft policy has been developed from the existing policy which was adopted by Council at its Ordinary Council meeting of 25 August 2010 after extensive consultation with all Directorates and relevant staff.

The proposed updated policy is attached to this report.

OPTIONS

Council has no option but to adopt an asset management policy. It could adopt the policy as presented, adopt an amended version, or refer the draft back to staff for revision, based on any concerns that Council may have.

The draft policy presented to Council has been the subject of extensive consultation with relevant internal stakeholders and represents the collective view of all of those stakeholders. It is proposed for adoption by Council.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Key Action and Objectives</i>
Community and Education	Community Facilities: A targeted renew/upgrade program for community facilities. This is in addition to routine maintenance.
Community Recreation	Amenities Building Refurbishments: Program of rolling works to renew and upgrade existing assets with minor capital works - 2013/14
Council Enterprises	Outdoor playground upgrade at Care and Education Centres: Complete outdoor playground area upgrade started in 2011/12 to meet National Quality Framework.
Environment and Land Use	Complete wetland maintenance activities (sediment zone dredging, waste sediment disposal, replacement planting) per constructed wetland
Roads and Stormwater	Implement strategic capital works programming for drainage assets using asset management systems
Water and Sewer	Critical Sewer inspections: Inspection of critical sewers and replacement of high risk mains

A copy of the new policy will be included as part of the 2015-2019 Strategic Plan.

Contribution of Proposal to the Principal Activity

Long term Financial Strategy

The Asset Management Policy is the high level document in which enables the Asset Management Strategy. The Asset Management Strategy informs the Long Term Financial Plan.

Asset Management Strategy

The Asset Management Policy is a high level document in which guides the Asset Management Strategy.

Workforce Management Strategy

The Asset Management Policy sets out the broad framework for the management of Councils assets. A large proportion of Councils workforce are currently focussed on the management of Councils infrastructure assets and will continue to do so following adoption of the policy.

Link to Community Strategic Plan (2030)

The mission of the Community Strategic Plan 2030 is 'Creating our ideal community, caring, prosperous, sustainable'. The Asset Management Policy cares for our community by ensuring Assets are fit for purpose. It ensures that our roads meet service levels and our parks are attractive. It also ensures that the assets we enjoy today are maintained and available for future generations. The Asset Management Policy supports the Community Strategic Plan.

Budget Impact

This recommendation does not directly require any funds or resources in order to be implemented. It does, however, have an impact on how Council may choose to allocate its funds in future delivery programs.

CONSULTATION

The draft policy was considered by Council's Asset Management Working Group. Consultation was carried out with meetings of the Infrastructure & Operations and Community & Recreation Departments, as well as the General Manager's Unit. Individual meetings were also held with staff that made their own representations on the policy. All feedback was addressed.

The draft policy complies with the guidelines of the Office of Local Government and is consistent with the heads of consideration outlines in various industry guidelines.

GOVERNANCE AND POLICY IMPLICATIONS

This report involves the review of the existing policy. It does not require any other formal approval process outside of Council's consideration.

MATERIAL RISKS AND ISSUES

No material risks or issues.

CONCLUSION

The policy has been prepared in accordance with the Integrated Planning and Reporting Framework requirements and has undergone internal consultation with key stakeholders. It sets the broad framework for undertaking asset management and defines key principles that underpin asset management for the Council.

It is recommended for adoption by Council.

ATTACHMENTS

- 1 Draft Policy - Community Infrastructure Asset Management - 2015 D11911550



POLICY NO: WSC120

POLICY FOR COMMUNITY INFRASTRUCTURE ASSET MANAGEMENT



AUTHORITY	NAME & TITLE
AUTHOR	Andrew Pearce, Director Infrastructure and Operations (Acting)
MANAGER	
DIRECTOR	Andrew Pearce, Director Infrastructure and Operations (Acting)
GENERAL MANAGER	Michael Whittaker

CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

AUTHOR SIGNATURE	
COUNCIL RESOLUTION DATE	

History of Revisions:

Version	Date	TRIM Doc. #
1	25/8/2010	D05897857
2	31/3/2015	D05897857
3	13/4/2015	D11911550

POLICY SUMMARY

The purpose of this policy is to set the broad framework for undertaking asset management in a structured and coordinated way, in order to provide an appropriate level of service in a sustainable manner for present and future customers.

This policy applies to all infrastructure assets owned or controlled by Council regardless of their purpose or source of acquisition.

B. POLICY BACKGROUND

- B1 Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management practices across all areas of Council.
- B2 This methodology is an essential component of the custodianship of Council's assets. It is necessary to advise on the best use of resources by ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's service needs.
- B3 Council owns and uses over \$3.74 billion worth of non-current, built assets to support its core business of delivery of service to the community.
- B4 Asset management is a direct requirement of the Integrated Planning and Reporting framework of Council.

C. DEFINITIONS

- C1 **The Act** means the *Local Government Act NSW 1993*.
- C2 **Council** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.
- C3 **Plans** shall mean Council's adopted Annual Management Plan, Delivery Plan, Long Term Financial Strategy, Asset Management Strategy, and Community Strategy.
- C4 **An Asset** shall mean:
"a built form controlled by council as a result of past events from which future economic benefits are expected to flow to the council."¹ (For the purposes of this definition, Council believes that "economic benefit" means the benefit to the community of goods, functions and services produced or provided by the asset to meet Council's objectives), **or**
"a physical component of a built form which has value, enables services to be provided and has an economic life of greater than twelve months".⁷

- C5 **Asset Management** shall mean "the systematic and coordinated activities and practice through which an organisation optimally manages its built assets, and their associated performance, risks and expenditures over their lifecycle for the purpose of achieving its organisational strategic plan".²
- C6 **Current Assets** shall mean "those assets which the entity either:
- a) Intends to sell or consume in its normal operating cycle
 - b) Holds primarily for the purpose of trading
 - c) Expects to realise the asset within twelve months after the reporting date
 - d) Holds and are cash or a cash equivalent (and are not restricted from being exchanged or used to settle a liability for at least twelve months after the reporting period)"³
- C7 **Non-Current Assets** shall mean "all built assets other than current assets, including assets held but not traded by a business in order to carry out its activities. Such assets are intended for use, not exchange, and normally include physical resources such as land, buildings, drains, parks, water supply and sewerage systems, furniture and fittings."⁴
- C8 **Life Cycle Cost** shall mean "the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal costs".⁵
- C9 **Asset Sustainability Ratio/Building and Infrastructure Renewals Ratio** – (ASR/BIRR). This ratio compares the proportion spent on infrastructure asset renewals and the asset's deterioration as measured by its accounting depreciation. It measures whether assets being replaced at the rate they are wearing out^{6 & 7}.
- C10 **Asset Maintenance Ratio** – (AMR) shall mean a comparison between actual versus required annual asset maintenance, as detailed in Special Schedule 7 of the annual statements. A ratio of above 1.0x indicates that the Council is investing enough funds within the year to stop the Infrastructure Backlog from growing⁷.
- C11 **Capital Expenditure** (CAPEX) shall mean "expenditure used to create new built assets or to increase the capacity of existing assets beyond their original design capacity or service potential. CAPEX increases the value of asset stock."⁷

D. POLICY STATEMENTS**Jurisdiction**

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

General

- D3 Council exists to provide services to the community and many of these services are supported by infrastructure assets. The provision and management of infrastructure assets is accordingly a key function of Council.
- D4 Councils overall goal in managing infrastructure assets is to meet required levels of service in a sustainable manner for present and future consumers.
- D5 Asset management principles will be integrated within existing planning and operational processes. This includes the requirements of the Local Government Amendment (Planning and Reporting) Act 2009.
- D6 Council, as owner of Council assets, will:
- Ensure the Council's legal obligations are met
 - Represent the community use the assets
 - Ensure the asset/service is maintained for use by present and future generations on a sustainable basis
- D7 As part of Council's consideration of infrastructure asset management, Council will:
- Manage its infrastructure and assets in a systematic and sustainable manner
 - Engage with the community, stakeholders and service providers when determining service standards/level of service through the Community Strategic Planning process.
 - Allocate appropriate resources to ensure the timely maintenance and renewal of built assets, so that "life cycle" costs are optimised (existing and new assets)
 - Meet legislative requirements for asset management
 - Update asset management plans annually to reflect the position in the Delivery Plan for the upcoming financial year
 - Audit progress of Asset Management Plans and Strategies on an internal basis every four years.
- D8 Asset renewals required to meet agreed service levels and identified in asset management plans and long term financial plans and which align with the priority objectives of the Community Strategic Plan will be given high priority for funding in the annual budget estimates.

- D9 Council's benchmark level for the ARFR/BIRR shall not be less than 100%. A ratio of 1:1 indicates that the amount spent on renewals equals the amount of depreciation.
- D10 Councils AMR shall be maintained at or above a ratio of 1. A ratio above 1 indicates Council is investing enough funds to stop the Infrastructure Backlog growing.
- D11 Council's asset management plans will consider the potential impact that population growth will have on its assets.
- D12 Future life cycle costs will be reported and the ability to fund those costs will be considered in all decisions relating to new services and assets and upgrading of existing services and assets. Those lifecycle costs will include the initial design/construction as well as the eventual disposal/decommissioning costs.
- D13 Set levels of service, risk and cost standards after balancing competing demands and considering integrated planning matters.

E. POLICY IMPLEMENTATION - PROCEDURES

- E1 This policy will be implemented by procedures that will ensure that:
- (a) The right assets are built, rebuilt or disposed of
 - (b) The assets are managed well
 - (c) Key asset sustainability ratios are maintained

To achieve this policy, the following key roles and responsibilities and commitments are identified:

(a) Council and General Manager

- Provide ownership
- To ensure appropriate resources and funding to responsibly manage the costs of the asset portfolio are made available, in accordance with its service needs

(b) Senior Management Team (Executive)

- To ensure resources and funding for Asset Management activities are made available
- Ensure the integration of the Asset Management Policy and Strategy with other policies, business processes and the corporate governance framework
- To ensure the impact on Councils asset base is considered when making recommendations to Council in relation to planning and financial matters or the delivery of services
- To ensure that timely, accurate and reliable asset information is presented to Council for decision-making
- To ensure a review of the risks and opportunities involved in the Asset Management Strategy is undertaken

(c) Managers and Staff

The General Manager shall ensure that Council's organisational structure will identify responsibility and accountability for implementation of Council's role as owner of the infrastructure assets

(d) Asset Management Committee

- Assist Managers to develop and implement policy and procedure
- Identify and develop appropriate policies and procedures to ensure effective Asset Management Across the Organisation
- Maintain momentum and coordination of the implementation of this policy and Council's Asset Management Strategy
- Encourage continuous improvement, innovation and cost effective methods to improve asset management practices

F REFERENCES

1. Planning and Reporting Manual for local government in NSW 2010 page 67
2. Planning and Reporting Manual for local government in NSW 2010 page 67
3. Australian Infrastructure Financial Management Guidelines Edition 1.0 – 2009
Page xxxv
4. Australian Infrastructure Financial Management Guidelines Edition 1.0 – 2009
Page xli
5. Australian Infrastructure Financial Management Guidelines Edition 1.0 – 2009
Page xxxix
6. Australian Infrastructure Financial Management Guidelines Edition 1.0 – 2009
Page 2.10
7. TCorp Sustainability Review of NSW Local Government – 2013 page 22

5.2 Exhibition of Draft Wyong Shire Council Strategic Plan 2015-2019 (incorporating the Four Year Delivery Program and 2015-16 Operational Plan)

TRIM REFERENCE: F2014/00795 - D11864366

MANAGER: Vivienne Louie, Financial Controller, Financial Systems

AUTHOR: Kathleen Morris; Manager

SUMMARY

This report presents the Wyong Shire Council Strategic Plan 2015-2019 for Council's consideration and adoption for public exhibition and consultation in accordance with the Office of Local Government's Integrated Planning and Reporting Guidelines.

RECOMMENDATION

- 1 That Council adopt the Draft Wyong Shire Council Strategic Plan 2015-2019 (the Draft Plan) for public exhibition.**
- 2 That Council receive submissions from the community and interested groups or stakeholders concerning the Draft Strategic Plan for consideration and possible inclusion in the final plan to be adopted by Council in June 2015.**
- 3 That Council authorise the General Manager to make appropriate corrections in the Draft Strategic Plan to eliminate numerical inconsistencies and typing errors.**

BACKGROUND

In accordance with the Office of Local Government's Integrated Planning and Reporting Framework, by the 30th June each year Council is required to review the Four Year Delivery Program and develop an annual Operational Plan that details how Council will deliver against the Community Strategic Plan. The requirements also include a Long Term Resourcing Strategy that considers financial, asset management, workforce management and information management requirements.

CURRENT STATUS

The Draft Strategic Plan incorporates all elements required by legislation and the Integrated Planning and Reporting Framework.

The single document has been designed as a one point of reference and is aligned to the objectives of the Community Strategic Plan.

5.2 **Exhibition of Draft Wyong Shire Council Strategic Plan 2015-2019 (incorporating the Four Year Delivery Program and 2015-16 Operational Plan) (contd)**

The components of the Draft Strategic Plan are:

- Four Year Delivery Program
- 2015-16 Operational Plan
- 2015-16 Operational Budget
- 2015-16 Capital Works Program
- Special Rate Variation Project list
- Long Term Financial Strategy
- Asset Management Strategy
- Workforce Management Strategy
- Information Management Strategy
- Statement of Revenue (including 2015-16 Fees and Charges)

THE PROPOSAL

Section 405 of the *Local Government Act 1993* requires Council to place its Draft Strategic Plan on public exhibition for 28 days. It is proposed to place the Draft Strategic Plan on exhibition on Monday 27th April 2015 with any amendments requested at the meeting. Exhibition would close on Monday 25th May 2015.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The Draft Strategic Plan will be on public exhibition for 28 days. Submissions received during exhibition will be considered prior to the Draft Strategic Plan being presented to Council for final adoption.

Long term Financial Strategy

The Long Term Financial Strategy is included in the Draft Strategic Plan, under section 4.

Asset Management Strategy

The Asset Management Strategy is included in the Draft Strategic Plan, under section 4.

Workforce Management Strategy

The Workforce Management Strategy is included in the Draft Strategic Plan, under section 4.

Information Management Strategy

The Information Management Strategy is included in the Draft Strategic Plan, under section 4.

5.2 Exhibition of Draft Wyong Shire Council Strategic Plan 2015-2019 (incorporating the Four Year Delivery Program and 2015-16 Operational Plan) (contd)

Link to Community Strategic Plan (2030)

The Draft Strategic Plan is aligned to the Community Strategic Plan through the Four Year Delivery Program and Annual Operational Plan including a detailed operational budget and capital works program.

Budget Impact

The Draft Strategic Plan reflects a budgeted operating surplus of \$1,047k before capital grants and contributions ensuring Council continues to deliver a financially sustainable annual operational plan. Any departure from the planned programmes may have a negative effect on that target unless a review of revenue and expenditure (revenue maximisation and cost containment strategies) is undertaken to balance the impact of any changes.

CONSULTATION

The Draft Strategic Plan has been formulated through extensive consultation with Councillors who have established the strategic direction, provided leadership and set priorities through a series of workshops and briefings.

All Service Units and the Executive Team have contributed specific actions and formulated budgets to deliver against the priorities set by Councillors.

In early 2015 we will be undertaking a customer satisfaction survey which, along with feedback received during the public exhibition process, will help refine this Strategic plan.

Engagement with the community is planned throughout the exhibition period and post exhibition period, as detailed in the below table:

Timing	Key Purpose of Engagement	Key Messages	Key Engagement Activities
Exhibition Period			
April / May 2015	Inform and engage the community on the draft 2015 – 2019 Strategic Plan	<ol style="list-style-type: none"> The Strategic Plan is the main document guiding Council's activities for the next 12 months The Strategic Plan is on public exhibition starting 27th April and closing 25th May. We head into 2015-16 with a strong financial base to deliver on our community's vision 	<p>Hard copies to Council's Customer Contact, Libraries and Depots</p> <p>Soft copies to Councillors and staff (via intranet and e-mail) for feedback</p> <p>Public exhibition utilising:</p> <ul style="list-style-type: none"> Local newspapers Social media e-News Media releases Summary Plan Council's website Consultation Hub Resident ePanel Community Ward Forums

GOVERNANCE AND POLICY IMPLICATIONS

The Draft Strategic Plan provides clear information on activities to be undertaken by Council to deliver against the Community Strategic Plan. It identifies the financial, asset management, workforce resources and information management necessary to achieve Council's programs and provides a system for measuring and monitoring the results over the course of the Plan.

MATERIAL RISKS AND ISSUES

The formulation of the Draft Strategic Plan ensures clear direction for the upcoming financial year and beyond. It considers the resources required and ensures they are allocated based on priority and availability. The Draft Strategic Plan mitigates significant risks arising from ad hoc decision making and provides long term direction based on the community's aspirations.

CONCLUSION

The Draft Strategic Plan details Council's actions, budget and resources for the upcoming financial year and beyond.

The Draft Strategic Plan complies with the *Local Government Act 1993* and the Office of Local Government's Integrated Planning and Reporting Framework. It provides:

- Clear connectivity between the Community Strategic Plan and Council's programs
- Financial targets that focus on achieving financial sustainability
- Projects to be completed under the Special Rate Variation for 2015-16

It is presented for Council to adopt for public exhibition before consideration of community opinion and final adoption.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Exhibition Draft Strategic Plan 2015-2019 – Distributed Under Separate Cover | D11915444 |
|---|--|-----------|

5.3 Proposed Names of Buildings at Wyong Grove Community and Cultural Hub

TRIM REFERENCE: F2014/00900 - D11891758

MANAGER: Julie Vaughan, Manager

AUTHOR: Justin Kelaher; Section Manager

SUMMARY

In July 2013 Council approved a Policy for Naming of Public Facilities. This report proposes to name the individual buildings at the recently leased Wyong Grove Community and Cultural Hub after former long serving Councillors and General Manager.

RECOMMENDATION

That Council endorse the naming of the individual buildings at Wyong Grove Community and Cultural Hub as follows:

- ***Building A – Robyn Stewart Building***
- ***Building B – John Dawson Building***
- ***Building C – Tony Sheridan Building***
- ***Building D – Cliff Russell Building***
- ***Building E – Wyong Grove Theatre***

BACKGROUND

Wyong Shire Council has taken an initial two year lease on the former primary school facility in Wyong and is working with the Department of Education to extend the lease. Community Partnerships and Planning are running the site as a community and cultural hub, to be used, among other things, for the development and rehearsal of performances that will be showcased at The Art House.

The site has five buildings, two of which are permanently occupied by local amateur theatre companies and the other three having spaces that are available for regular and casual hire. Naming the buildings at this large site will assist users to locate their booked space via site map signs that will be placed at key entry points and name signs on the individual buildings.

The large hall on the site has been converted into a performance theatre and is regularly used to host theatre seasons for the resident companies. This has become known as the "Wyong Grove Theatre", to ensure consistency and maintain its alignment with The Art House it is proposed that this name remains in place, supporting the cultural hub being created in Wyong.

The site itself is well known in the community as Wyong Grove so there is no proposal to amend the name of the site itself, this proposal refers to the naming of the individual buildings that are on the site only.

5.3 Proposed Names of Buildings at Wyong Grove Community and Cultural Hub (contd)

All proposals to name public facilities within Wyong Shire Local Government Area will be considered on their merits and within the Policy for Naming of Public Facilities.

- Proposed names should be appropriate to the physical, historical or cultural character of the facility.
- WSC will not approve the naming of facilities to commemorate a living person, unless special circumstances prevail, eg:
 - Giving recognition to past Councillors with at least 10 years' service
 - Giving recognition to past General Managers with more than 10 years' service
 - Giving recognition to local citizens who have made outstanding contributions to the community (see E5)
- WSC will not approve the naming of a facility after a person still holding public office.
- Repetition of commonly used names such as Sandy, Back, Rocky, Stony, Long, Deep are to be avoided where possible.
- Duplication of names should be avoided wherever possible to avoid confusion.
- Proposed names should be easy to read, spell and pronounce. Long and clumsily constructed names should be avoided.
- Names of Aboriginal origin or with an historical background should be considered.
- With the exception of historical persons of distant past, naming a facility after a person shall only be approved with the consent of their immediate family.
- Ownership of the land is not sufficient reason for the application of the owner's name to a geographical feature.
- The use of cardinal points of a compass as a prefix or suffix to an existing name is not favoured.
- Names considered offensive or likely to give offence will not be considered.
- The possessive form should be avoided whenever possible without destroying the sound of the name or changing its descriptive application.

If a facility has a name that is widely accepted and strongly recognised by the local community, WSC will not consider a name change unless the proposed name is supported by the community.

The use of hyphens in connecting parts of names should be avoided.

Where names have been changed or corrupted by long established local usage, WSC will not restore the original form.

Notwithstanding an approval by Council under this policy, WSC reserves the right to alter or rescind such approval by resolution of the Council.

THE PROPOSAL

In accordance with the Policy for Naming of Public Facilities it is proposed that the individual buildings at the new Wyong Grove Community and Cultural Hub be named to acknowledge the service provided to the community by a number of long serving Councillors and former General Manager. Naming the individual buildings and identifying them on site maps and signs will also make it easier for users and site visitors to locate the building they are there to use.

OPTIONS

In July 2013 Council resolved that Council recognise the services of long serving former Councillor – Tony Sheridan and the former General Manager – John Dawson by naming parts of the Art House in their honour. However as a key component of the Art House Business plan is to obtain sponsorship funding, one way of achieving this is through the naming rights of spaces. Due to the alignment of Wyong Grove Community and Cultural Hub to the future Art House it is recommended that Tony Sheridan and John Dawson be acknowledged at this site instead.

In accordance with the Naming of Public Facilities policy it is appropriate to recognise the contribution and service of the past Councillors and General Manager was more appropriate.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

Nil impact

Contribution of Proposal to the Principal Activity

Long term Financial Strategy

Nil impact

Asset Management Strategy

Nil impact

Workforce Management Strategy

Nil impact

Link to Community Strategic Plan (2030)

Nil impact

Budget Impact

Nil impact, budget for signage already secured.

CONSULTATION

Councillors were consulted and asked to provide appropriate names; one response was received that suggested acknowledging the contribution of the long serving individuals who have been chosen.

Consultation is yet to be conducted with the living individuals or the families of the deceased nominees. This will occur if the proposal is endorsed.

GOVERNANCE AND POLICY IMPLICATIONS

Wyong Shire Council policy WSC112, Policy for Naming of Public Facilities, was used in the development of the proposed names and the alternate options. The policy allows for facilities to commemorate a living person in special circumstances where:

- A Councillor has provided at least 10 years' service
- A past General Manager with more than 10 years' service

In preparing this proposal it was determined that the individuals chosen provided the following years of service in their respective roles:

- Councillor Robyn Stewart – 16 years
- Councillor Tony Sheridan – 28 years
- Councillor Cliff Russell (deceased) – 12 years
- Shire Clerk / General Manager John Dawson – 30 years

MATERIAL RISKS AND ISSUES

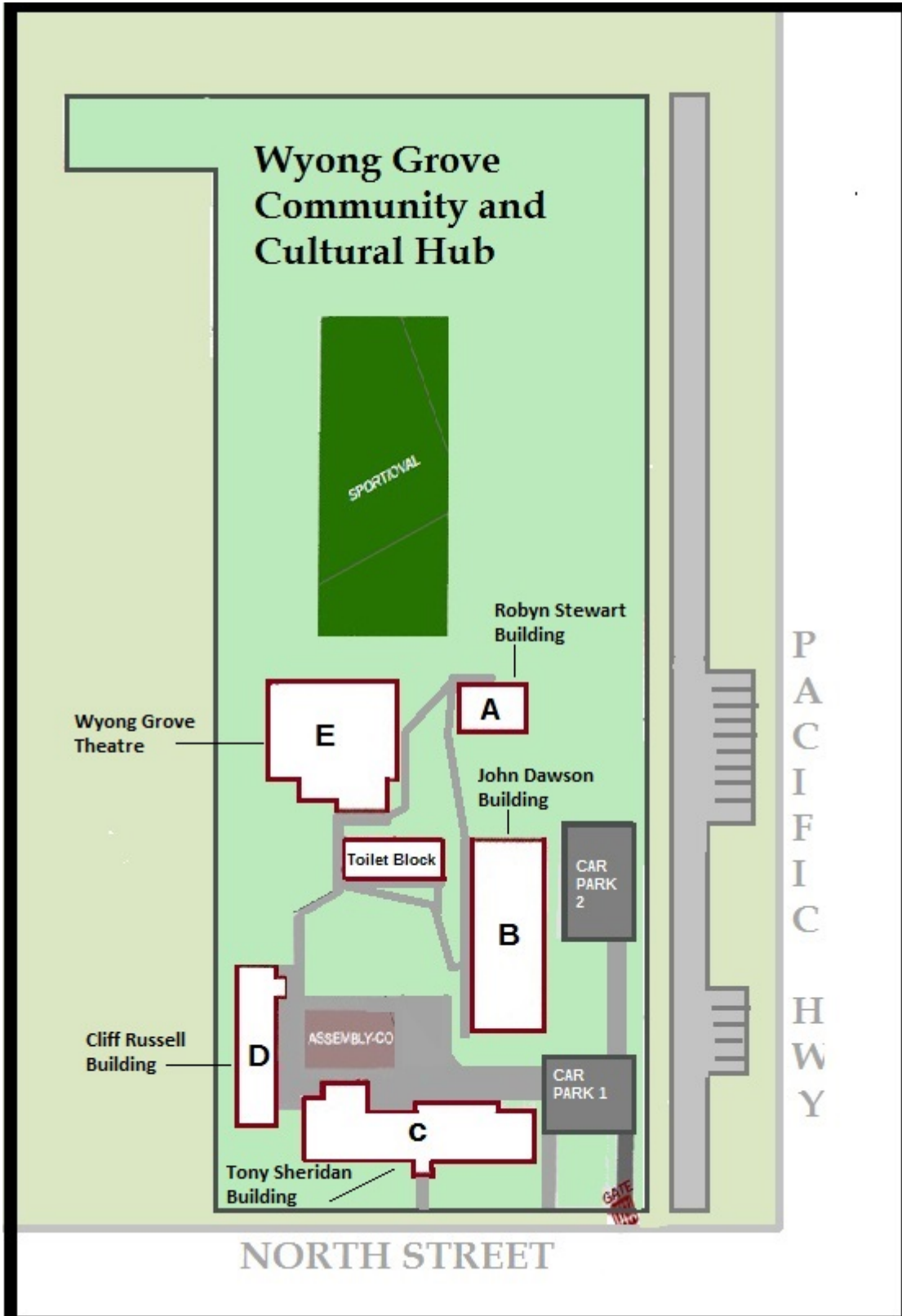
Nil impact

CONCLUSION

Having regard to naming suggestions received and to show appreciation to the service provided to the community by the nominated former long serving Councillors and former General Manager it is recommended that the buildings at Wyong Grove be named to commemorate their service.

ATTACHMENTS

- 1 Wyong Grove Community and Cultural Hub Site Map D11892905



5.4 Review Policy - Councillor Community Improvement Grants

TRIM REFERENCE: C2015/01723 - D11907798
MANAGER: Brian Glendenning, General Counsel
AUTHOR: Lesley Crawley; Manager Corporate Governance

SUMMARY

The Councillor Community Improvement Grant Policy has been reviewed and is submitted to Council for adoption.

RECOMMENDATION

- 1 That Council note that a periodical review of the Councillors Community Improvement Grant Policy has been undertaken, including stakeholder feedback.**
- 2 That Council adopt the Councillors' Community Improvement Grant Policy attached to this report.**
- 3 That Council authorise unallocated amounts in the 2014/2015 Councillors' Community Improvement Grant (CCIG) Fund to be allocated to the CCIG fund for the 2015/2016 year and otherwise distributed in accordance with the Policy. Councillor the Community Improvement Grant Policy.**
- 4 That Council note that adjustments to the 2015/2016 Annual Plan to accommodate the funding change will be made as part of the quarterly review process.**

BACKGROUND

The Councillors Community Improvement Grant Policy governs the function of allocating financial assistance to individuals, organisations and groups, meeting certain criteria for small projects not specifically provided for in Council's Annual Plan.

Historically Council has made provision in its Annual Plan each year of \$150,000 to the fund with the exception of the year immediately preceding and the year of, a local government election where the allocation is reduced by 25% and 50% respectively.

CURRENT STATUS

The Policy has been reviewed as part of Council's policy governance procedures with amendments being made to accommodate the following:

Number of Applications per Group across WSC Grant Programs

Council has limited resources available and receives many requests for funding to assist worthwhile community groups, individuals and projects.

Currently applications are accepted for consideration from the same group or individual across one or more of Council's grant programs as long as the purpose or project/event is not the same. In addition, a group may apply more than once in a year in the same grant program as long as it is not for the same purpose or activity and meets the grant criteria. For example a group may apply for a CCIG grant to assist with its general administration costs and in the same year also apply for a Community Benefit Grant to facilitate a large scale event.

Councillors have indicated that in order to facilitate equitable distribution to the community of the limited available grant allocations that WSC grant funding to groups and individuals should be limited to one application, per year, per group across all WSC grant funds. This will mean the WSC grant programs will be affected as follows:

WSC Grant Programs Affected by the Proposal

Program	Change
Councillors' Community Improvement Grants	Amend Policy - one application, per year, per group across all WSC grant funds
Community Benefit Grants	Amend Guidelines - one application, per year, per group across all WSC grant funds
Community Matching Fund	Amend Guidelines - one application, per year, per group across all WSC grant funds
Community Subsidy Program	Amend Guidelines - one application, per year, per group across all WSC grant funds
Sport and Cultural Sponsorship Program	Amend Guidelines -one application, per year, per group across all WSC grant funds

Programs NOT Affected by the Proposal

Program	Change
WSC Sponsorship Fund	Not a grant program
ClubGRANTS	Not a WSC grant program

Clause D15 of the CCIG policy will be amended as follows:

Current Clause	Proposed Amendment
Only one application, per financial year, per project may be successful in obtaining funding across any of WSC's grant funding programs	Only one application, per group or individual , per financial year, per project may be successful in obtaining funding across any of WSC's grant funding programs

Requirement for Groups to be Incorporated

Feedback from some applicants is that the requirement for incorporation (D18) is a barrier to applying for CCIG funds. The groups advise that there is an upfront and ongoing cost for the classification. The original intent of the clause was to ensure that grant funding was being given to groups that were not for profit and that funds would be expended for the purpose for which they were granted.

The policy includes two other mechanisms which ensure that those criteria are being met, being: Clause D18 – not-for-profit and Clause D 19 – requiring that a group must have a community service or charitable purpose.

Significantly a not-for profit organisation is described as

“A non-profit organisation is an organisation that is not operating for the profit or gain of its individual members, whether these gains would have been direct or indirect. This applies both while the organisation is operating and when it winds up.

Any profit made by the organisation goes back into the operation of the organisation to carry out its purposes and is not distributed to any of its members.

We accept an organisation as non-profit where its constituent or governing documents prevent it from distributing profits or assets for the benefit of particular people - both while it is operating and when it winds up.

These documents should contain acceptable clauses showing the organisation's non-profit character. The income tax law does not prescribe the words that a non-profit organisation must have in its constituent documents. The following example clauses would be acceptable, provided that other clauses do not contradict them. The organisation's actions must be consistent with this requirement.”

(Source: Australian Tax Office – accessed online 13/04/2015 <https://www.ato.gov.au/Non-profit/Getting-started-for-non-profit-organisations/Is-your-organisation-non-profit/>)

It is proposed to amend Clause D18 to delete the requirement for groups to be Incorporated and expand the definition of Not for Profit in the policy.

5.4 Review Policy - Councillor Community Improvement Grants (contd)

A charitable organisation must be a not-for profit however not all not-for profits are charities. Examples of not-for profit organisations are:

- o churches
- o community child care centres
- o cultural societies
- o environmental protection societies
- o neighbourhood associations
- o public museums and libraries
- o scholarship funds
- o scientific societies
- o scouts
- o sports clubs
- o surf lifesaving clubs
- o traditional service clubs.

A charity is a not-for-profit that has a charitable purpose and is for the benefit of the public. Acceptable evidence that an organisation is a NFP or charities is registration with the Australian Charities and Not-for Profits Commission (ACNC) (confirmed by Australian Business Number Lookup) or submission to Council of copies of governing documents indicating that the group is prevented it from distributing profits or assets for the benefit of particular people - both while it is operating and when it winds up. Example clauses are found on the Australian Tax Office website.

Other minor changes to the policy as a result of the review are:

Current Clause	New Clause	Reason
<p>D25 Applications for the following are ineligible:</p> <ul style="list-style-type: none"> • Retrospective funding of any activity • A project, event, service or activity which, in the opinion of the General Manager, would be better funded by State or Federal Government or by corporate sponsorship or a philanthropic trust 	<p>D25 Applications for the following are ineligible:</p> <ul style="list-style-type: none"> • Retrospective funding of any activity (at the time of making the application) • A project, event, service or activity which, in the opinion of the General Manager, would be better funded by State or Federal Government or by corporate sponsorship or a philanthropic trust 	<p>Clarity around processing of applications across the full financial year.</p>
<p>NA</p>	<p>E1 This policy should be read in conjunction with the Wyong Council Code of Conduct.</p> <p>E2 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.</p>	<p>Inclusion of two clauses which are standard in all WSC policies</p>

Current Clause	New Clause	Reason
NA	E4 Applications will only be accepted using the online application form	Reflect usage of online application system
E4 A recommendation by an individual Councillor must be made on either the Councillor Community Improvement Grants application form, the Councillor Community Improvement Grants memo or by e-mail advice.	E5 A recommendation by an individual Councillor must be made by e-mail advice.	Reflect usage of online application system
E6 No recommendation will be accepted without the necessary documentation.	Delete Clause	Reflect usage of online application system
E8 If the organisation seeking funds is registered for GST then Council must allocate additional funds for the GST payment.	E10 If the organisation seeking funds is registered for GST then the GST amount will be included in the allocation amount. then Council must allocate additional funds for the GST payment.	Amend to comply with WSC GST standards
E13 Applications may be submitted in two ways: 1. Fully completed and submitted to an individual Councillor who will then forward the application to WSC staff. Satisfactory applications are then forwarded to the remaining Councillors for consideration 2. Fully completed and submitted directly to WSC staff and then forwarded to individual Councillors for consideration	Delete Clause	Reflect usage of online application system
E15 Applications submitted will be forwarded to the remaining Councillors concurrently with the original recommendation of the Councillor being reported to Council for determination.	Delete Clause	Reflect usage of online application system
E16 Applications submitted directly to WSC or via a Councillor that do not contain sufficient detail to be assessed or processed will not be forwarded to the remaining Councillors or Council for consideration until all the correct information is provided.	Delete Clause	Reflect usage of online application system

Current Clause	New Clause	Reason
E18 Applications that have met all criteria under this Policy, and have not been nominated for funding by individual Councillors or approved by a resolution of Council, will be considered unsuccessful and the applicant advised.	E18 Applications that have met all criteria under this Policy, and have not been nominated for funding by individual Councillors or approved by a resolution of Council, will be considered unsuccessful and the applicant advised at the end of the financial year.	Reflect current practice.
E19 Once an application has been approved by a resolution of Council, funds will be forwarded by cheque or electronic funds transfer (EFT) in accordance with the option nominated on the Councillors' Community Improvement Grants application form, within ten working days of the Council resolution.	E19 Once an application has been approved by a resolution of Council, funds will be forwarded by cheque or electronic funds transfer (EFT) in accordance with the option nominated on the Councillors' Community Improvement Grants application form, within 14 working days of the Council resolution	Reflect current practice

A full copy of the Policy with the changes is attached to this report.

THE PROPOSAL

The proposal is to amend the Councillors Community Improvement Grant Policy as a result of a periodical review and taking into consideration feedback received from Councillors and stakeholders.

Councillors have also given feedback that they wish to (for this year only) enable the unallocated funds from the 2014/2015 fund to be budgeted for and in addition to the 2015/2016 funding allocation. The unallocated 2014/2015 amounts for individual Councillors would be distributed across to individual Councillor allocations for the 2015/2016 year. The effect of this resolution will be as follows:

Year	Funds available
Remainder of 2014/2015 year	As per existing allocation for 2014/2015 (\$150,000) less allocations made YTD
2015/2016	<p>Scheduled 2015/2016 allocation (\$112,500 being 75% of allocation in a year preceding an election) and funds equalling the unallocated amount from his/her allocation for the 2014/2015 year.</p> <p>For eg:</p> <p><i>Councillor A has unallocated funds of \$10,000 as at June 30 2015.</i></p> <p><i>Councillor A's 2015/2016 allocation will be \$10,000 + \$11,250 (one tenth of \$112,500)</i></p> <p>TOTAL \$21,250</p>

OPTIONS

Council may choose to accept the amendments, continue with the existing policy or propose other policy amendments.

STRATEGIC LINKS

Annual Plan

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

Contribution of Proposal to the Principal Activity

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

Link to Shire Strategic Vision

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with the proposed amendments to the Policy.

In relation to the proposal to allocate additional funding to the program in the 2015/2016 financial year will be addressed as part of the quarterly review in the first quarter of 2015 /2016 year.

CONSULTATION

Feedback has been received from Councillors and community groups in relation to the review of the policy.

GOVERNANCE AND POLICY IMPLICATIONS

The Councillors' Community Improvement Grants policy is a WSC policy document. Council may amend the policy. Public exhibition of the policy amendments is at the discretion of Council. The new policy will come into effect on the date of the Council resolution to adopt.

MATERIAL RISKS AND ISSUES

Nil.

CONCLUSION

A periodical review of the WSC Councillors' Community Improvement Grant Policy has been undertaken. Several amendments are suggested as a result of process improvements and stakeholder feedback. Adoption of the amended policy is recommended.

ATTACHMENTS

- 1 Policy Review April 2015 Councillor Community Improvement Grants D11911828



POLICY NO: WSC032

POLICY FOR
COUNCILLORS' COMMUNITY
IMPROVEMENT GRANTS

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AUTHORITY	NAME & TITLE
AUTHOR	Lesley Crawley, Manager Corporate Governance
MANAGER	Brian Glendenning , Manager Legal and Governance
DIRECTOR	NA
GENERAL MANAGER	Michael Whittaker

CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

AUTHOR SIGNATURE	
COUNCIL RESOLUTION DATE	

History of Revisions:

Version	Date	TRIM Doc. #
1	26/11/2008	D00897800
2	18/7/2013	D03514469



A. POLICY SUMMARY

- A1 This Policy outlines the function of allocating financial assistance to individuals, organisations and groups, meeting certain criteria for small projects not specifically provided for in Council's Annual Plan.

B. POLICY BACKGROUND

- B1 Provision is made in the annual budget for an allocation of funds in equal proportions for all Councillors to recommend to Council the donation of such funds to specific projects, individuals and/or organisations for purposes that comply with the provisions of the Local Government Act.
- B2 In accordance with Section 356 of the Local Government Act, Council may, by resolution, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

C. DEFINITIONS

- C1 **Australian Business Number (ABN)** means a unique identifier allocated to an individual, association, or other legal or administrative unit for the purposes of identification in dealings with the Australian Government, or for other Commonwealth purposes, in particular with respect to taxation laws.
- C2 **Council** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.

~~C3 **Incorporated Association** means an association incorporated under the NSW Associations Incorporation Act 2009 giving the association its own legal identity separate from its members, providing protection to members in legal transactions.~~

~~C3 **Not for profit organisation** means an organisation that is not operating for the profit or gain of its individual members, whether these gains would have been direct or indirect. This applies both while the organisation is operating and when it winds up.~~

~~An organisation is classed as non-profit where its constituent or governing documents prevent it from distributing profits or assets for the benefit of particular people - both while it is operating and when it winds up.~~

~~C4 **Registration with the Australian Charities and Not-For Profits Commission (ACNC)** (confirmed by ABN look up) OR submission to Council of copies of governing documents indicating that the group is prevented from distributing profits or assets for the benefit of particular people - both while it is operating and when it winds up will be accepted as evidence for the purposes of this policy.~~

~~C5C4 **The Act** means the *Local Government Act NSW 1993*.~~

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66C5 WSC means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.

D. POLICY STATEMENTS

Jurisdiction

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

General

- D3 Each Councillor is allocated a one tenth share of a total amount identified annually in WSC's Management Plan.
- D4 Each Councillor may recommend to Council portions of that amount identified in Clause D3 to be granted to applicants who meet the criteria in this Policy.
- D5 Recommendations for donations may not exceed the allocation to an individual Councillor in any financial year.
- D6 In accordance with the Local Government Act, funds may not be transferred to applicants until a resolution of Council determining the application is made, with the exception of authorised emergency payments.
- D7 The General Manager is authorised to approve emergency payments, provided the application meets the criteria set in this Policy and the matter is reported to the next meeting of Council.
- D8 Councillors must not give any advice or indications that funds have been approved until after the matter has been determined by Council.
- D9 Councillors cannot nominate allocations from the floor of the Chamber when a report is considered.
- D10 A proposed allocation must not be in contravention of the Local Government Act or any policy of Council.



- D11 Unallocated funds from individual Councillors will lapse on 30 June of each year and be returned to the General Fund.
- D12 In the financial year preceding a Local Government election, the allocation to the individual Councillors will be 75% of the allocation identified in Clause D3 and will be available to Councillors from 1 July to 31 May of that year.
- D13 After a Local Government election, the allocation to the individual Councillors will be 50% of the allocation identified in Clause D3 and will be available from 1 November of that year to 30 June of the following year.
- D14 If a Councillor is pre-selected by a political party or nominates for election to Federal or State Governments, the allocation is suspended from:
- day of nomination if less than three months prior to the Election date; or
 - three months prior to the Election date
- until three months after the election date.
- D15 Only one application, per group or individual, per financial year, ~~per project~~ may be successful in obtaining funding across any of WSC's grant funding programs.
- D16 Funds approved will not exceed the amount requested.
- D17 In accordance with the provisions of the Local Government Act, Councillors must nominate any Pecuniary Interest or Conflict of Interest relating to a funding recommendation.

Eligible Criteria

D18 Applicants must be ~~incorporated~~ a not-for-profit organisation that has a community service or charitable purpose and provides a benefit to the residents of Wyong Shire. ~~Non incorporated groups may apply but must be auspiced by an incorporated organisation which will manage and account for the grant on their behalf. A charitable organisation must be a not-for profit however not all not-for profits are charities. Examples of not-for profit organisations are:~~

- churches
- community child care centres
- cultural societies
- environmental protection societies
- neighbourhood associations
- public museums and libraries
- scholarship funds
- scientific societies
- scouts
- sports clubs

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- [surf lifesaving clubs](#)
- [traditional service clubs.](#)

D18

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D19 The applicant must be an individual, or an official representative of a group or organisation ~~seeking the funding, that has a community service or charitable purpose and provides a benefit to the residents of Wyong Shire.~~

D20 The funding sought must be used to provide a community service and/or charitable purpose which provide benefit to the residents of Wyong Shire.

D21 The signature of the individual or a representative of an organisation or group on WSC's Councillors' Community Improvement Grants application form will certify that the applicant meets the criteria set out in this Policy.

D22 Alternatively to the criteria above, funds may be allocated for emergency assistance in the event of natural disasters such as bushfire, flood or drought anywhere in Australia. The applicant must be an individual, or an official representative of a group or organisation that provides a community service or has a charitable purpose.

D23 The maximum amount to be allocated is \$4000.00 per project.

D24 Applicants who have previously obtained funding from Council under any of WSC's Grant programs will not be eligible to apply for assistance until that previous grant has been acceptably accounted for, by its agreed due date.

D25 Applications for the following are ineligible:

- Retrospective funding of any activity [\(at the time of making the application\)](#)
- A project, event, service or activity which, in the opinion of the General Manager, would be better funded by State or Federal Government or by corporate sponsorship or a philanthropic trust
- General fundraising appeals
- Rate rebates - 355 Committees and progress associations under the care and control of WSC
- Water rebates - 355 Committees and progress associations under the care and control of WSC

Where alternative funding options exist for any of the above exclusions, applicants will be advised accordingly.

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- D26 Applications from Government Departments or Agencies and Wyong Shire Council will not be considered.
- D27 Schools (including private) are not eligible to apply for funding.
- D28 Applications that have been successful in other grant programs for the same project will not be considered.
- D29 The recommendation for an allocation of funding by individual Councillors does not entitle individual Councillors to receive benefit from the project (ie attendance at an event) unless Council resolves that the Councillor/s is WSC's representative.

E. POLICY IMPLEMENTATION - PROCEDURES

- E1 This policy should be read in conjunction with the Wyong Council Code of Conduct.
- E2 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.
- E3 Applications not meeting the criteria in this Policy will not be reported to Council for consideration, regardless of a Councillor's recommendation and will be returned to the applicant indicating that the application did not meet the criteria. A memo or e-mail will be provided advising the Councillor/s why the application will not be considered.

~~E4~~ Applications will be only accepted on the online application form.

~~E4E5~~ A recommendation by an individual Councillor must be made ~~on either the Councillors' Community Improvement Grants application form, the Councillors' Community Improvement Grants memo or~~ by e-mail advice.

~~E5E6~~ Councillors must not give any advice or indication that funds have been donated to a project, individual and/or organisation until after the matter has been determined by Council. Advice prior to the formal determination must be restricted to advice that a recommendation has been made and will be determined by Council.

~~E6~~ No recommendation will be accepted without the necessary documentation.

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- E7 All applications for funding must be made on the WSC Councillors' Community Improvement Grants application form and be certified by the individual applicant or representative of the group / organisation.
- E8 In accordance with taxation requirements of the Federal Government, the applicant must disclose an Australian Business Number (ABN).
- E9 If the individual, group or organisation is registered for the GST and does not have an ABN, or chooses to withhold the ABN, the completion and endorsement of the Australian Tax Office's "Statement by Supplier" form is received and is attached to the application form.
- E10 If the organisation seeking funds is registered for GST then the GST amount will be included in the allocation amount. Council must allocate additional funds for the GST payment.
- E11 The Councillors' Community Improvement Grants application form will constitute a tax invoice.
- E12 If the organisation seeking funds has an ABN but is not registered for GST, a "Statement of Supplier" form is not required and Council is not required to allocate additional funds for the GST payment. The Councillors' Community Improvement Grants application form will constitute an invoice.
- ~~E13 Applications may be submitted in two ways:~~
- ~~1. Fully completed and submitted to an individual Councillor who will then forward the application to WSC staff. Satisfactory applications are then forwarded to the remaining Councillors for consideration~~
 - ~~2. Fully completed and submitted directly to WSC staff and then forwarded to individual Councillors for consideration~~
- ~~E14~~E13 Upon recommendation from Councillor/s the application will be reported to Council for determination.
- ~~E15 Applications submitted will be forwarded to the remaining Councillors concurrently with the original recommendation of the Councillor being reported to Council for determination.~~
- ~~E16 Applications submitted directly to WSC or via a Councillor that do not contain sufficient detail to be assessed or processed will not be forwarded to the remaining Councillors or Council for consideration until all the correct information is provided.~~
- ~~E17~~E14 Applicants submitting incomplete applications will be advised of the information required and given one month from the date of that advice to provide the information. Should the information not be received within this period, the application will be cancelled and the applicants and the recommending Councillor (if applicable), will be advised.



- | E18E15 Applications that have met all criteria under this Policy, and have not been nominated for funding by individual Councillors or approved by a resolution of Council, will be considered unsuccessful and the applicant advised [at the end of the financial year](#).
- | E19E16 Once an application has been approved by a resolution of Council, funds will be forwarded by cheque or electronic funds transfer (EFT) in accordance with the option nominated on the Councillors' Community Improvement Grants application form, within ~~ten~~ 14 working days of the Council resolution.
- | E20E17 Funds must be expended and an acquittal report on the outcome, together with receipts (if appropriate) provided to Council within three months of receipt. Unspent funds must be returned to Council.
- | E21E18 Failure to acquit will disqualify the applicant from future grants.
- | E22E19 Any funding given is only to be used as agreed with Council and may not be diverted to another purpose. However, Council by resolution may agree to change the purpose of the grant if the applicant requests so in writing.
- | E23E20 The Council and/or the applicant may determine that the carrying out of works by WSC or a contractor is a more economical option for which funds are sought (eg driveway, kerb and gutter works, building, electrical works). Provision is made on the Councillors' Community Improvement Grants application form to nominate this option.
- | E24E21 Where a contractor option is chosen, the contractor must comply with WSC standards and demonstrate relevant expertise, to the satisfaction of the Service Unit Manager.
- | E25E22 The cost of the project charged against the Councillor's allocation is all sums paid to the contractor net of GST plus any other direct cost to WSC.
- | E26E23 Where works in kind is selected, the estimate prepared by the Service Unit Manager and approved by Council is to be the sum charged against the Councillors total allocation irrespective of the final cost. All over expenditures in excess of 10% are to be reported to Council.
- | E27E24 Work approved under this policy is not to interfere with WSC's priority program without the express approval of Council.
- | E28E25 Where any charge, fee, supply of products or services under this policy is subject to a Goods and Services tax (GST) an amount equal to the GST paid or payable in respect of the charge fee, supply of products or services shall be indicated in the amount of consideration paid or payable under this policy.



- E29E2G Associated documents**
- Council Code of Conduct

5.5 Councillor Attendance - Wyong Regional Chamber of Commerce - April Luncheon Meeting

TRIM REFERENCE: F2004/06517 - D11909782

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

The Wyong Regional Chamber of Commerce (WRCoC) is holding their April luncheon meeting on 28 April 2015 at the Preview Restaurant Ourimbah.

RECOMMENDATION

- 1 That Council authorise the attendance of interested Councillors at the Wyong Regional Chamber of Commerce April luncheon meeting in accordance with the Council's Facilities and Expenses Policy for Councillors.**
- 2 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.**

BACKGROUND

The Wyong Regional Chamber of Commerce hold monthly meetings throughout the year. The April luncheon meeting will be held at the Preview Restaurant in Ourimbah and will include a guest speaker on the recent changes to Traineeships, Apprenticeships, Funding and the subsequent Cost to Employers.

Refer to www.wyongchamber.com.au for further details.

THE PROPOSAL

Councillors have expressed interest in attending this event.

Councillors may be reimbursed for expenses incurred in the attendance of non-Council events and functions in accordance with the provisions of the Facilities and Expenses Policy.

STRATEGIC LINKS

Wyong Shire Council Strategic / Annual Plan

Nil impact.

Budget Impact

The table below indicates the approximate cost for attendance at the event and associated travel expenses per Councillor:

Wyong Regional Chamber of Commerce April Luncheon Meeting	Councillor Fees
Registration	\$ 35.00
Travel (approximately)	\$ 20.00
Total (estimate)	\$ 55.00

CONSULTATION

This submission complies with Council's adopted Facilities and Expenses Policy for Councillors.

GOVERNANCE AND POLICY IMPLICATIONS

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, clause D14 and D17, reasonable expenses incurred in Councillors attending non-Council events and functions are met in accordance with that policy.

"D14 Council will meet sustenance and attendance expenses for Councillors' attendance at non-Council functions related to Council business which provide briefings to Councillors from key members of the community, politicians and business. Approval for reimbursement will be by Council resolution. The maximum reimbursement of total attendance costs is \$200 per Councillor per event. Councillors may attend a maximum of 6 of these events in a year. The total maximum expenditure is \$1200.

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

Event	Registration	Ticket	Accommodation	Sustenance	Partner Tours	Travel	Carer
Other Council approved conferences and events	No	No	Yes. If staying in same room as Councillor	Yes if for official conference events. (eg formal dinner, welcome drinks) No additional meals and beverages included	No	Yes. If travelling In company of Councillor in same vehicle No additional air or other travel fares included)	Yes"

CONCLUSION

Attendance at this event is in accordance with Council's Facilities and Expenses Policy for Councillors.

ATTACHMENTS

Nil.

6.1 Investment Report for March 2015

TRIM REFERENCE: F2004/06604 - D11904402
MANAGER: Carlton Oldfield, Financial Controller
AUTHOR: Devini Susindran; Financial Accountant

SUMMARY

This report details Council's investments as at 31 March 2015.

RECOMMENDATION

That Council receive the Investment Report for March 2015.

BACKGROUND

WSC's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy, Ministerial Investment Order issued February 2011 and Division of Local Government Investment Policy Guidelines published in May 2010.

CURRENT STATUS

Cash and Term Deposit Funds

Cash flows in March were managed through term deposit maturities, with a net inflow of \$4,749k due to receipt of Local Government Infrastructure Renewal Scheme Loan funds of \$5,900k.

Table 1 - Movement in Cash and Term deposits

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption) \$'000
Movement in Term Deposits				
ANZ	12.0	3.30%	Mar 2015	(\$43)
Suncorp	4.0	3.50%	Mar 2015	(\$5,000)
CUA	12.5	3.70%	Mar 2015	(\$5,000)
CBA	10.5	3.08%	Jan 2016	\$5,000
CBA	11.0	3.08%	Feb 2016	\$5,000
CBA	11.5	3.08%	Feb 2016	\$5,000
NAB	12.0	3.13%	Mar 2016	\$5,000
Total Term Deposit Movement				\$9,957

6.1 Investment Report for March 2015 (contd)

Movement in cash at call				
AMP		2.80%		-
Westpac		2.35%		(\$5,280)
ANZ		2.25%		\$43
Interest earned on all call accounts				\$29
Total Cash at Call Movement				(\$5,208)
Total Cash & Term Deposit Movement				\$4,749

Total Portfolio

Total net return for March 2015 was \$501k in interest earnings.

Table 2 - Net Return

	Full Year 2013-14 \$'000	Q1 2014-15 \$'000	Q2 2014-15 \$'000	Jan 2015 \$'000	Feb 2015 \$'000	Mar 2015 \$'000	YTD 2014-15 \$'000
Net Capital Gain/(Loss) Realised	(197)	-	-	-	-	-	-
Income Distribution on Managed Funds	321	-	-	-	-	-	-
Net Earnings From Managed Funds *	124	-	-	-	-	-	-
Interest Earnings on Call Deposits Received	402	113	110	29	28	29	309
Interest Earnings on Term Deposits received at Maturity	5,999	1,311	1,364	441	393	472	3,981
Total Interest Earnings	6,401	1,424	1,474	470	421	501	4,290
Total return for the period	6,525	1,424	1,474	470	421	501	4,290

* Until October 2013, Council's portfolio included investments in managed funds (Blackrock Care and Maintenance Fund) held under the "grandfather" provisions of the current Ministers Order.

Financial Year to Date (YTD) returns to March of 3.84% is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* Bank Bill Index of 2.86% and Council guidelines of BBSW + 10 basis points.

Table 3 - Investment Returns

Investment Class	Mar 2015 Portfolio \$ '000	YTD Return \$ '000	YTD Return %
Cash at Call	8,147	309	2.63
Term Deposits	147,000	3,981	3.98
Total Investments	155,147	4,290	3.84

Council 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. The investment strategy includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the Term Deposit maturities are listed in Table 4 below.

Table 4 - Term Deposits Maturities

Time Horizon	Maturity on or before	Value \$ '000
At Call	Immediate	8,147
Term Deposits		
0 - 3 months	Jun 2015	33,000
4 - 6 months	Sep 2015	28,000
7 - 12 months	Mar 2016	61,000
1 - 2 years	Mar 2017	11,000
2 - 3 years	Mar 2018	9,000
3 - 4 years	Mar 2019	5,000
Total Term Deposits		147,000
Total Portfolio		155,147

The target maximum allocation limit in each investment risk category and the current spread of investments is listed in Table 5.

The portfolio is still overweight in A1 and was moving more into A2 but there has been a recent shift back into A1 based on best rates offered. Weightings for all categories remain within policy guidelines.

Table 5 - Portfolio Credit Framework

Investment Category Short Term	Target Maximum Allocation	Portfolio Allocation Mar 2015
A1	10.0%	63.91%
A2	75.0%	32.87%
A3	10.0%	2.58%
Unrated	15.0%	0.64%
TOTAL		100.00%

The Investment Guidelines allow the General Manager to approve a variation to the investment Strategy if the investment is to the Council's advantage. The General Manager has approved the variations listed in Table 6 as they presented the best investment return relative to risk at the time of investment.

Table 6 – Variations to the Investment Guidelines approved by General Manager

Date of Approval	Institution	Value	Return	Maturity	Counter party risk %		
					At Approval	Guide lines	At Current Month End
25/02/15	NAB	\$5m	3.14%	10/01/16	20.13%	20%	22.56%
09/03/15	NAB	\$5m	3.13%	07/03/16	20.99%	20%	22.56%

The Counter party risk percentages fluctuate subject to changes to the value of the portfolio and maturities with investments.

Table 7 - Portfolio Movements

The Increase in the value of the portfolio for March 2015 was \$4,749k and year to date was \$9,753k. Movements are shown in Table 7.

	Full Year 2013-14 \$'000	Q1 2014-15 \$'000	Q2 2014-15 \$'000	January 2015 \$'000	February 2015 \$'000	March 2015 \$'000	YTD 2014-15 \$'000
Movement in Assets							
Opening Balance	154,992	145,394	154,597	151,456	143,210	150,398	145,394
Net movement in Managed fund to Liquidation in Oct'13	(4,688)	-	-	-	-	-	-
Net Cash/Investments (Withdrawals)	(4,910)	9,203	(3,141)	(8,246)	7,188	4,749	9,753
Closing Balance	145,394	154,597	151,456	143,210	150,398	155,147	155,147

Portfolio Interest and Investment Returns compared to budget

Year to date returns as at 31 March 2015 on Council's investment portfolio of deposit accounts and term deposits, show a \$177k or 3.96% unfavourable variance when compared to the revised budget for the year to March 2015.

Table 8 - Annual Investment Portfolio Performance as at 31 March 2015

Investment Source	YTD Actual Interest Income \$ '000	YTD Revised Budget \$ '000	YTD Variance to Budget \$ '000
	A	B	C=A-B
General	2,538	2,637	99
Water	654	495	(159)
Sewerage	1,275	1,158	(117)
Total	4,467	4,290	(177)

Interest rates in the month, ranged from 3.08% to 5.20% (with the exception of deposit with Heritage Bank at 7.25%), all of which exceeded the annualised *monthly* Bank Bill Swap Rate (BBSW) benchmark of 2.31%. Interest returns are expected to fall further with the Reserve Bank reducing the cash rate to 2.25% in early Feb 2015.

Comparison to Neighbouring Councils

Portfolio Valuation

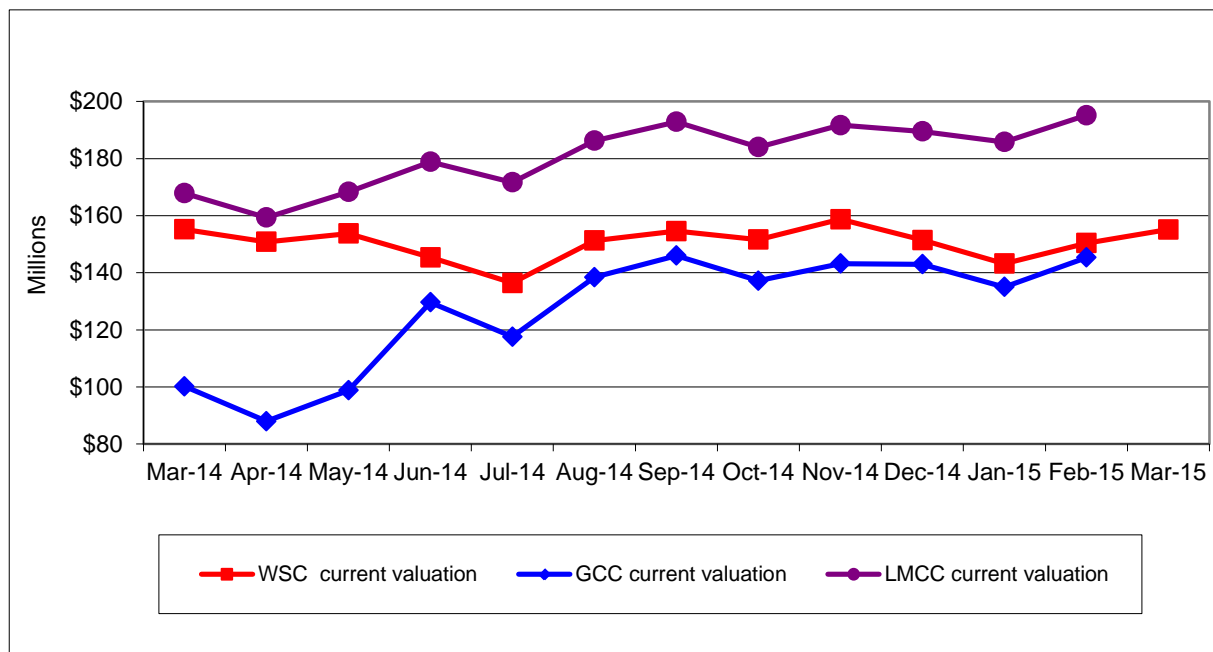
WSC’s investment portfolio reflects our strong cash position, which is comparable with Lake Macquarie City Council and Gosford City Council. Balances are summarised in table 9 below. Graph 1 shows the monthly portfolio balances over a twelve month period for all three Councils.

There is a lag in the information available for neighbouring Councils and reports for March were not available at the time of writing this report.

Table 9 – Summary of Investment Portfolio Balances

Month / Council	Wyong Shire Council \$'000	Gosford City Council \$'000	Lake Macquarie Council \$'000
Oct 2014	\$151,629	\$137,185	\$184,051
Nov 2014	\$158,764	\$143,217	\$191,690
Dec 2014	\$151,456	\$142,992	\$189,543
Jan 2015	\$143,210	\$135,009	\$185,850
Feb 2015	\$150,398	\$145,317	\$195,167
Mar 2015	\$155,147	Not available	Not available

Graph 1 – Portfolio Valuations – Comparison to Neighbouring Councils



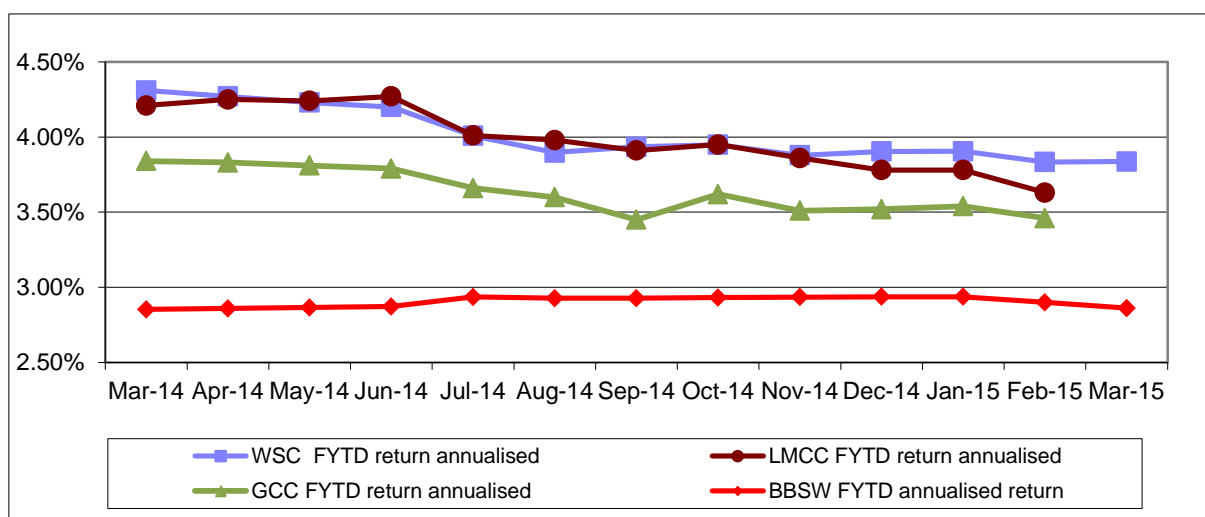
Portfolio Returns (Annualised)

WSC’s investment yield compares favourably to neighbouring Councils as outlined in table 10 below. Graph 2 shows the Financial Year to date, annualised portfolio returns over a 12 month period for all three Councils compared to BBSW.

Table 10 – Summary of Investment Portfolio Returns

Month	BBSW	Wyong Shire Council	Gosford City Council	Lake Macquarie Council
Oct 2014	2.93%	3.95%	3.62%	3.95%
Nov 2014	2.94%	3.88%	3.51%	3.86%
Dec 2014	2.94%	3.90%	3.52%	3.78%
Jan 2015	2.94%	3.90%	3.54%	3.78%
Feb 2015	2.90%	3.83%	3.46%	3.63%
Mar 2015	2.86%	3.84%	Not available	Not available

Graph 2 – Portfolio Return – Comparison to Neighbouring Councils



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 31 March 2015 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

ATTACHMENTS

- 1 Summary of Investment by Type - March 2015 D11904399

Wyong Shire Council Summary of Investments - By Type As at 31 March 2015										
FUND MANAGER	TYPE OF INVESTMENT	RATINGS		MATURITY	PORTFOLIO	PORTFOLIO	AS A % OF TOTAL PORTFOLIO	INCOME FOR MONTH OF MARCH \$	INTEREST RATES %	
		Short Term	Long Term		BALANCE 28.2.15 \$	BALANCE 31.3.15 \$				
CASH AT CALL:										
Westpac	Corporate Investment Account	A1	AA	Daily	8,336,060	3,072,813		16,752	2.35	
CBA	At Call Deposit	A1	AA	Daily	-	-		368		
ANZ	11am Call Account	A1	AA	Daily	-	43,000		-	2.50	
AMP	Business Saver Account	A1	A	Daily	5,019,664	5,031,615		11,951	2.80	
Total Cash At Call					13,355,725	8,147,428	5.25%	29,071		
TERM DEPOSITS & BONDS										
<u>Short term deposits & bills (less than 90 days)</u>										
ANZ	Term Deposit	A1	AA	10/03/2015	43,000			35	3.30	
Suncorp	Term Deposit	A1	A	13/03/2015	5,000,000			5,753	3.50	
CUA	Term Deposit	A2	BBB	23/03/2015	5,000,000			11,151	3.70	
Bank of Queensland	Term Deposit	A2	BBB	13/04/2015	5,000,000	5,000,000		15,925	3.75	
NAB	Term Deposit	A1	AA	27/04/2015	5,000,000	5,000,000		15,967	3.76	
Bendigo/Adelaide	Term Deposit	A2	A	28/04/2015	5,000,000	5,000,000		16,010	3.77	
ANZ	Term Deposit	A1	AA	1/05/2015	4,000,000	4,000,000		12,604	3.71	
Bendigo/Adelaide	Term Deposit	A2	A	27/05/2015	5,000,000	5,000,000		16,179	3.81	
ANZ	Term Deposit	A1	AA	1/06/2015		4,000,000		12,638	3.72	
NAB	Term Deposit	A1	AA	22/06/2015		5,000,000		15,245	3.59	
					34,043,000	33,000,000	21.27%	121,507		
<u>Medium Term Deposits (up to 365 days)</u>										
ANZ	Term Deposit	A1	AA	1/06/2015	4,000,000				3.72	
NAB	Term Deposit	A1	AA	22/06/2015	5,000,000				3.59	
Suncorp	Term Deposit	A1	A	13/07/2015	5,000,000	5,000,000		15,075	3.55	
ANZ	Term Deposit	A1	AA	24/07/2015	4,000,000	4,000,000		12,672	3.73	
ING	Term Deposit	A1	A	13/08/2015	5,000,000	5,000,000		14,905	3.51	
ANZ	Term Deposit	A1	AA	25/08/2015	4,000,000	4,000,000		12,706	3.74	
NAB	Term Deposit	A1	AA	8/09/2015	5,000,000	5,000,000		15,033	3.54	
NAB	Term Deposit	A1	AA	22/09/2015	5,000,000	5,000,000		15,075	3.55	
CBA	Term Deposit	A1	AA	4/10/2015	5,000,000	5,000,000		13,801	3.25	
CBA	Term Deposit	A1	AA	22/10/2015	5,000,000	5,000,000		13,716	3.23	
CUA	Term Deposit	A2	BBB	17/11/2015	5,000,000	5,000,000		15,288	3.60	
Bank of Queensland	Term Deposit	A2	BBB	25/11/2015	5,000,000	5,000,000		17,199	4.05	
ING	Term Deposit	A1	A	26/11/2015	5,000,000	5,000,000		16,986	4.00	
CUA	Term Deposit	A2	BBB	16/12/2015	5,000,000	5,000,000		15,288	3.60	
CBA	Term Deposit	A1	AA	23/12/2015	5,000,000	5,000,000		13,207	3.11	
NAB	Term Deposit	A1	AA	10/01/2016	5,000,000	5,000,000		13,334	3.14	
CBA	Term Deposit	A1	AA	18/01/2016		5,000,000		9,704	3.08	
WSCU	Term Deposit	UNRATED	UNRATED	31/01/2016	1,000,000	1,000,000		2,803	3.30	
CBA	Term Deposit	A1	AA	10/02/2016		5,000,000		9,704	3.08	
CBA	Term Deposit	A1	AA	22/02/2016		5,000,000		9,704	3.08	
NAB	Term Deposit	A1	AA	7/03/2016		5,000,000		9,862	3.13	
					78,000,000	89,000,000	57.36%	246,062		
<u>Non - Current</u>										
Bank of Queensland	Term Deposit	A2	BBB	2/08/2016	6,000,000	6,000,000		26,499	5.20	
Bank of Queensland	Term Deposit	A2	BBB	8/09/2016	5,000,000	5,000,000		15,712	3.70	
Heritage	Senior Bond	A3	BBB	20/06/2017	4,000,000	4,000,000		24,630	7.25	
ME Bank	Term Deposit	A2	BBB	25/08/2017	5,000,000	5,000,000		16,562	3.90	
ANZ	Term Deposit	A1	AA	30/10/2018	5,000,000	5,000,000		20,681	4.87	
					25,000,000	25,000,000	16.11%	104,084		
Total Term Deposit & Bonds:					137,043,000	147,000,000	94.75%	471,653		
TOTAL PORTFOLIO					150,398,725	155,147,428	100.00%	500,724		
Current					125,398,725	130,147,428	83.89%			
Non-Current					25,000,000	25,000,000	16.11%			
TOTAL PORTFOLIO					150,398,725	155,147,428	100.00%			

6.2 Draft Minutes of the Audit and Risk Committee Meeting - 25 March 2015

TRIM REFERENCE: F2004/07245 - D11899418

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

The draft minutes of the Audit and Risk Committee meeting of 25 March 2015 are submitted to Council for consideration.

RECOMMENDATION

That Council receive the report on Draft Minutes of the Audit and Risk Committee Meeting - 25 March 2015.

BACKGROUND

A meeting of the Audit and Risk Committee was held on 25 March 2015. The minutes of this meeting are attached to this report.

Council has not delegated its authority to the Committee to make decisions on its behalf nor does the Committee have the authority to direct staff. Accordingly any recommendations of the Committee requiring the authorisation of Council will be reported to Council separately.

ATTACHMENTS

1 MINUTES - Audit and Risk Meeting - 25 March 2015 D11892893

WYONG SHIRE COUNCIL
MINUTES OF THE
AUDIT AND RISK COMMITTEE MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 25 MARCH 2015
COMMENCING AT 8:00 AM

PRESENT

Cr Doug Eaton, Mayor
Cr Lynne Webster, Deputy Mayor
Mr Jason Masters, Independent Member - Chairperson

IN ATTENDANCE

Mr Peter Buchholz, External Auditor
Mr Greg McDonald, Acting General Manager
Mr Stephen Naven, Chief Financial Officer
Mr Brian Glendenning, General Counsel – *arrived 9:49am*
Ms Lilly Mojsin, Senior Internal Ombudsman – *arrived 9:15am, left 9:39am*
Ms Tina Baker, Chief Internal Auditor
Ms Taneille Clarke, Internal Auditor
Mr Stephen Bignill, Senior Project Executive – *arrived 9:26am, left 9:48am*
Ms Jacquie Elvidge, Councillor Services Officer

The Chairperson, Mr Jason Masters, declared the meeting open at 8:04 am and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

APOLOGIES

Mr Glen Harris, Independent Member

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

That the Committee accept the apologies and grant Mr Glen Harris leave of absence from the meeting.

At the commencement of the meeting report numbers 1.1, 2.1, 3.1 and 3.6 were dealt with first, then the remaining reports in order. However, for the sake of clarity, the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

Disclosure regarding all Agenda items

Mr Jason Masters, Independent Member, disclosed a non-pecuniary interest with insignificant conflict for the reason that he is the Chair for Audit and Risk at Cessnock Council, an independent reviewer for Woollahra Municipal Council and the administrator of the NSW Crown Holiday Park Trust.

COMMITTEE RECOMMENDATION

That the Audit and Risk Committee receive the report on Disclosure of Interest and note advice of disclosures.

2.1 Confirmation of the adopted Minutes of the Wyong Shire Audit and Risk Committee Meeting - 4 February 2015 (rescheduled from 17 December 2014)

COMMITTEE RECOMMENDATION

That the Audit and Risk Committee note the minutes of the extraordinary meeting of the Wyong Shire Audit and Risk Committee held on the 4 February 2015 were adopted by Council at the 25 February 2015 Ordinary Meeting.

3.1 Status Report on Outstanding Actions

COMMITTEE RECOMMENDATION

That the Audit and Risk Committee confirm the Status Report on Outstanding Actions for the previous Wyong Shire Audit and Risk Committee meeting.

PROCEDURAL MOTION

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

That the Audit and Risk Committee allow meeting practice be varied to consider item 3.6, External Audit Plans 2014-15, before item 3.2, Progress With Implementation of Management Agreed Actions Arising From IA Reviews, in order to conduct a phone conference with the representative from the Audit Office of New South Wales, Mr James Sugumar.

3.2 Progress With Implementation of Management Agreed Actions Arising From IA Reviews

COMMITTEE RECOMMENDATION

That the Audit and Risk Committee receive the report on Progress With Implementation of Management Agreed Actions Arising From IA Reviews.

3.3 Chief Internal Auditor's Report

COMMITTEE RECOMMENDATION

That the Audit and Risk Committee receive the Internal Audit report

3.4 Balanced Scorecard Report

COMMITTEE RECOMMENDATION

- 1 That the Audit and Risk Committee note the Chief Internal Auditor's Balanced Scorecard Report.*
- 2 That the Audit and Risk Committee consent to the proposal to conduct formal satisfaction survey amongst the Executive and Audit and Risk Committee members every two years rather than every year as currently set by the Scorecard measures.*

3.5 Q2 Business Report 2014-15

COMMITTEE RECOMMENDATION

- 1 That the Audit and Risk Committee receive the Q2 Business Report of Wyong Shire Council's progress against the 2014-2018 Strategic Plan that was adopted by Council at its Ordinary Meeting on 25 February 2015.*
- 2 That the Audit and Risk Committee note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.*

3.6 External Audit Plans 2014-15

Mr James Sugumar, Representative from the Audit Office of New South Wales, joined the meeting via phone conference at 8.10 am, answered questions and retired at 8.27 am.

COMMITTEE RECOMMENDATION

- 1 That the Audit and Risk Committee receive the draft 2015 Audit Plan and Client Assistance Schedule from PricewaterhouseCoopers (PwC).*
- 2 That the Audit and Risk Committee receive the Audit Office Client Service Plan for the audit of the Water Supply Authority for the year ending 30 June 2015.*
- 3 That the Audit and Risk Committee discuss the date of the 30 September 2015 Extraordinary Committee meeting, scheduled to discuss the financials, and consider if this meeting date needs to be rescheduled.*

4.1 Report from Senior Internal Ombudsman

COMMITTEE RECOMMENDATION

That the Audit and Risk Committee receive and note the report on Report from Senior Internal Ombudsman.

4.2 Quarterly Risk Management Report

COMMITTEE RECOMMENDATION

That the Audit and Risk Committee receive the report and note the current status of the 20 highest rated risks in Wyong Shire Council as at 28th February 2015.

4.3 Lost Time Injury Savings

COMMITTEE RECOMMENDATION

That the Audit and Risk Committee receive the report on Lost Time Injury Savings.

4.4 Procurement of Council's Resident Physician

COMMITTEE RECOMMENDATION

That the Audit and Risk Committee receive the report on Procurement of Council's Resident Physician.

4.5 Legal Matters

COMMITTEE RECOMMENDATION

That the Audit and Risk Committee receive the report on Legal Matters.

GENERAL BUSINESS**GB1/15 Response to Action Item 2, External Audit Plans 2014-15**
F2004/07245

In response to an action item raised previously during the meeting, regarding justification of audit fees, Mr Peter Buchholz, External Auditor (PwC), advised that there is a breakdown of Wyong Shire Council's audit fees on page 234 of the 25 March 2015 business paper (see extract below):

8 AUDIT FEES

	2015	2014	Increase/(Decrease)	
	\$	\$	\$	%
Estimated Audit Fee:				
Contract Audit Agent Fee	71,600	69,500	2,100	3.0
Audit Office Fee	9,500	9,000	500	5.6
Total Audit Fee (excluding GST)	81,100	78,500	2,600	3.3
Total Audit Hours	410	410	-	-
Average Hourly Rate	198	191	7	3.6

The estimated audit fee is based on estimated hours, the audit team structure and charge out rates, known changes in your agency and its operations, and audit requirements.

The fee may change if matters, not known at the date of this letter, emerge during the audit and lead to a significant change to the budgeted audit cost, or if your agency causes unreasonable delays to the audit.

WVSA will be invoiced monthly as costs are incurred.

Please provide the Audit Office with a purchase order for the total estimated audit fee when you return the signed 'Agreement of Terms'.

THE MEETING terminated at 9.58am.

6.3 General Works in Progress

TRIM REFERENCE: F2004/07830 - D11897203

MANAGER: Rob Fulcher; Manager Contract and Project Management

AUTHOR: Josette Matthews; PA to Manager, IM Support

SUMMARY

This report shows the current status of significant capital and maintenance expenditure in progress, as at the end of April 2015. General Water and Sewerage services are not included.

RECOMMENDATION

That Council receive the report on General Works in Progress.

ROADS AND DRAINAGE SECTION OVERVIEW

Capital Works In Progress

The table below is a status report of current major roads and drainage projects.

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Wyong CBD Drainage works- Frank Ballance Park (Stage 5)	\$1M	5 Jan 2015	80%	85%	Apr 2015	Drainage pipes almost complete ready for commencement of park construction.
Ruttleys Road upgrade	\$2.56M	28 Feb 2104	80%	85%	May 2015	Delays to wire rope barrier installation due to conflict with underground services. Currently being resolved
Bay Road, The Entrance (Stage 1)	\$1.6M	22 Sept 14	90%	90%	Apr 2015	Drainage complete, road pavement, driveways and footpath approaching completion
Panorama Ave Charmhaven	\$2.1M	19 Sept 14	80%	85%	Apr 2015	Drainage complete, new road pavement complete, awaiting final asphalt and linemarking
Quinalup St Gwandalan	\$800K	8 Jan 15	70%	75%	Apr 2015	Drainage complete, final road pavement construction nearing completion

6.3 General Works in Progress (contd)

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Road Reseal Program	\$4.67M	1 July 2014	90%	95%	June 2015	Generally favourable weather has allowed the contractor to progress sealing program to near completion.
Road Pavement Stabilising Projects (road renewal)	\$5.4M	1 July 2014	90%	95%	June 2015	Program essentially completed.

General Maintenance Work

The following is a list of general works undertaken during this period:

	North	South
Drainage Maintenance	Dooralong Valley Noraville	Berkeley Vale The Entrance Bateau Bay
Replacement of Damaged Foot paving	Toukley Woongarra Blue Haven Mannering Park Canton Beach Wyang	The Entrance Bateau Bay Killarney Vale
Sign Maintenance	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyangah Jilliby Yarramalong Buff Point Gwandalan Summerland Point	Toowoan Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyang Mardi Chittaway The Entrance North
Shoulder Restoration	Summerland Point Gwandalan	Nil
Heavy Patching	Gorokan Wadalba	Nil

	North	South
Table Drain Maintenance	Charmhaven Gwandalan	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Berkeley Vale The Entrance Ourimbah Glenn Valley
Rural Road Grading	Dooralong Yarramalong Gwandalan Bushells Ridge	Ourimbah Palmdale Kangy Angy Palm Grove
Carpark Maintenance	Nil	The Entrance
Fencing	Noraville Gwandalan Wyong	Berkeley Vale

CONTRACTS AND PROJECT MANAGEMENT SECTION

The table below is a status report of current major contracts in excess of \$150,000 and awarded following Council resolution.

Key	
On track	
At risk	
In trouble	

Item Description	Est Cost (excl. GST)	Start Date	Est Comp Date	Status	Comments
CPA/182057 – Construct new Sewer Pump Station (SPS) TO8A, Refurbish SPS TO08 and associate works at Norah Head	\$1M	April 2015	Dec 2015		Tender awarded to Gongues Constructions Pty Ltd April 2015. 30 week contract.
CPA/237919 – Norah Head Boat Ramp Construction	\$2.33M	April 2014	End Mar 2015		Construction complete in late March 2015 and opening of new ramp to occur just prior to Easter.
CPA/181554 - Detailed design for remediation of former Mardi Landfill	\$390K	Jun 2011	May 2015		Design contract with SMEC. Design 90% complete. Review of final design and specifications in April.
CPA/250224 - Redevelopment of Frank Ballance Park	\$1.135M	July 2014	Dec 2015		Contract has been let. Construction commencement expected 7/4/15. Expected completion Dec 2015.

6.3

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	Est Comp Date	Status	Comments
CPA/217073 - Relocation of 11kV and Low Voltage mains, Minnesota Road, Hamlyn Terrace and Associated Water Supply Works	\$436K	Nov 2012	March 2015		New pole mounted transformer installed in March 2015. Work now complete.
CPA/247920 – Construction of gross pollutant traps at San Remo, Buff Point and Budgewoi.	\$496K	Nov 2014	April 2015		Contract awarded to Kerroc Constructions Pty Ltd. Work is nearing completion and has carried out with minimal issues. Minor delays experienced due to periods of inclement weather.
CPA/159128 – Investigation and Design Consultancy for the Art House	\$1.494M	2009	Dec 2015		Consultancy services under this contract will be required through the construction phase.
CPA/235534 T06 Sewer Rising Main Partial Replacement, Noraville	\$1,300,000	April 2014	March 2015		Construction completed and pump station commissioned. Awaiting documentation to enable Practical Completion to be granted.
CPA/226654 Wyong South Sewage Treatment Plant Augmentation Stage 4	\$15M	Dec 2014	May 2016		Site works commenced on 20 February 2015. To date the contractor has completed all piling for the new inlet structure, the slab for the odour control facility and the retaining walls for the new switchroom.
CPA/247310 Alison Homestead Rebuild	\$1.2M	Oct 2014	June 2015		Construction is underway. Expected completion June 2015.
CPA/247284 – Design & Construction of Saltwater Creek Shared Pathway Bridge.	\$700K	Dec 2014	June 2015		Construction to commence on 7 April 2015 and will take approximately 12 weeks.
CPA/241428 – Construction of Performing Arts Centre.	\$11.359M	Nov 2014	Dec 2015		Piling for foundation complete and concrete footings and masonry works commenced. Ground floor concrete slabs poured.
CPA/248416 – Design of Tuggerah Regional Sports Complex.	\$741K	Dec 2014	June 2016		Contract awarded to CKDS Architecture Pty Ltd on 8 December 2014. Design commenced.

6.3 General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	Est Comp Date	Status	Comments
CPA/246157 – The Entrance Town Centre Tile Replacement – Stage 3B/C	\$393K	Apr 2015	End June 205		Contract awarded to Sam the Paving Man on 2 February 2015.
CPA/246855 – SPS WS 29 and WS 30 Upgrade	\$1.513M	Apr 2015	Dec 2015		Contract awarded to Kerroc Construction P/L on 24 March 2015.

CONTRACTS REACHING PRACTICAL COMPLETION IN LAST THREE MONTHS

Contract No.	Contract Description	Date of Practical Completion
Nil		

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD

Contract No	Contract Description	Contract Status
CPA/216733	Demolition of old Mardi Intake Tower	Defect Liability Period (DLP) concludes 8 May 2015
CPA/235478	Gross Pollutant Trap at Saltwater Creek, Long Jetty	DLP concludes 4 July 2015
CPA/236170	The Entrance Town Centre Tile Replacement Project Stage 2	DLP concludes 15 June 2015.
CPA/220970	Replacement of Lifts to Civic Centre	Defects Liability Period expires on 5 December 2015.
CPA/236748	Toukley Town Centre North South Pedestrian Link- Construction	Defects Liability Period expires on 11 July 2015.
CPA/209092	Upgrade of Water Pumping Station 17	DLP concludes 16 May 2015
CPA/223684	Construction of B14 Sewer Rising Main at Bateau Bay.	27 May 2015
CPA/234219	Construction of Administration Building at Buttonderry Waste Management Facility.	DLP concludes 11 November 2015

ATTACHMENTS

Nil.

6.4 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D11892427

MANAGER: Daryl Mann; Manager Water and Sewerage Operations

AUTHOR: Vanessa Trzcinka; Technical Operations Engineer Water and Sewerage Operations

SUMMARY

Water supply and sewerage works in progress and completed for March 2015.

RECOMMENDATION

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

WATER SUPPLY

The table below is a status report of current major new and upgrade water projects.

Item Description	Est. Cost \$	Start Date	% Spent	% Comp	Est. Comp Date	Comments
Mardi Dam Fire Trails	\$200,000	July 2014	20%	30%	June 2015	A contract has been awarded which is significantly below the pre-tender estimate and works are underway.
Mardi Water Treatment Plant CO2 Dosing	\$80,000	Aug 2014	70%	80%	April 2015	Commissioning of the lime dosing system is now complete which will result in improved stability of the water treatment process and more efficient use of chemicals. Supplier invoices are being processed.

SEWERAGE

The table below is a status report of current major new and upgrade sewerage projects.

Location	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
TO06 SPS Rising Main	\$1.1m	May 2014	95%	100%	April 2015	Works on the new rising main are complete and final inspections are being completed mid April.
Bateau Bay Berkeley Vale Budgewoi Gorokan North Entrance San Remo Toukley Tumbi Umbi	\$1.2M	July 2014	90%	90%	Jun 2015	Contract sewer main inspection & maintenance programme to improve system reliability and to reduce blockages and possible overflows. Work commenced on 10 November 2013 and is ongoing in 2014/15.

PROCESS

Water Treatment

All treated water produced by Mardi Water Treatment Plant met the health requirements of the Australian Drinking Water Guidelines produced by the National Health and Medical Research Council.

Sewage Treatment

The effluent discharged from Toukley Sewage Treatment Plant and Bateau Bay Sewage Treatment Plant met the Environmental Protection Authority Licence requirements.

Sewage Overflows

There were 7 minor sewer overflows reported to the Council's Environmental Hotline for the period 1 to 31 March 2015, most were related to minor tree root blockages where the normal clean up and reporting were completed. One of the overflows was caused a by a contractor drilling adjacent to a sewerage rising main. Of these incidences 3 were reported to the Office of Environment and Heritage, NSW Health, Work Cover and Fire and Rescue.

Follow up reporting has been submitted for each incident through Councils internal environmental reporting procedures.

WATER STORAGE

Sunday, 5 April 2015				
DAM STORAGES				
Storage	Capacity Full [ML]	Volume in Storage [ML]	Percent Full [%]	Storage Change over last week[ML]
Mangrove Dam	190,000	109,451	57.6	Down 162
Mardi Dam	7,400	6,755	91.3	Up 219
Mooney Dam	4,600	3,774	82.0	Up 1,070
Total	202,000	119,980	59.4	Up 1,128
Total Dam Storage this time last month was				59 Percent
Total Dam Storage this time last year was				58.6 Percent
GROUNDWATER & HUNTER TRANSFERS (ML)				
Period	Groundwater	From Hunter	To Hunter	
Week to Date	0.0	0.0	7.6	
This year to date	2.1	155.4	50.6	
RAINFALL(mm)				
Period	Somersby WTP	Mardi WTP	Mangrove Dam	
Week to Date	187	166	81	
Previous Week	22	51	39	
Current week last year	43	20	74	
This year to date	666	603	376	
Same period last year	376	291	312	
Water Usage (ML)				
Period	Usage			
Week to Date	494			
Previous Week	535			
Percent change from previous week	7.7 % less			
Current week last year	548			
Percent change from same week last year	9.8 % less			
This year to date	7,772			
Same period last year	8,435			
Percent change from same period last year	7.9 % less			
MARDI- MANGROVE DAM TRANSFERS (ML)				
Period	To Mangrove Dam		From Mangrove Dam	
	From Mardi Dam		To Mangrove Creek	To Mardi Dam / WTP
Last week	0		0	364
This year to date	0		354	2,444
Total to date *	34,226		10,293	12,231

* Post M2M Commissioning

ATTACHMENTS

Nil.

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

TRIM REFERENCE: F2004/07830 - D11901785

MANAGER: Scott Cox, Director

AUTHOR: Jane Doyle; Development Assistant

SUMMARY

The report includes information and statistics regarding the operations of the Development and Rezoning Unit and the Building Certification Compliance and Health Unit which covers the submission and determination of development, construction and subdivision applications for the month of March 2015.

RECOMMENDATION

That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of January 2015.

Development Applications Received and Determined – Development and Rezoning Unit- March 2015.

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	11	33,957,280	20	3,252,900
Industrial	1	90,000	1	90,000
Residential (Multiple Dwellings/Dual Occupancy)	9	5,736,981	9	2,567,761
Other Applications	1	1,000	3	7,000
Subdivisions	3	3,215,000	2	188,000
Section 96 Applications	8	-	2	-
Total	33	43,000,261	37	6,105,661

Note: Included in the "Commercial" lodged was for a Hardware and Building Supplies development (Bunnings) located at Charmhaven valued at \$24,150,000. Included in the "Subdivision" Lodged was a 28 Lot Subdivision located at Warnervale valued at \$3,200,000.

6.5 Activities of the Development and Rezoning and Building Certification Compliance and Health Units (contd)

Development Applications Received and Determined – Building Certification Compliance and Health Unit – March 2015

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	1	5000	-	-
Industrial			-	-
Residential-Multiple Dwellings (Dwellings)	35	11,014,059	16	4,467,621
Residential (Alterations and Additions)	40	2,639,130	44	2,963,209
Other Applications	2	170,000	2	19,000
Section 96 Applications	8	-	11	-
Total	86	13,828,189	73	7,449,830

Subdivision Applications Received and Determined March 2015

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	-	-
Residential	3	40	2	2
Rural	-	-	-	-
Total	3	40	2	2

Net Median Turn-around Time – March 2015

The net median turn-around time in working days for development applications determined within the Development Assessment Unit during March 2015 was 13 days. The net median turnaround time in working days for Section 96 applications was 13 days.

The net median turn-around time in working days for development applications determined in the Building Certification Compliance and Health for March 2015 was 14 days. The net median turn-around time in working days for Section 96 applications was 7 days.

Employment Generating Applications

There were no applications determined during March 2015 that were employment generating development applications.

**6.5 Activities of the Development and Rezoning and Building Certification
Compliance and Health Units (contd)**

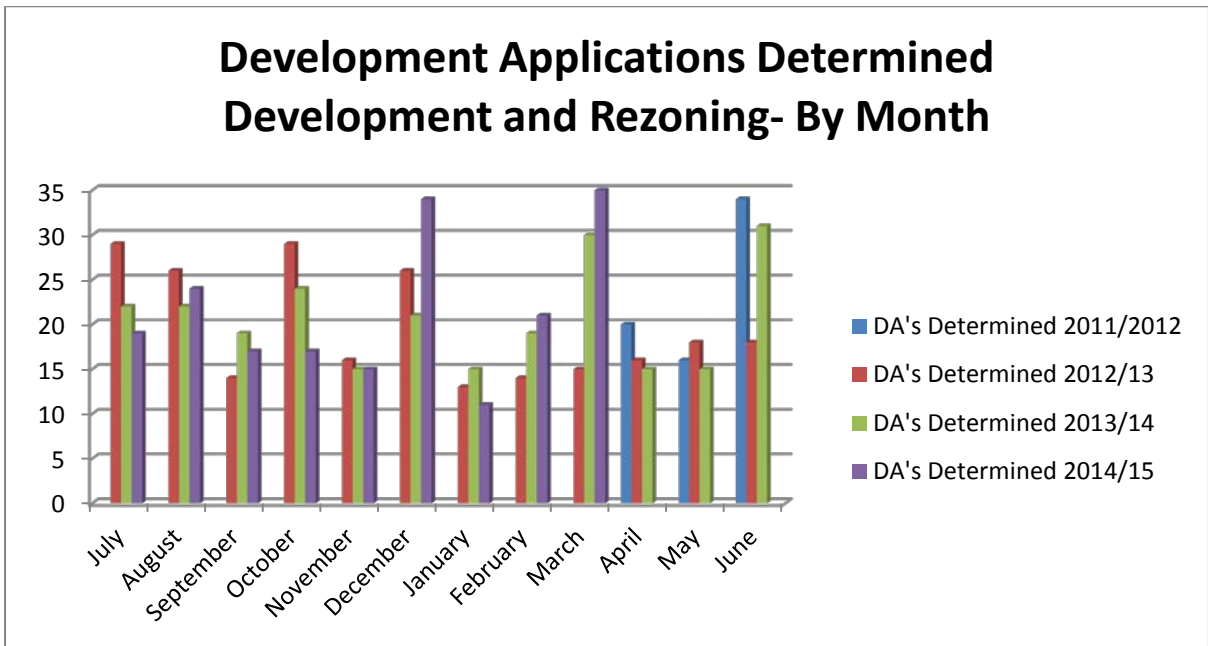
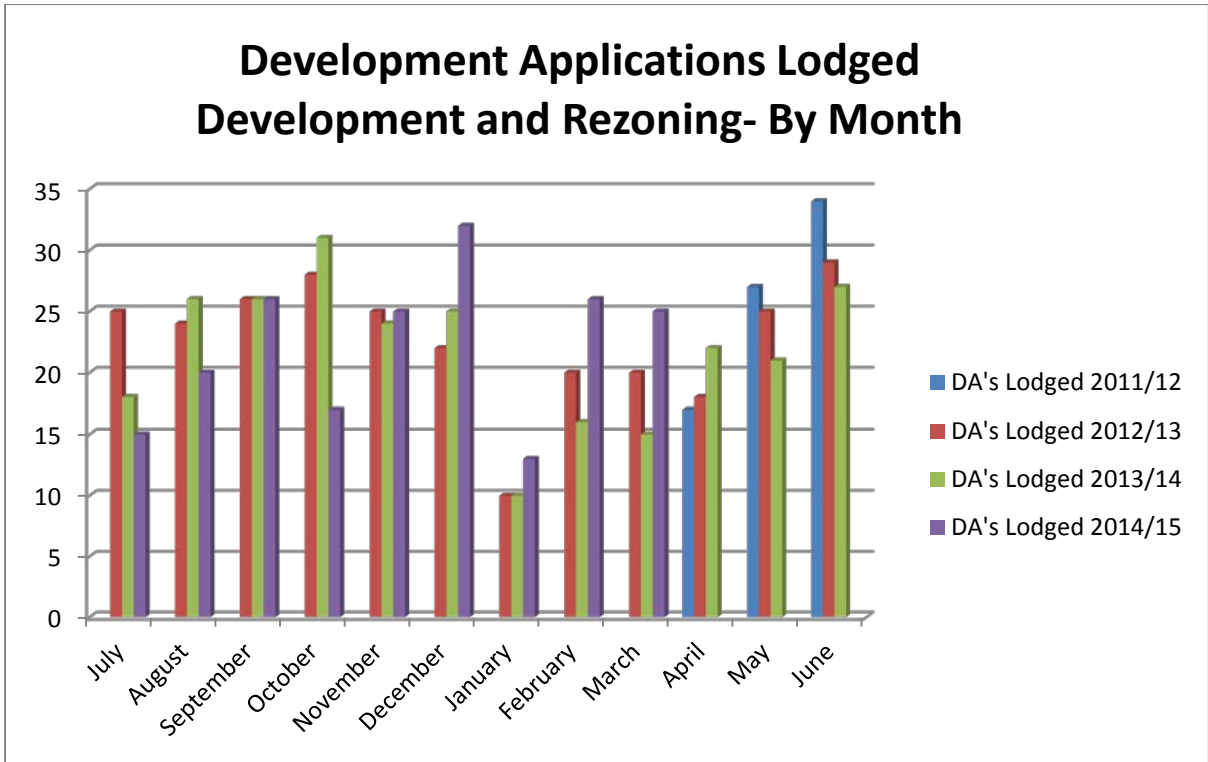
Other Approvals and Certificates

Type	Determined March 2015
Section 149 D Certificates (<i>Building Certificates</i>)	9
Construction Certificates	48
Complying Development Certificates	18

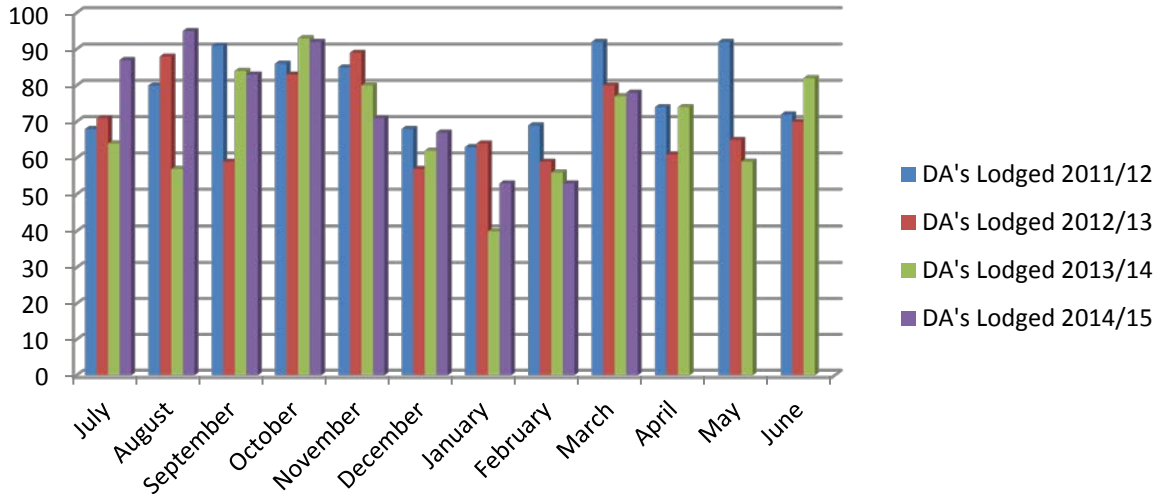
ATTACHMENTS

- 1 Graphs: Development Applications Lodged, Determined and Construction Certificates Determined

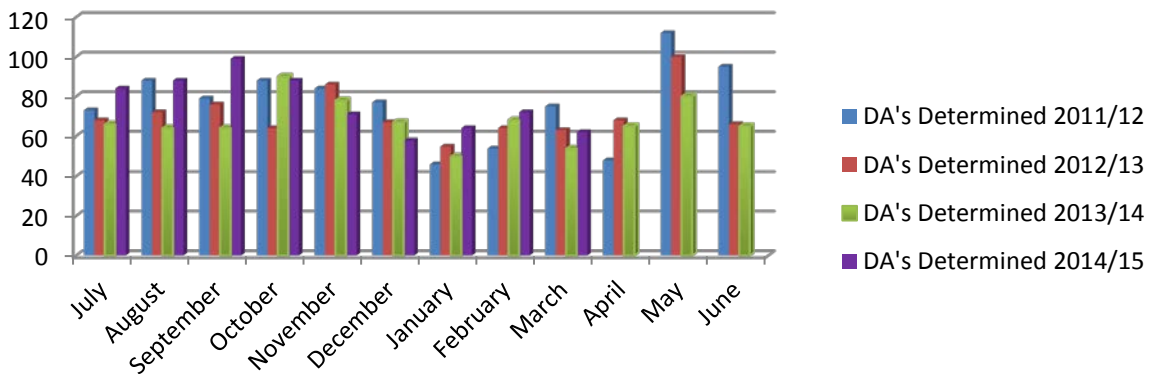
D11913045

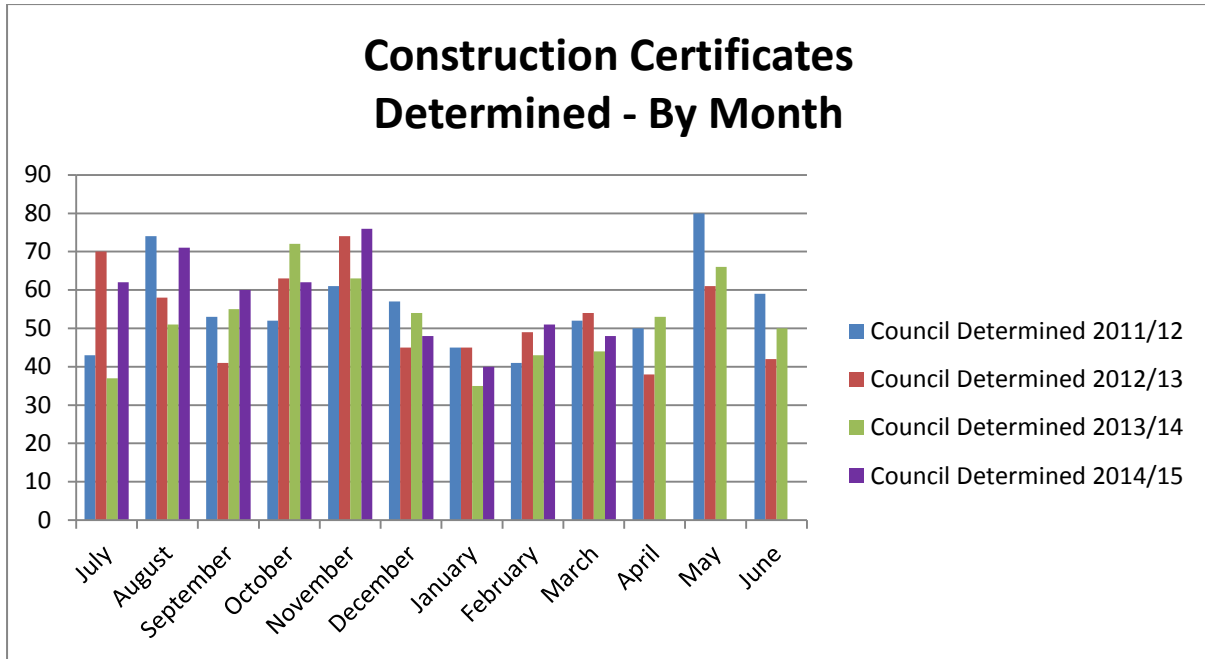


Development Applications Lodged Building Certification, Compliance & Health - By Month



Development Applications Determined Building Certification, Compliance & Health - By Month





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

TRIM REFERENCE: F2004/06822 - D11901793

MANAGER: Jamie Loader, Manager

AUTHOR: Tabitha Kuypers; Environmental Assurance Protection Officer

SUMMARY

Reporting on the results of bacteriological tests for primary recreation water quality for the beaches in Wyong Shire and lake swimming sites in the Tuggerah Lakes catchment for March 2015.

RECOMMENDATION

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

Primary Recreation Water Quality Monitoring Program

Water quality monitoring is undertaken at 22 popular swimming sites in Wyong Shire to enable the community to make informed decisions about where and when to swim.

Through the warmer months (September to March), water samples are collected weekly. The results are provided to the Office of Environment and Heritage as part of the state-wide Beachwatch Partnership Program. Daily pollution forecasts and long term trend analysis can be viewed on their website www.environment.nsw.gov.au/beach/index/htm.

Water quality monitoring is undertaken on a weekly basis to provide Council with an insight into short term water quality trends. The indicator organism used to determine microbial water quality is Enterococci - a subgroup of Faecal Streptococci that has been used as an indicator of fecal pollution for many years. Enterococci are especially useful in the marine environment and recreational waters as an indicator of potential health risks and swimming-related gastroenteritis.

Each month the average Enterococci count for each swimming site is compared against the National Health and Medical Research Council's (NHMRC) *Guidelines for Managing Risks in Recreational Water (2008)*. Table 2 displays the guidelines rating system used to determine if water is suitable for primary recreation (i.e. swimming).

Whilst water quality results generally indicate that the monitored swimming sites are acceptable for swimming, advisory signs have been erected at the lake sites to advise that *"this area can be affected by stormwater pollution for up to three days after heavy rain. Swimming during this period is NOT recommended"*. Greater connectivity to urban areas and lower dilution rates make the lakes more vulnerable to sources of faecal contamination including stormwater discharges, sewage infrastructure breaks and animal inputs. This is a precautionary measure only and does not mean water quality is poor at all times. In the event sampling revealed Enterococci concentrations greater than 200cfu/100mL, the site would be closed until water quality improved.

Summary of results for November and December 2014

Throughout March 2015 all 22 sites achieved the top star rating - see Table 1. Under the NHMRC (2008) star rating system, all sites sampled were considered suitable for swimming (see Table 2 below). ****

Table 1: Beachwatch average star rating

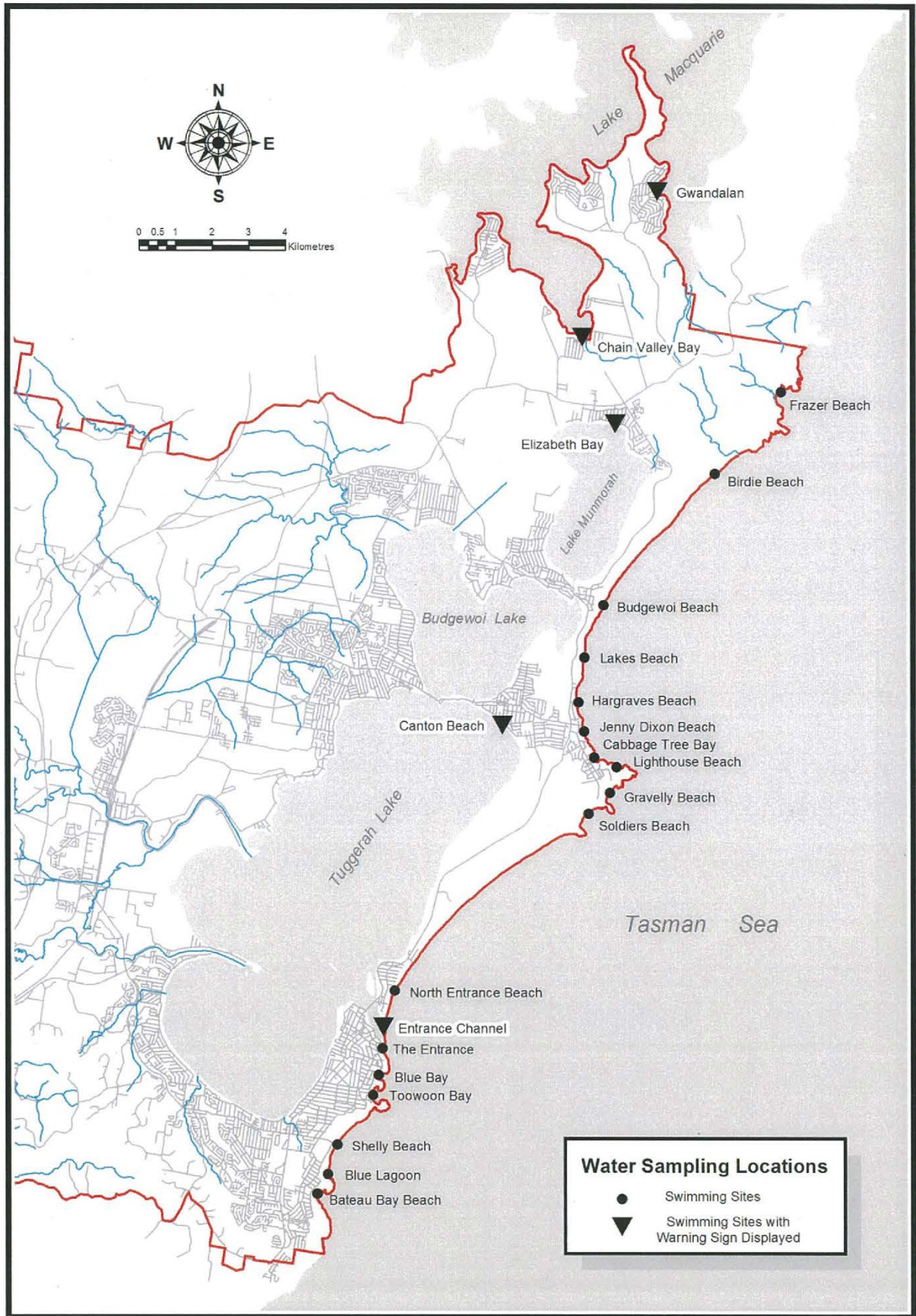
Swimming Site	Site Type	Rating	Stars
North Entrance Beach	Ocean Beach	Good	****
The Entrance Channel	Estuarine	Good	****
The Entrance Beach	Ocean Beach	Good	****
Blue Bay	Ocean Beach	Good	****
Toowoan Bay	Ocean Beach	Good	****
Shelly Beach	Ocean Beach	Good	****
Blue Lagoon	Ocean Beach	Good	****
Bateau Bay	Ocean Beach	Good	****
Chain Valley Bay	Lagoon/Lake	Good	****
Gwandalan	Lagoon/Lake	Good	****
Frazer Beach	Ocean Beach	Good	****
Birdie Beach	Ocean Beach	Good	****
Lake Munmorah – Tom Burke Reserve	Lagoon/Lake	Good	****
Budgewoi Beach	Ocean Beach	Good	****
Lakes Beach	Ocean Beach	Good	****
Hargraves Beach	Ocean Beach	Good	****
Jenny Dixon Beach	Ocean Beach	Good	****
Canton Beach	Lagoon/Lake	Good	****
Cabbage Tree Bay	Ocean Beach	Good	****
Lighthouse Beach	Ocean Beach	Good	****
Gravelly Beach	Ocean Beach	Good	****
Soldiers Beach	Ocean Beach	Good	****

Table 2: NHMRC Star Rating Interpretation

Star Rating		Enterococci (cfu/100mL)	Interpretation
****	Good	≤ 40	NHMRC indicates site suitable for swimming
***	Fair	41 – 200	NHMRC indicates site is suitable for swimming
**	Poor	201- 500	NHMRC indicates swimming at site is not recommended.
*	Bad	>500	NHMRC indicates swimming at site is not recommended.

ATTACHMENTS

- 1 Water Sampling Sites D03238043



6.7 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2015/00040 - D11899532
MANAGER: Lesley Crawley, Manager Corporate Governance
AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

Report on Outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

ATTACHMENTS

1 Table of Outstanding Questions and Notice of Motions - 22 April 2015 D11906488

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
84	Community and Recreation Services	Brett Sherar	<p>5.1 Notice of Motion - Council Policy Results in Vandalism</p> <p>497/14 That Council <u>note</u> further reports of large scale public tree poisoning at Mazlin Reserve Norah Head.</p> <p>498/14 That Council <u>investigate</u> the complaints and report on this and other similar recent vandalism events.</p> <p>499/14 That Council <u>recognise</u> that policing this type of vandalism is often unproductive and that the catalyst for such acts may well be a consequence of past Council Policy.</p> <p>500/14 That Council <u>note</u> its previous resolution to undertake a common sense review of its Tree Policy for private land.</p> <p>501/14 That Council <u>undertake</u> a review of its Tree Policy for Public Lands with a view to developing a more balanced approach to future planting and species choice, particularly around the issue of 'View Sharing' and how that is legislated for in the area of construction and building."</p>	<p>Clrs Best, Taylor, Troy</p> <p>14 May 2014</p>	<p>497/14 and 498/14: Investigations revealed some trees at Mazlin Reserve show that evidence of vandalism was apparent. Perpetrators could not be identified.</p> <p>500/14: Noted.</p> <p>499/14 & 501/14: Report to be submitted to Ordinary Meeting of Council in July 2015 from Planning and Development Dept.</p>
115	General Manager's Unit	Stephen Naven	<p>7.2 Notice of Motion - Government Rating Outrage</p> <p>50/15 That Council note with great concern the likely significant escalation of the 2015 rate burden on the local lower to mid-market property sector.</p> <p>51/15 That Council note the significant escalation is as a consequence of the recent property market increases and unfair rerating formulas dictated to Council by the State Government Valuer General and Office of Local Government.</p> <p>52/15 That Council call on the State Government to conduct a thorough review into the Valuer General's and Office of Local Government's outdated and discriminatory rating methods that will place undue hardship on many in our community.</p> <p>53/15 That Council investigate a shire wide, online petition in partnership with the community, to give ratepayers a voice to call upon the State Government to reject this outrageous and out of touch taxing.</p> <p>54/15 That Council include in its 2015 Strategic Planning</p>	<p>28 January 2015</p> <p>Cr Best</p>	<p>Response to be provided May 2015.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>Process a review of all options to assist in reducing the impact of the Government's looming rerating charges.</i>		
128	Community and Recreation Services	Maxine Kenyon	<p>5.2 Notice of Motion - Wyong Road Landscaping Shambles</p> <p>167/15 <i>That Council note with great concern the current, extremely poor condition of the landscaping of the median and roundabouts along the Shire's premier road corridor, Wyong Road.</i></p> <p>168/15 <i>That Council note that Wyong Road is a State Road for which the NSW Roads and Maritime Service (RMS) has full management and financial responsibility under the Roads Act 1993.</i></p> <p>169/15 <i>That Council call on the RMS to consider the safety, value and impact on the community of not providing for sufficient vegetation maintenance, and to provide adequate funding to maintain the landscaping for the full length of the Wyong Road corridor in keeping with community expectations.</i></p> <p>170/15 <i>That Council request the General Manager to report on initiatives that it may consider with this road issue and indeed all roads under the Road Management Council Contracts</i></p>	<p>25 February 2015</p> <p>Cr Best</p>	<p>167/15 – Noted</p> <p>168/15 – Noted</p> <p>169/15 – Councillor Business Update distributed 26 March 2015.</p> <p>170/15 – Response to be provided June 2015.</p>
133	Property and Economic Development	John Willey	<p>7.2 - Notice of Motion - Tuggerah Station Parking and Safety Shambles</p> <p>236/15 <i>That Council <u>reiterate</u> the total inadequacy of parking at and around the Tuggerah Rail Station, and that the provision of such parking is the sole responsibility of Transport NSW and State Government.</i></p> <p>237/15 <i>That Council <u>explore</u> all land options in the Tuggerah Rail Station precinct, in partnership with Transport NSW and State Government, to address this issue.</i></p> <p>238/15 <i>That Council <u>note</u> the urgent need to immediately deal with this matter and therefore the prospect of interim/ temporary parking should also be considered.</i></p>	<p>11 March 2015</p> <p>Cr Best</p> <p>Cr Matthews</p>	Councillor Business Update to be prepared and issued.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
134	Development and Building Department	Scott Cox	Q11/15 - Proposed Changes to Tree Policy <i>"Question to the General Manager, Now that proposed changes to WSC's tree policy have undergone legislative public consultation, can the General Manager confirm when this report will be brought to the chamber for a final vote given the strong support of the elected council?"</i>	11 March 2015 Cr Nayna	Briefing to Councillors 22 April 2015 and report to Council July 2015.
138	Community and Recreation Services Department	Maxine Kenyon	8.1 Notice of Motion - 2016 Whale Dreamer's Festival Possible Closure? 285/15 <i>That Council note with concern that 2015 will be the last year of the Whale Dreamer's Festival being managed by the current steering committee and that this may result in the highly successful Whale Dreamer's Festival being forced to close.</i> 286/15 <i>That Council thank and congratulate the current Steering Committee for its outstanding commitment and dedication to this highly successful event which promotes whale conservation while exposing the insidious impacts of whaling.</i> 287/15 <i>That Council recognise this event has now become the Coasts' premier environmental event that demonstrates Councils' and indeed the wider communities commitment to our local marine environment.</i> 288/15 <i>That Council request the General Manager to provide a progress report on the coordination of the 2015 event & what Council assistance is currently being provided, further what Council in partnership with the community & local environmental groups can do to ensure the continuation of this highly successful community and environmental event along with other community events.</i>	Cr Best 25 March 2015	285/15: Noted 286/15: A letter of thanks has been forwarded to the Steering Committee. 287/15: Noted. 288/15: A report will be provided to the 27 May 2015 Ordinary Meeting of Council.
140	Development and Building	Jane Doyle	Q15/15 Illegal Camping Signage <i>"Would staff please advise Council when "Camping is Illegal" signs will be erected at sites where illegal camping is rife,</i>	Cr Webster 25 March 2015	Councillor Business Update to be prepared and issued.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>particularly at Karagi Point at North Entrance and Jenny Dixon Beach at Norah Head?"</i>		
142	Property and Economic Development	Mike Dowling	<p>8.1 Rescission Motion - Removal of Buff Point Affordable Housing from Major Amendment 1 to Wyong LEP 2013</p> <p><i>RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor TROY:</i></p> <p><i>That the following resolution carried at the Ordinary Meeting of Council held on 25 February 2015 be rescinded:</i></p> <p style="padding-left: 40px;"><i>"151/15 That Council <u>defer</u> this matter pending consideration by Council of concept plans for possible affordable seniors accommodation on this site.</i></p> <p style="padding-left: 40px;"><i>152/15 That Council <u>reaffirm</u> that this matter will not progress without extensive community consultation."</i></p> <p><i>RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor TROY:</i></p> <ol style="list-style-type: none"> <i>1 That Council <u>withdraw</u> the proposal to rezone 17W Moola Road, Buff Point (Buff Point Oval) from RE1 Public Recreation to R1 General Residential from Wyong Local Environmental Plan (LEP) 2013 – Major Amendment 1.</i> <i>2 That Council further <u>recognise</u> the importance of providing integrated housing in suitable locations particularly to support our seniors.</i> <i>3 That Council <u>not pursue</u> the establishment of integrated housing on lands adjoining or in close proximity to existing community parklands/playing fields.</i> <i>4 That Council <u>request</u> the General Manager report on opportunities/options to provide integrated housing on Council land in traditional residential areas.</i> 	<p>Cr Best Cr Troy 8 April 2015</p>	Update to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			5 <i>That Council <u>thank</u> the local community for their submissions and representations that have assisted Council in its deliberation and consideration of this important matter.</i>		
143	Community and Recreation Services Department	Maxine Kenyon	<p>Q17/15 Norah Head Boat Ramp</p> <p><i>“Mr Mayor,</i></p> <p><i>Over the Easter break I visited the Cabbage Tree Bay/Norah Head boat ramp area on a number of occasions where our new ramp was in full use by locals and visitors alike. The feedback I’ve received is very positive, particularly by those who knew the old ramp. May I take this opportunity to ask you to pass on our appreciation to the staff and contractors who delivered the facility.</i></p> <p><i>Further, just for Council feedback, a reoccurring comment by boaties was around when will the ramp’s stage 2 wave attenuation buffer on the eastern/seaward side be installed?</i></p> <p><i>Thank you again to all involved.”</i></p>	Cr Best 8 April 2015	Councillor Business Update to be prepared and issued by end of April 2015.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
8 APRIL 2015**

No#	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
139	Infrastructure and Operations	Q14/15 Water Quality Issues in Wadalba	Cr Nayna 25 March 2015	Response included on agenda for Ordinary Meeting 22 April 2015.
141	Development and Building	Q16/15 Appreciation	Cr Best 25 March 2015	Completed – Letter of appreciation has been sent to Mr A Littlefield.
129	Community and Recreation Services	Q8/15 Better Futures Hub	25 February 2015 Cr Troy	Answer to QON included in current, 22 April 2015 business paper.
116	Property and Economic Development Department	7.3 Notice of Motion - Local Procurement and Employment Preference Policies - Major Projects	28 January 2015 Cr Best	A Councillor Business Update was issued on 13 April 2015 in relation to this matter.

7.1 Q8/15 - Better Futures Hub

TRIM REFERENCE: F2004/07994 - D11910636

MANAGER: Maxine Kenyon, Director

AUTHOR: Julie Vaughan; Manager

SUMMARY

The following question was asked by Councillor Troy at the Ordinary Meeting held on 25 February 2015:

"Mr Mayor,

Further to the Council briefing, and substantial funding contributions from both the Federal Government and Council, I would appreciate an update as to the performance and outcomes with regard to the operations of the Better Futures Hub, situated at North Wyong.

Could you please have this report benchmark performances against the briefing criteria?"

BACKGROUND

The Better Future Local Solutions program was a place based initiative operating in ten communities across Australia. The program aimed to improve the circumstances of people experiencing high levels of disadvantage by supporting them to:

- Strengthen family capacity to participate in education and employment
- Prepare for and gain employment and
- Increase their earning capacity

Council was involved in the Better Future Local Solution Advisory Group in 2012-2013.

Funding was available via a grant program which the Local Advisory Board assessed. Locally the groups funded were:

- DALE Young Parents Wyong Program
- Local Employment and Access Project
- The Better Futures Hub project
- Skills for work- Let's Get Started project

The project was funded by Department of Human Services and administered locally by the Benevolent Society.

The Better Futures Hub project supports the education, training and employment pathways of young people and families experiencing long term unemployment in the north of Wyong Shire to enable them to create purposeful futures.

Wyong Council does not have any involvement in this project. Staff requested an update on performance and outcomes in response to this request which has been provided by the group and is attached.

ATTACHMENTS

- 1 Better Futures Hub Snapshot of Performance D11910632



Better Futures Hub Snapshot of Performance Report

The project is running over 3 years

The projected targeted number of daily number of participants (young parents and jobless families and accompanying children was a minimum of 50 per day within 12 months.

Average no of BFH student participants per day =60

Total Sign	ET	SPCC	BFH	CFS	LEL
in for 2014	3,922	2,583	1,779	1,081	202
	9567	41%	27%	18.6	11.3
			2.1		

The Better Futures Hub has been successful in the provision of both the HSC, vocational services and soft entry courses onsite. The set up and refurbishment has taken longer than projected however the partnerships between services, both on and offsite have developed almost seamlessly. As one can see from the daily sign in figures above, the number of people in and out of the hub is quite substantial in comparison to the actual student numbers of 249 participating in onsite courses. The BFH is highly utilised with the best use being made of the facility to share the space with not for profits targeting the same groups and hiring rooms to for profit groups.

The BFH is tracking well to continue to grow and deliver education and training to young parents aged 14- 24 and jobless families in the Wyong Shire. Despite considerable delay due to refurbishment with noise and disruption on a daily basis and a crèche operating for nine months while waiting for the childcare to open, participants continued to come on a daily basis to study and engage in HSC, vocational training and soft entry programs as well as opportunities for work placement on and off site for job readiness. The onsite social Enterprise opportunities to support the BFH sustainability have not fully developed as planned for sustainability at this time. The Consortium have commenced strategic planning in light of the first 12 months of BFH operations to drive future direction and ensure the social enterprise provides the required level of sustainability beyond the project funding.

Education & Training

- St Philips Christian College Young Parents Program:** In 2014 of the 9 young parents who graduated from St Philips Christian College Young Parent Program (SPCCYPP) having completed their HSC, 6 continued on to further vocational training offered onsite 3 of whom obtained work and then 3 will be commencing Open Foundation enabling course in 2015. SPCCYPP delivered a mainstream, accredited & flexible HSC education program to 32 young parents, 2014, supplemented with life skills support and mentoring through partnerships with various organisations as outlined elsewhere in the document.
- ET Australia and VET:** ET Australia and Employment Plus provided VET training to 169 young parents and jobless families who completed a range of Cert 11, Cert 111 and diploma courses. Post course outcomes are not reliably known; however ET Australia sourced and supported all participants with work placement for job readiness and traineeships. They partnered with Lighthouse Early Learning to provide Cert 111 Early Childhood participants with placements on and off site. 3 SPCC young parents enrolled in Cert 111 Business Studies and 3 in Workplace practices at end of HSC. The delivery of vocational training by consortium partner ET Australia is currently under threat due to the loss of Smart and Skilled funding, as they are not able to provide funding courses for the targeted vulnerable groups. The Operations manager is working with TAFE, Reach Solutions, Tuggerah Lakes Community College and Employment Plus to ensure the ongoing delivery of vocational courses.
- Child and Family Services:** provided a range of soft entry programs to Wyong Shire jobless families and young parents as well as school holiday activities to SPCCYPP participants. Participants are referred by Centrelink into the Acorn Program which ran through Term 4 2014. Soft entry into the hub has become essential to build the confidence and literacy skills for job seekers and young parents and the Acorn program has a strong participant articulation into further vocational training. It is expected a number of the 69 2014 Acorn participants will enrol in onsite 2015 courses with some of the 54 children of participants being enrolled in Lighthouse Early Learning.



Better Futures Hub Snapshot of Performance Report

Participant Enrolments in Education and Training:

Provider	Enrolments	Discontinued	Retention	Average
SPCCYPP	46	14	32	69%
ET Australia	169	25	144	85%
CFS programs	69	2	67	96%
Employment Plus	7	1	6	86%
Retention Rates	291	42	249	85.50%

Child Care Service:

- Provision of on-site child care to 45 babies, toddlers and preschool age children, initially through a crèche service although daily attendance varied widely from 5 -30. A total of 33 children were enrolled in early learning childcare onsite after 3 months of operation from October – December achieving 42% capacity, which is well below the target of 80%. Strategies have been delivered to support increased enrolment.

- **Childcare numbers:**

SPCCYPP CRECHE	LEL	CFS Acorn
45	33	54

- Lighthouse Early Learning has been operating since October and offers opportunities for ET Australia participants studying Early Childhood to gain child care qualifications.
- They assist participants to strengthen skills in good parenting through modelling by LEL staff and supportive advice and soft referrals to Family Referral Service and Centrelink.
- Operations Manager is aware LEL has in partnership assisted parents to access health and other service providers however no data has been provided. They work on a daily basis with Centrelink to ensure support around forms and JETS paperwork are completed properly for the young parents.

Co-Location of Service Providers

- **Co-located service providers** DHS, Family Referral Services and Bungree Aboriginal Service have been integral to the successful retention of young parents in particular. Staff from these providers has been pivotal with immediate response and support for young parents, jobless families and Aboriginal families, by identifying what is needed, connecting them to the organization or professional who can provide the right support and removing barriers that create risk to participant attendance and retention. Each of the services work from the BFH one morning or day per week to provide face to face contact and support as well as meeting clients at the BFH to encourage enrolment & participation in HSC, VET, Acorn or other soft entry pathways. Data appears elsewhere for services however the majority of referrals & support provision were linked to SPCCYPP or CFS. There is much room for further improvement with greater linkages to ET Australia participants. From evaluation of BFH participants have disclosed referrals across 20 different partner agencies.

The retention rate for the BFH training and education providers speaks for itself in relation to the delivery of a service that removes barriers to engagement through an integrated approach to address intersecting disadvantage, and develop a sense of place where young parents and jobless families feel they belong within a culture of peer support and community support. Having delivered education, training and onsite services to 249 participants who completed courses it is important to take account of the 42 participants who discontinued and understand the 'stop start, stop start' nature of engagement of long term unemployed and jobless families. They may commence a couple of courses onsite before committing when their confidence has grown so while discounted from BFH retention rates it is still a valid starting point for many.



Better Futures Hub Snapshot of Performance Report

Allysha Wooden's story captured in a 3 minute story (supported by Wyong on Screen Council funding) provides a snapshot of how barriers are being addressed for delivery of BFH objectives.
http://youtu.be/a_b_PmEjANY

Story/Narrative

Single Mum of twin girls Lucy is 'our' shining star.

The 'our' in this story demonstrates the clear partnerships which supported the pathways for Lucy whose story is the epitome of what can be achieved in the Better Futures Hub model, and, which has given enormous enthusiasm to the BFH providers who all 'own' a little of the contribution that makes up Lucy's success story.

1st step:DHS Helping Young Parents interview led to:

- Enrolment DALE Young Parent Program
- Relocation of DALE to Better Futures Hub and renamed St Philips CC Young Parent Program – (high risk for students to discontinue)
- Lucy was not happy with the creche model of childcare continuing over a long period and was at risk of leaving the program but was linked by BFH with Child and Family Services for Family Day Care.
- Continued on to complete HSC
- Immediately enrolled in ET Australia Cert 111 in Business Studies (great timing for course commencement at end HSC)
- Completed work placement
- Completed Triple P program facilitated onsite by Uniting Care Burnside.
- Participated in school holiday activities provided by Family Support Services.
- Enrolled in 3 Child & Family Services Acorn workshops on resilient parenting.
- Wyong Golf Club had visited the BFH open day and launch and requested ET Australia to send some Business Studies students for interview for a traineeship.
- Lucy was successful at interview and commenced her traineeship
- Re-enrolled with ET Australia to commence her Diploma in Business Studies.



Better Futures Hub Snapshot of Performance Report

- **Wyong Golf Club funded furnishings for the Young Parent Room. They are strong supporter of the hub and the partnership between the Golf Club and BFH together with outcomes for Lucy has been nominated for a Clubs NSW award for community partnerships.**
- **Wyong Golf Club, ET Australia & BFH are developing a partnership to support young dads.**

Lucy's parents are so proud of her, She is proud of herself having broken the welfare cycle. Importantly for the BFH this has demonstrated clearly how the integrated onsite and offsite services have ensured all barriers to participation have been removed to facilitate the desired trajectory to address intersecting disadvantage to achieve strong outcomes.

First interviewed when the Helping Young Parents Measure commenced in August 2012 Lucy was 17yo - the twins were 7 months old. Lucy commenced her studies with St Philips Christian College known as the DALE Young Parent Program at Wadalba Community School which then relocated to the Better Futures Hub. A crèche on site assisted in caring for the twins initially and then Lucy enrolled them with Wyong Family Day Care for early learning support. Lucy successfully completed her HSC this year at St Philips Christian College and immediately enrolled in an ET Australia course delivered onsite to complete Cert III in Business as well as accessing resilient parenting workshops in the ACORN Program.

Lucy's recent achievement, through her sheer determination, is the successful commencement of a Traineeship in Administration at the Wyong Golf Club, gained at interview. The twins now nearly three and in Family Day Care Lucy is well on her way to an amazing future. She remains ever so grateful for the opportunity to complete her studies in a very caring supportive environment at St Philips Christian College. Lucy has blossomed into an amazing responsible young lady & beautiful mother to her girls, mature beyond her tender years & ready to take on her exciting new career.

Lucy has now enrolled in her Diploma of Business Services to complete as part of her traineeship at the Wyong Golf Club

Further Stories of success

- Young parent advised Centrelink she was doing the WOW Course and loving it and had previously completed the ACORN Program at the Better Futures Hub saying it was fantastic and that was her reason for going on to further study. She went on to say that she was apprehensive at first but it didn't take long to settle in. She has formed friendships and developed a support network. She has gained the confidence to obtain her L's and Ydrive (youthconnections.com.au) supported her gain her driving hours. She has also decided to complete her Nursing studies and has accessed support & guidance as to how to go about this. She couldn't believe how much her life had changed from 12 months ago and was very grateful for that initial referral.
- Participant advised Centrelink her child was now attending LEL 5 days per week and that they were currently seeking a diagnosis as there are concerns that her son has autism. The Lighthouse Early Learning child care centre has been very supportive in accessing additional financial support for him. Customer advised that she had not planned to access care but, after participating in the ACORN program following her last SJF appointment, she had started him at 2 days per week. She was very grateful for all of the support and assistance she had been offered and felt this will greatly improve her son's experience when starting school. She also



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advised that she has maintained contact with Wyong Child & Family Services and that she has participated in some of the courses offered by them. She is keen to make use of her newly found spare time and intends to pursue study.

- 2 young parents have just completed their Year 12 Studies at St Philips Christian College Better Futures HUB Wyong and wish to continue their studies at university and require financial assistance to sit the Special Tertiary Admissions Test allowing them to commence University in 2015. The Family Referral Service through the Benevolent Society kindly offered the girls financial assistance to undertake the STAT. The girls were overwhelmed – just so grateful.
- A young couple were 16 when they arrived at the BFH, having had a premature baby with significant health needs. Mum and baby identify as Aboriginal and were given wrap around support by the Bungree Aboriginal worker with transport to reduce risk of absenteeism. The baby attended the crèche and now LEL where he has been given professional care to assist the health issues relating to the premature birth. The young father had never handed in assessment in high school. SPCCYPP supported him with intensive literacy and he passed Year 10. There was a visible and immediate change in the young man's demeanour and engagement with onsite staff due to the pride and self-confidence this achievement gave him. These two young parents could have left at the end of 2014 as they were now 17 however have returned in 2015 to complete the HSC. The health and educational outcomes for parents and child have been increased dramatically by the wrap around support at the BFH.

Indigenous Leadership Training Program – Sept 2014

Alex & Alysha – both single parents under the HYP Measure are completing their Year 11 & 12 studies at St Philips Christian College on site at the Better Futures HUB - their young children being minded on site at the Lighthouse Child Care Centre. Alex & Alysha attended the three day Indigenous Leadership Program funded by the Australian Government, Department of Prime Minister & Cabinet under the Parent & Community Engagement Program

These young parents have achieved so much in the last two years – their confidence, self-esteem, parenting skills and general life skills have blossomed through the nurturing environment at the Better Futures HUB. They are set to complete the Indigenous mentor training in April 2015 as a follow on from the leadership training.

Additionally Alex and Alysha contribute regularly to the operations of the BFH, supporting the Operations Manager with reception duties and visitor information. Alysha's partner (is Indigenous and on a disability pension) also gained assistance through the Family Referral Service when they had a relationship breakdown. He is now looking for a meaningful vocational training program to assist him with gaining better employment to support his family. Alysha was the focus of a 3 minute documentary made to show the pathway she took from her first Centrelink interview to being a successful learner in her HSC studies. Alysha is expecting her second child in July and is committed to completing her HSC in 2015.

As a result of Allysha completing study at the BFH her partner has been able to access support through the FRS and be linked to an Aboriginal Mens Group. He has also sought and found work in a packing industry and is looking to see what courses he could complete to better support his family.

Liz McMinn –Operations Manager Better Futures Hub

7.2 Q14/15 - Water Quality Issues in Wadalba

TRIM REFERENCE: F2013/02047 - D11909627

MANAGER: Andrew Pearce, Director

AUTHOR: Louise McDonald; Personal Assistant to Manager

Q14/15 Water Quality Issues in Wadalba

The following question was asked by Councillor Nayna at the Ordinary Meeting held 25 March 2015:

"My question is to the General Manager. Could the General Manager please report to Council any known water quality issues in the Wadalba locality?"

During the period between December 2014 and February 2015, there was no record of water quality complaints from the Wadalba locality. During March 2015 there was one water main break which was promptly repaired and one isolated 'dirty' water complaint in the locality which was resolved on advice to the resident to run the tap for a short period.

As there are no other known water quality issues in the Wadalba area, Council is confident that the water quality continues to meet the Australian Drinking Water Guidelines.

Wyong Water is committed to ongoing water quality improvements and reviews its routine water quality sampling and any significant incidents on a monthly basis at each Water Quality Committee meeting. If required any serious matters are further discussed at our three monthly liaison meetings with NSW Health.

22 April 2015

To the Ordinary Council Meeting

Councillor

8.1 Notice of Motion - Traffic Management - Watanobbi Road

TRIM REFERENCE: F2004/06556 - D11900502

MANAGER:

AUTHOR: Lloyd Taylor; Councillor

Cr L Taylor has given notice that at the Ordinary Council Meeting to be held on 22 April 2015 he will move the following Motion:

- "1 That Council note with concern the reports of frequent drag racing and burnouts on Watanobbi Rd.*
- 2 That Council refer this issue to the Traffic Committee for consideration of traffic calming facilities.*
- 3 That Council write to the Tuggerah Lakes Police Command advising it of this problem and seeking regular patrols and enforcement action."*

RESOURCES

The matter will be actioned using existing staff resources.