



Council is undertaking emergency repair works on a section of Jiliby Road following damage sustained in the storms in January.

Wyong Shire Council

# Business Paper

## ORDINARY COUNCIL MEETING

10 February 2016

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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 10 February 2016 at 5.00 pm,  
for the transaction of the business listed below:**

## **OPENING PRAYER**

## **ACKNOWLEDGEMENT OF COUNTRY**

## **RECEIPT OF APOLOGIES**

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**8 CONFIDENTIAL ITEMS**

8.1	Appointment of Acting Chief Executive Officer from 14 March 2016	
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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.

Rob Noble  
**ACTING CHIEF EXECUTIVE OFFICER**



## 1.1 Disclosure of Interest

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TRIM REFERENCE: F2016/00012 - D12213104

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

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

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

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

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

### RECOMMENDATION

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

Nil

## **1.2 Confirmation of Minutes of Previous Meeting**

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TRIM REFERENCE: F2016/00012 - D12213186  
MANAGER: Lesley Crawley, Manager Corporate Governance  
AUTHOR: Jacque Elvidge; Councillor Services Officer

### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 27 January 2016.

### **RECOMMENDATION**

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 27 January 2016.***

### **ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | MINUTES - Ordinary Meeting Meeting - 27 January 2016                | D12212310 |
| 2 | MINUTES - Confidential Ordinary Meeting Meeting - 27 January 2016 - | D12213322 |

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
ORDINARY COUNCIL MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 27 JANUARY 2016  
COMMENCING AT 5.00PM**

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**PRESENT**

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

**IN ATTENDANCE**

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

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

The Mayor, Councillor 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 nos 1.1, 1.3, 1.2, 5.4, 7.2 and 2.1 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**

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**5.2 Sponsorship Program 2016/17**

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that Central Coast Mariners and Central Coast Group Training are working in partnership in delivering youth employment opportunities and did not participate in consideration of this matter. Councillor Best left the chamber at 6.41pm, took no part in discussion, did not vote and returned to the Chamber at 6.44pm.

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that Central Coast Group Training Ltd has apparently partnered with the Mariners over its Kids Jobs promotion of which the Mariners are a sponsor applicant and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am the Council delegate to Central Coast Group Training so no conflict apparent."*

### **7.1 Notice of Motion - Busker Encouragement**

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he has family members who are performers and participated in consideration of this matter.

Councillor Vincent stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because this is a shire wide policy/initiative."*

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

**1/16 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

### **1.2 Proposed Briefings and Inspections**

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

**2/16 That Council receive the report on Proposed Briefings and Inspections.**

### **1.3 Address By Invited Speakers**

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

**3/16 That Council receive the amended report on Invited Speakers.**

**4/16 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.**

### **PROCEDURAL MOTION**

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

**5/16 That Council allow meeting practice to be varied.**

**6/16 That Council use the exception method to deal with the balance of the Agenda.**

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

**7/16** That with the exception of report numbers 2.1, 2.2, 2.3, 3.4, 5.1, 5.2, 5.3, 5.4, 5.6, 5.7, 5.9, 6.3, 7.1 and 7.2 Council adopt the recommendations contained in the remaining reports.

#### **1.4 Confirmation of Minutes of Previous Meeting**

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

**8/16** That Council confirm the minutes of the previous Ordinary Meeting of Council held on 9 December 2015.

#### **Business Arising**

There was no business arising.

#### **1.5 Notice of Intention to Deal with Matters in Confidential Session**

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

**9/16** That Council consider the following matters in Confidential Session, pursuant to Section 10A (2)(c) and (d)(ii) of the Local Government Act 1993:

**8.1 – Proposed Acquisition of Lot 5 DP239691 140 Sparks Road, Warnervale**  
**8.2 – Councillor Outcomes Report**

**10/16** That Council note its reason for considering Report No 8.1 – Proposed Acquisition of Lot 5 DP239691 140 Sparks Road, Warnervale, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**11/16** That Council note its reason for considering Report No 8.2 – Councillor Outcomes Report, as it contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.

**12/16** That Council request the Chief Executive Officer to report on these matters in open session of Council.

**2.1 Results of Public Exhibition draft Development Control Plan 2013 Chapter 3.1 - Site Waste Management**

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

**13/16 That Council defer this item for an update on the comparison between the draft and existing DCP.**

FOR: CRS G BEST, D EATON, B GRAHAM, K GREENWALD, L MATTHEWS, L TAYLOR, A TROY, D VINCENT AND L WEBSTER

AGAINST: NIL

**2.2 Draft Natural Assets Management Policy**

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

**14/16 That Council defer this item pending a briefing on this matter.**

FOR: CRS G BEST, D EATON, B GRAHAM, K GREENWALD, L MATTHEWS, L TAYLOR, A TROY, D VINCENT AND L WEBSTER

AGAINST: NIL

**2.3 Outcome of Public Exhibition - Minor Amendments Package - DCP 2013**

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

**15/16 That Council adopt the revised version of Wyong Development Control Plan 2013 to include the changes shown in attachment 2 to this report and appropriate public notice be given within 28 days that the revised DCP as amended will come into effect.**

**16/16 That Council adopt the revised version of Wyong Development Control Plan 2013 to include the changes shown in attachment 1 to this report and appropriate public notice be given within 28 days that the revised DCP as amended will come into effect on the date of the notification of Wyong LEP 2013 Major Amendment 1.**

**17/16 That Council forward relevant copies of the amended Wyong DCP 2013 to the Secretary of the NSW Department of Planning and Environment within 28 days of the DCP becoming effective.**

**18/16 That Council advise those who made a submission of the decision.**

FOR: CRS G BEST, D EATON, B GRAHAM, K GREENWALD, L MATTHEWS, L TAYLOR, A TROY, D VINCENT AND L WEBSTER

AGAINST: NIL



**2.4 Fire Safety Report from Fire and Rescue NSW at 95-97 Scenic Drive, Budgewoi**

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

- 19/16 That Council note the content of the Fire Safety Report from Fire and Rescue NSW – 95-97 Scenic Drive, Budgewoi (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.
- 20/16 That Council will not exercise its powers in relation to matters 1-5 of the Fire Safety Report dated 4 December 2015.
- 21/16 That Council direct the Acting Chief Executive Officer to write to the Commissioner of Fire and Rescue NSW and advise of Council's decision.

FOR: CRS G BEST, D EATON, B GRAHAM, K GREENWALD, L MATTHEWS, L TAYLOR, A TR OY, D VINCENT AND L WEBSTER

AGAINST: NIL

**3.1 Classification of Land at Jilliby, Lots 15, 16, 17, 18, 19, 25 and 26 DP 259530 and Lots 4, 6, 7 and 8 DP 239704**

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

- 22/16 That Council classify Lots 15, 16, 17, 18, 19, 25 and 26 DP 259530 and Lots 4, 6, 7 and 8 DP 239704 at Jilliby as Operational Land.

**3.2 Acquisition of Easements for Drainage over Part of Lots 73 and 74 DP 16012 at Darri Road, Wyongah**

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

- 23/16 That Council acquire easements for drainage over part of Lots 73 and 74 DP 16012 at Darri Road, Wyongah.
- 24/16 That Council authorise the payment of compensation, if necessary, for the acquisition of the easements in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.
- 25/16 That Council proceed to compulsorily acquire the easements in the event that negotiations with the property owners cannot be satisfactorily resolved.
- 26/16 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the easement, transfer documents and plan and to any necessary application to the Office of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.

27/16 That Council authorise the Mayor and the General Manager to execute all documents relating to easement, transfer documents and plan and all documents relating to the application to the Office of Local Government.

3.3 Proposed Grant of Easement for Water Supply and Services over Lots 12 and 13 DP 598580 at Pacific Highway, Crangan Bay

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

28/16 That Council grant Easements for Water Supply and Services over Lots 12 and 13 DP 598580 at Pacific Highway, Crangan Bay to Catherine Hill Bay Water Utility Pty Ltd for an amount of compensation of \$36,000.

29/16 That Council authorise the Common Seal of Wyong Shire Council to be affixed to related documents as required.

30/16 That Council authorise the Acting Chief Executive Officer to execute all documents relating to the grant of the easements between Wyong Shire Council and Catherine Hill Bay Water Utility Pty Ltd.

3.4 Classification of Land, Lot 229 DP 1213339 at Voyager Street, Wadalba

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

31/16 That Council adopt the classification of Lot 229 DP 1213339 at Voyager Street, Wadalba as Operational Land.

32/16 That Council note that:

a Nothing in the above resolution authorises the sale of the subject land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of land can only be by resolution of Council).

b Section 31 (3) of the Local Government Act 1993 provides that Council must not resolve that land be classified as operational land if the resolution is inconsistent with the terms of any trust applying to the land.

FOR: CRS G BEST, D EATON, L TAYLOR, A TROY AND L WEBSTER

AGAINST: CRS B GRAHAM, K GREENWALD, L MATTHEWS AND D VINCENT

3.5 Acquisition of Easement for Drainage over Part of Lot 14 DP 14776 at 8 Norton Avenue, Killarney Vale

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

33/16 That Council acquire an easement for drainage over part of Lot 14 DP 14776 at Killarney Vale.

34/16 That Council authorise the payment of compensation, if necessary, for the acquisition of the easement in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.

- 35/16 That Council proceed to compulsorily acquire the easements in the event that negotiations with the property owners cannot be satisfactorily resolved.
- 36/16 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the easement, transfer documents and plan and to any necessary application to the Office of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.
- 37/16 That Council authorise the Mayor and the General Manager to execute all documents relating to easement, transfer documents and plan and all documents relating to the application to the Office of Local Government.

#### 4.1 CPA/262748 - In Situ Stabilisation

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

- 38/16 That Council accept the ranked panel of Contractors, for a contract term of 3 years, as follows: SPA, Roadworx, Downer EDI.

*The estimated total expenditure against this contract is Thirteen Million Eight Hundred and Twenty Six Thousand Eight Hundred and Ten Dollars, \$13,826,810.00 (excl GST), however actual expenditure may vary with fluctuations in demand.*

- 39/16 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 tenderers, which may be disclosed after Council has resolved to accept those tenders.

- 40/16 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

#### 4.2 CPA/264742 - Construction of Gross Pollutant Traps at Myrtle Brush Park, Berkeley Vale and Oleander Street, Canton Beach

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

- 41/16 That Council accept the tender from Scape Constructions Pty Ltd, for the lump sum amount of \$383,638.60 (excl GST) for Contract CPA/264742 – Construction of Gross Pollutant Traps at Myrtle Brush Park, Berkeley Vale and Oleander Street, Canton Beach.

- 42/16 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.

- 43/16 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

## 5.1 Planning Workshop

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

44/16 That Council approve the 2016 Wyong Shire Council Strategic Planning Workshop be held in Council Chambers and be conducted on the previously approved dates.

45/16 That Council request the agenda for the Wyong Shire Council Strategic Planning Workshop be compiled and distributed to Councillors.

## 5.2 Sponsorship Program 2016/17

---

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that Central Coast Mariners and Central Coast Group Training are working in partnership in delivering youth employment opportunities and did not participated in consideration of this matter. Councillor Best left the chamber at 6.41pm, took no part in discussion, did not vote and returned to the Chamber at 6.44pm.

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that Central Coast Group Training Ltd has apparently partnered with the Mariners over its Kids Jobs promotion of which the Mariners are a sponsor applicant and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am the Council delegate to Central Coast Group Training so no conflict apparent."*

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

1/16 That Council allocate \$10,000 for the Central Coast Mariners – National Youth League for the 2016/17 period.

2/16 That Council defer the balance of the sponsorship program pending a briefing from staff:

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**5.3 Merger Submissions**

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

- 48/16 That Council authorise the Mayor to prepare and present at the public inquiries.**
- 49/16 That Council authorise the Acting Chief Executive Officer to prepare a written submission, to be ratified by Council at the meeting 24 February 2016 focusing on the factors set out in section 263(3) of the Local Government Act.**
- 50/16 That Council contribute to the submission by providing direction on:**
- **The number of Councillors suggested to be included in the proposed new Council;**
  - **Whether the Mayor of a Joint Council be popularly elected or otherwise;**
  - **Whether the Joint Council should consist of Wards and what the configuration of those Wards should be.**
  - **Any other matters**

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**5.4 Proposed Rezoning of Beachcomber Hotel/Motel Site - 200 Main Road, Toukley**

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Councillor Taylor left the meeting at 5.24pm and returned to the meeting at 5.25pm during consideration of this item.

Councillor Matthews left the meeting at 5.39pm and returned to the meeting at 5.44pm during consideration of this item.

Councillor Best left the meeting at 5.46pm and returned to the meeting at 5.47pm during consideration of this item.

Mr David Kingston, Owner, addressed the meeting at 5.10pm, answered questions and retired at 5.38pm.

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

- 51/16 That Council endorse the designation of 200 Main Road Toukley as a “Key Site”.**
- 52/16 That Council prepare a planning proposal to amend the Wyong Local Environmental Plan (WLEP 2013) to rezone the land to B4 Mixed Use, and to alter the Key Site, Height and Floor Space Ratio Maps to enable the development proposed, pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act, 1979.**
- 53/16 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 EP&A Act, 1979.**

- 54/16 That Council enter into a Voluntary Planning Agreement (VPA) which will provide for contributions by the landowner toward the provision of public benefit works in the immediate locality, to the value of 1.5 times the applicable contributions applying to the development under Section 94 of the EP&A Act, 1979.
- 55/16 That Council authorise the Acting Chief Executive Officer (or delegate) to negotiate and execute all documentation in relation to the finalisation of the VPA.
- 56/16 That Council require, subject to the "Gateway Determination" that the landowner in conjunction with Council prepare and exhibit appropriate Development Control Plan provisions to amend Development Control Plan 2013, and that Council amend Section 94 Development Contributions Plans (if required) to support the development of the land subject to this Planning Proposal.
- 57/16 That Council undertake community and public authority consultation, in accordance with the "Gateway Determination" requirements, including the exhibition of the draft Voluntary Planning Agreement and draft Development Control Plan amendment and draft s.94 Development Contributions Plan amendment (if required).
- 58/16 That Council request a report be prepared outlining the results of the community and public authority consultation.

FOR: CRS GB BEST, DE EATON, B G GRAHAM, KG GREENWALD, LM MATTHEWS, LT TAYLOR, AT TROY, DV VINCENT AND LW WEBSTER

AGAINST: NIL

#### 5.5 Councillor Attendance - 2016 Australian Institute of Company Directors (AICD) Australian Governance Summit

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

- 59/16 That Council authorise those interested Councillors to attend the Australian Institute of Company Directors Australian Governance Summit in accordance with the Council's Facilities and Expenses Policy for Councillors.
- 60/16 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

#### 5.6 The Entrance Town Centre App Proposed Fees and Charges

Councillor Greenwald left the meeting at 7.06pm and returned to the meeting at 7.08pm during consideration of this item.

Councillor Vincent left the meeting at 7.07pm and returned to the meeting at 7.10pm during consideration of this item.



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

61/16 ***That Council exhibit the proposed fees and charges for Retailer Access to The Entrance Town Centre App for public comment for a period of 28 days in accordance with Section 610F and 205 of the Local Government Act, 1993.***

62/16 ***That Council request a further report be submitted if objections are received in response to the proposed fee.***

#### **5.7 Future Operation of Pools and Lake Haven Recreation Centre**

Councillor Taylor left the meeting at 7.15pm and returned to the meeting at 7.16pm during consideration of this item.

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

63/16 ***That Council defer this matter pending further discussions between the Acting Chief Executive Officer, the Mayor and the YMCA.***

#### **5.8 Revised Charter for the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee**

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

64/16 ***That Council adopt the Revised Charter for the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee.***

#### **5.9 Review of Meeting Procedures - Amend Code of Meeting Practice**

Councillor Troy left the meeting at 7.20pm and returned to the meeting at 7.22pm during consideration of this item.

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

65/16 ***That Council amend the Code of Meeting Practice in accordance with the draft Code attached to this report.***

66/16 ***That the Council exhibit the amended Code for public comment in accordance with the provisions of the Local Government Act, 1993.***

67/16 ***That Council adopt the amended Code of Meeting Practice subject to no significant objections being received as a result of the public exhibition.***

68/16 ***That Council negotiate with Gosford City Council with a view to establishing a common Code of Meeting Practice along the lines presented to Council in this report.***

**6.1 Investment Report for December 2015**

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

**69/16 That Council receive the Investment Report for December 2015.**

**6.2 Wyong Water Management Committee update**

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

**70/16 That Council receive the update report on the Wyong Water Management Committee update.**

**6.3 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 3 December 2015**

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

**71/16 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 3 December 2015.**

**6.4 Activities of the Development and Rezoning and Building Certification Compliance and Health Units - November and December 2015**

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

**72/16 That Council receive the report on Activities of the Development and Rezoning and Building Certification, Compliance and Health Units for the months of November and December 2015.**

**6.5 Results of Water Quality Testing for Beaches and Lake Swimming Locations**

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

**73/16 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.**

**6.6 Outstanding Questions on Notice and Notices of Motion**

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

**74/16 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

**7.1 Notice of Motion - Busker Encouragement**

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he has family members who are performers and participated in consideration of this matter.

Councillor Vincent stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because this is a shire wide policy/initiative."*

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

- 75/16 That Council adopt a new policy on a trial basis, to encourage busking in the Shire.**
- 76/16 That Council request the Acting Chief Executive Officer to prepare the policy on the basis that the process for approval is simple, cheap and easy for the applicant.**
- 77/16 That Council request the Acting Chief Executive Officer include the following elements in the trial policy:**
- (a) A 6 month permit on a single page application for a \$10 fee.**
  - (b) The busker must produce photo identification, mobile number and address details.**
  - (c) Conditions of permit should include no impediment to pedestrians or shopkeepers, use of battery powered amplifiers (ie. no power leads), no risk of harm to the public etc.**
  - (d) Council may revoke the permit at any time without notice.**
  - (e) There be no requirement for any insurances by Council.**
- 78/16 That Council request the Acting Chief Executive Officer to prepare the new policy to Council with a view to swift implementation of the trial.**
- 79/16 That Council request the Acting Chief Executive Officer to report on the results of this trial in August 2016.**

## **7.2 Notice of Motion - Central Coasts New and Innovative Regional Animal Cares Facility**

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Councillor Troy left the meeting at 5.52pm and returned to the meeting at 5.54pm during consideration of this item.

Ms Marilyn Jurlina, Community Representative, addressed the meeting at 5.50pm, answered questions and retired at 6.00pm.

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

- 80/16** *That Council in partnership with Gosford City Council recognise the urgent need to upgrade current animal care facilities and that such a project to assist 'man's best friend' would be a fitting inaugural community project that clearly highlights the benefits of regionalisation and indeed amalgamation.*
- 81/16** *That Council note that both Wyong and Gosford current animal care facility/pounds appear to have reached their asset lives despite these challenging conditions Council recognises the excellent efforts of staff, contractors and our valuable volunteers for their dedication in delivering such outstanding animal welfare outcomes.*
- 82/16** *That Council request that this important animal welfare issue be placed on the next Joint Wyong Gosford Regional Meeting (CCROC) with a view to bringing this important issue forward on the regional agenda and to confirm project priority status in the lead up to amalgamation.*
- 83/16** *That Council consider a report on the current operational status of the Animal Care Facility at Charmhaven and any interim initiatives that are being considered/deployed to maintain the current facilities, service delivery and the required level of animal welfare.*

Confidential items 8.1 and 8.2 were resolved via the exception method during open session. The Acting Chief Executive Officer reported on these items as follows:

## **8.1 Proposed Acquisition of Lot 5 DP239691 140 Sparks Road, Warnervale**

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- 84/16** *That Council, in accordance with the previously approved Warnervale Airport Concept Masterplan (Oct 2015), authorise the Acting CEO to acquire Lot 5 DP 239691, street address being 140 Sparks Road Warnervale ('Land') at fair market value, conditional upon WSC achieving bio-diversity certification approval by the NSW Minister for the Environment.*
- 85/16** *That Council authorise the Acting CEO to execute all necessary documentation relevant to the acquisition of the Land*
- 86/16** *That Council propose that the Land be classified as Operational land for the purposes of the Local Government Act 1993, when that Land is acquired by Council.*

- 87/16**      ***That Council advertise the land classification proposal in accordance with Section 34 of the Local Government Act 1993.***
- 88/16**      ***That Council adopt the land classification if no adverse submissions are received.***
- 89/16**      ***That Council note that nothing in these resolutions relating to the proposed land classification:***
- a. Authorises the sale of the Land (section377(1)(h) of the Local Government Act 1993 provides that any sale of land can only be by resolution of the Council; and***
  - b. extinguishes or varies the terms of any trust applying to the land.***

**8.2            Councillor Outcomes Report**

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**RECOMMENDATION**

- 90/16**      ***That Council receive the report on progress against Strategic Planning Workshop Councillor Outcomes.***

**QUESTIONS ON NOTICE**

Nil.

**THE MEETING** closed at 7.48pm.

### 1.3 Proposed Briefings and Inspections

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TRIM REFERENCE: F2016/00012 - D12213178

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

#### SUMMARY

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

Date	Briefing	Presented by
10/02/2016	Rural Land Use Review & Strategy	Development and Building
10/02/2016	RZ/4/2015 - Doyalson RSL Club - Rezoning	Development and Building
10/02/2016	Update on CPA/246855 - SPS WS296 & WS30 Vacuum SPS Upgrades and Installation	Infrastructure Management
10/02/2016	CPA/249913 - Upgrade of Sewage Pump Stations BB05 and BB06	Infrastructure Management
10/02/2016	2016/17 Sponsorship	Community and Recreation Services

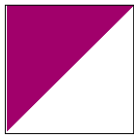
#### RECOMMENDATION

*That Council receive the report on Proposed Briefings and Inspections.*

#### ATTACHMENTS

- 1 Proposed Inspections and Briefings - 10 February 2016





## Proposed Briefings List to Date



Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Rural Land Use Review & Strategy	Development and Building		10/02/2016
RZ/4/2015 - Doyalson RSL Club - Rezoning	Development and Building		10/02/2016
Update on CPA/246855 - SPS WS296 & WS30 Vacuum SPS Upgrades and Installation	Infrastructure Management		10/02/2016
CPA/249913 - Upgrade of Sewage Pump Stations BB05 and BB06	Infrastructure Management		10/02/2016
2016/17 Sponsorship	Community and Recreation Services		10/02/2016
INSPECTION: Bus Tour - Wyong Shire Rural Land Use Review and Strategy	Development and Building		17/02/2016
Ourimbah Masterplan	Property and Economic Development		24/02/2016
Q2 Financial Report (1.5hrs)	CEO Unit		24/02/2016
INSPECTION: 127 Springs Road, Kulnura	Development and Building		02/03/2016
Aurecon - Fixed Wireless Network	CEO Unit		09/03/2016
CONFIDENTIAL: Strategic Lands Bio-certification Project	Development and Building		09/03/2016
INSPECTION - Proposed residential rezoning with wildlife corridor - 145 Johns Rd, Wadalba - RZ/1/2013	Development and Building		06/04/2016
Final Draft Plan changes	CEO Unit		13/04/2016
Water, Sewerage and Drainage prices - 1 hour	CEO Unit		25/05/2016
Q3 Report	CEO Unit		25/05/2016
Discuss and Consider Strat Plan Submissions (1 hours)	CEO Unit		08/06/2016
Development Infrastructure - Porters Creek Stormwater Diversion Project	Development and Building	March	

## **1.4 Address By Invited Speakers**

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TRIM REFERENCE: F2016/00012 - D12213182

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

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

### **RECOMMENDATION**

- 1** *That Council receive the report on Invited Speakers.*
- 2** *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.*

### **ATTACHMENTS**

*Nil.*

## **1.5 Notice of Intention to Deal with Matters in Confidential Session**

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TRIM REFERENCE: F2016/00012 - D12222825

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

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

The Local Government Act, 1993 requires the Chief Executive Officer to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

### **RECOMMENDATION**

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

***8.1 – Appointment of Acting Chief Executive Officer from 14 March 2016***

- 2 That Council note its reason for considering Report No 8.1 – Appointment of Acting Chief Executive Officer from 14 March 2016, as it contains information on personnel matters concerning particular individuals (other than Councillors).**
- 4 That Council request the Chief Executive Officer to report on these matters in open session of Council.**

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

*“2(a) personnel matters concerning particular individuals (other than Councillors),*

*2(b) the personal hardship of any resident or ratepayer,*

*2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*

*2(d) commercial information of a confidential nature that would, if disclosed:*

*(i) prejudice the commercial position of the person who supplied it, or*

*(ii) confer a commercial advantage on a competitor of the Council, or*

*(iii) reveal a trade secret,*

*2(e) information that would, if disclosed, prejudice the maintenance of law,*

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

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- 2(f) matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.*
- 2(i) alleged contraventions of any code of conduct requirements applicable under section 440.”*

### **ATTACHMENTS**

Nil

## 2.1 Wyong Local Environmental Plan 2013 Land Reclassifications

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TRIM REFERENCE: F2014/00328-02 - D12171512

MANAGER: Steven Mann, Manager

AUTHOR: Melati Lye; Senior Planner Client Management

### SUMMARY

Council endorsement is sought to prepare and progress a Planning Proposal to reclassify 9 lots to operational land with interests discharged, to provide greater flexibility in the management and use of Council properties. Reclassification of these landholdings will enable Council to enter into longer term lease arrangements, make it easier and quicker to redevelop appropriate sites, and enable all sites to be managed operationally, allowing Council to be responsive to any operational issues with more flexibility and efficiency.

### RECOMMENDATION

- 1 ***That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan (LEP) 2013 to reclassify the following land parcels to operational land with interests discharged.***
  - ***444A Main Road (Lot 22 DP 717325), Noraville***
  - ***8 & 10 (Lot 51 DP 1154778 & Lot 2 DP 1154356) Bay Village Road, Bateau Bay***
  - ***466 (Lot 1 DP 614688) The Entrance Road, Bateau Bay***
  - ***191 Wallarah Road (Lot 21 DP 813270), Kanwal***
  - ***1 Devon Lane (Lot 52 DP 1100416), Wyong***
  - ***14 Cowan Street (Lot 1 DP 800409), Watanobbi***
  - ***50A Gorokan Drive (Lot 41 DP 719158), Lake Haven***
  - ***6W Kingsland Close (Lot 6 DP 246346), Tacoma South***
- 2 ***That Council endorse the referral of the Planning Proposal to the NSW Department of Planning and Environment (DPE) accompanied by a request for a Gateway Determination pursuant to Section 56 of the EP&A Act 1979.***
- 3 ***That Council undertake community and government agency consultation, in accordance with the requirements attached to any Gateway Determination.***
- 4 ***That Council arrange a public hearing under Section 57 of the EP& A Act 1979 in respect of the Planning Proposal.***
- 5 ***That Council request the NSW DPE to prepare a relevant Local Environmental Plan amendment, and that the Minister is requested to make the Plan, provided there are no significant objections that cannot be resolved by making minor amendments to the Planning Proposal.***

## **BACKGROUND**

Under Part 2, Division 1 of the Local Government Act 1993 (The LG Act), all public land must be classified as either 'community' or 'operational'. The LG Act restricts the use, management, reclassification and disposal of 'community' land which are intended to be retained for community purposes.

A Plan of Management (PoM) must be adopted by Council for community land, and Council may only grant a lease or licence over that land not for longer than 21 years where consistent with the adopted PoM.

At its meeting of 14 May 2014, Council resolved to endorse a Property Strategy which included reclassifying all Council owned community land parcels to operational land to provide greater flexibility in the management and use of Council's property portfolio.

The NSW Department of Planning & Environment rejected Council's proposal on advice from the Office of Local Government and directed Council to only seek reclassification of lands that where no longer required for community purposes.

## **CURRENT STATUS**

A recent review of Council-owned Community land parcels discovered a number of properties that may be suitable for reclassification. Reclassification of these parcels from community land to operational land will ensure they can continue to be used and managed for the purpose for which they were acquired, or to enable the lease, development or disposal of the land, where the asset is surplus to Council's service delivery requirements or no longer required for community purposes.

Importantly it is noted that the reclassification of community land into operational land will not impact on the utility of public, recreational and open space areas. Council currently owns a large number of operational lots which are used extensively for public recreation purposes. Likewise, there are numerous lots currently classified as community land which provide only limited public use.

The identification of current and future recreational, community and open space areas should be based on an assessment of asset utilisation, demographics, cost and appropriateness rather than by historic classification. Accordingly, community needs for recreational, open space and community assets is more effectively determined through adopted Council strategies such as, Council's Strategic Plan and Community Facilities Strategy, both endorsed by Council following an extensive public engagement process. This approach will empower Council to effectively respond to changing community needs and population growth to ensure the correct mix of community assets is preserved. This will optimise asset use to reduce cost and improve efficiency.

It is also important to note that the reclassification of community land to operational land does not authorise Council to sell the land without a further council resolution in accordance with section 377(1)(h) of the Local Government Act 1993

## **THE PROPOSAL**

This report recommends preparation of a Planning Proposal to reclassify the subject properties to 'operational' with interests discharged.



The Planning Proposal will be referred to the NSW DPE requesting a Gateway Determination be issued to undertake agency and community consultation.

An overview of the subject properties follows:

- 444A Main Road (Lot 22 DP 717325), Noraville – This lot is located at the rear of neighbourhood shops in Main Road Noraville. It is currently classified ‘operational’. Reclassification through a Local Environmental Plan (LEP) is required to discharge an existing public trust. This will enable disposal of the land, as the asset is surplus to Council’s service delivery requirements.
- 8 & 10 Bay Village Road (Lot 51 DP 1154778 & Lot 2 DP 1154356), Bateau Bay – The Integrated Library and Customer Service Centre is located on 10 Bay Village Road and encroaches into 8 Bay Village Road. These lots are currently classified as ‘operational’ land and subject to a public trust. Reclassification through an LEP amendment is required to discharge the trust. This will enable investigation and additional flexibility for commercial / retail expansion as identified in the Bateau Bay Masterplan.
- 466 The Entrance Road (Lot 1 DP 614688), Bateau Bay – This property was acquired for the purposes of The Entrance Sewerage System and is subject to a public trust. Reclassification through an LEP amendment is required to discharge the trust to enable a long term lease over the southern portion of the property.
- 191 Wallarah Road (Lot 21 DP 813270), Kanwal – The Wyong District Youth and Community Centre is located on this property. An LEP amendment is required to reclassify the land to operational and discharge interests. This will enable investigation of higher and best use of the land and additional flexibility for Council.
- 1 Devon Lane (Lot 52 DP 1100416), Wyong – Although currently classified as ‘operational’, there are existing ‘interests’ that are required to be discharged through an LEP amendment. This will enable disposal of the land, as the property is deemed surplus to Council’s service delivery requirements.
- 14 Cowan Street (Part Lot 1 DP 800409), Watanobbi – This lot has been dedicated to Council for the purposes of a Drainage Reserve and requires reclassification through an LEP amendment to discharge the trust. This will enable disposal of the small parcel of the land zoned R2 Low Density Residential which is surplus to Council’s service delivery requirements.
- 50A Gorokan Drive (Lot 41 DP 719158), Lake Haven – This lot forms part of a drainage/ reserve on Gorokan Drive. Although currently classified as ‘operational’, reclassification through an LEP amendment is required to discharge interests. This will enable investigation of a higher and best use of the land and additional flexibility for council.
- 6W Kingsland Close (Lot 6 DP 246346), Tacoma South – Wyong Water pumping station WS 31 is located on this property. Wyong Water proposes to decommission this pumping station once the system is upgraded. An LEP amendment is required to reclassify the land to operational and discharge interests. This will enable future investigation for higher and best use of the land and additional flexibility for council.

<b>Property Address &amp; Description</b>	<b>Purchased with Section 94 funds</b>	<b>Existing Classification</b>	<b>Existing Trusts</b>	<b>Proposed Classification</b>
444A Main Road Noraville (Lot 22 DP 717325)	No	Operational	Yes	Operational with interests discharged
8 Bay Village Road, Bateau Bay (Lot 51 DP 1154778)	No	Operational	Yes	Operational with interests discharged
10 Bay Village Road, Bateau Bay (Lot 2 DP 1154356)	No	Operational	Yes	Operational with interests discharged
466 The Entrance Road Bateau Bay (Lot 1 DP 614688)	No	Operational	Yes	Operational with interests discharged
191 Wallarah Road Kanwal (Lot 21 DP 813270)	No	Community	Yes	Operational with interests discharged
1 Devon Lane Wyong (Lot 52 DP 1100416),	No	Operational	Yes	Operational with interests discharged
14 Cowan Street (Lot 1 DP 800409), Watanobbi	No	Operational	Yes	Operational with interests discharged
50A Gorokan Drive Lake Haven (Lot 41 DP 719158),	No	Operational	Yes	Operational with interests discharged
6W Kingsland Close Tacoma South (Lot 6 DP 246346)	No	Community	Yes	Operational with interests discharged

## STRATEGIC LINKS

### Wyong Shire Council Strategic/ Annual Plan

<b>Principal Activity</b>	<b>Service</b>	<b>Key Action and Objectives</b>	<b>Funding Source and Description</b>	<b>Impact on Key Performance Indicators/ Service Performance Indicators</b>
3	Economic and Property Development	Objective: There is fiscal responsibility  Key Action: Council will seek to put its extensive property portfolio to work by developing revenue streams from properties it owns on behalf of the community	BAU	

**Contribution of Proposal to the Principal Activity**

The establishment of new Council land classifications to enable better commercial use and returns from council owned properties for the benefit of the community.

**Long Term Financial Strategy**

The establishment of new Council land classifications to enable better commercial use and returns from council owned properties for the benefit of the community is aligned with WSC's Long Term Financial Strategy of achieving financial sustainability.

**Asset Management Strategy**

In accordance with the Property Strategy, Council is undertaking a comprehensive Property Portfolio Review which has been reported to the elected Council at the appropriate milestone stages for input. The intent of the review is to identify surplus or under-performing sites and to maximise the value of Council's operational property portfolio in a manner that is consistent with Council's Policy for Property Transactions – Sale and Acquisitions. In accordance with this Policy, any funds generated by this review will be applied to Council's property revenue to fund an improved level of service provision throughout the LGA. The Property Portfolio Review considers surplus properties not required for future service delivery; properties that are underutilised or not fit for purpose due to their condition; sites with development potential; sites with high ecological value which may be used for bio-banking and suitable sites for the provision of future community buildings or infrastructure.

**Workforce Management Strategy**

Nil

**Link to Community Strategic Plan (2030)**

Nil

**Budget Impact**

Costs associated with the public exhibition and public hearing.

**CONSULTATION**

On receipt of a Gateway Determination from the NSW DPE, an extensive consultation process will be undertaken including consultation with state government agencies, a public exhibition period, and a public hearing chaired by an independent facilitator. Any major changes to the Planning Proposal resulting from this consultation will be reported back to Council prior to finalisation. Subject to there being no significant objections to the Planning Proposal the Minister for Planning will be requested to make the Plan.

**GOVERNANCE AND POLICY IMPLICATIONS**

The Wyong LEP 2013 amendment will be undertaken in accordance with Council's adopted procedures. This process is by way of preparation of a Planning Proposal, and progressing of that Planning Proposal under Sections 55-59 of the EP&A Act.

Section 55 requires Council to prepare a Planning Proposal that explains the intended effect of the amendment to the LEP and sets out the justification for the amendment. Section 55 specifies matters to be included in the Planning Proposal.

Section 56 provides that Council submit the Planning Proposal to the Minister for Planning & Environment (or his delegate) for a Gateway Determination. Council will then be advised whether or not the matter should proceed (with or without variation), and may specify further studies or modifications to the Proposal, community and government agency consultation requirements and any other matters deemed relevant.

### **Consideration of s.23A guidelines**

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

### **MATERIAL RISKS AND ISSUES**

Corporate risks to be addressed for the Planning Proposal are:

#### 1. Political

Ensure that

- a) the community consultation process is open and transparent; and
- b) Councillors are adequately briefed.

#### 2. Certification/Governance

Ensure that

- a) appropriate consultation with other public authorities during the consultation phase; and
- b) legislative procedures for Planning Proposals are followed.

### **CONCLUSION**

This report seeks Council's endorsement to prepare a Planning Proposal to amend Wyong LEP 2013 to reclassify the 9 Council properties to operational land with interests discharged. This will enable greater flexibility in the management and use of these properties.

This report also seeks endorsement to submit this Planning Proposal to the Department of Planning & Environment for a Gateway Determination to undertake agency and community consultation.

### **ATTACHMENTS**

- 1 Land Reclassification Summary Sheets D12194608

Reclassification of these landholdings will enable Council to enter into longer term lease arrangements, make it easier and quicker to redevelop appropriate sites, and enable all sites to be managed operationally, allowing Council to be responsive to any operational issues with more flexibility and efficiency.

### Property Demographics

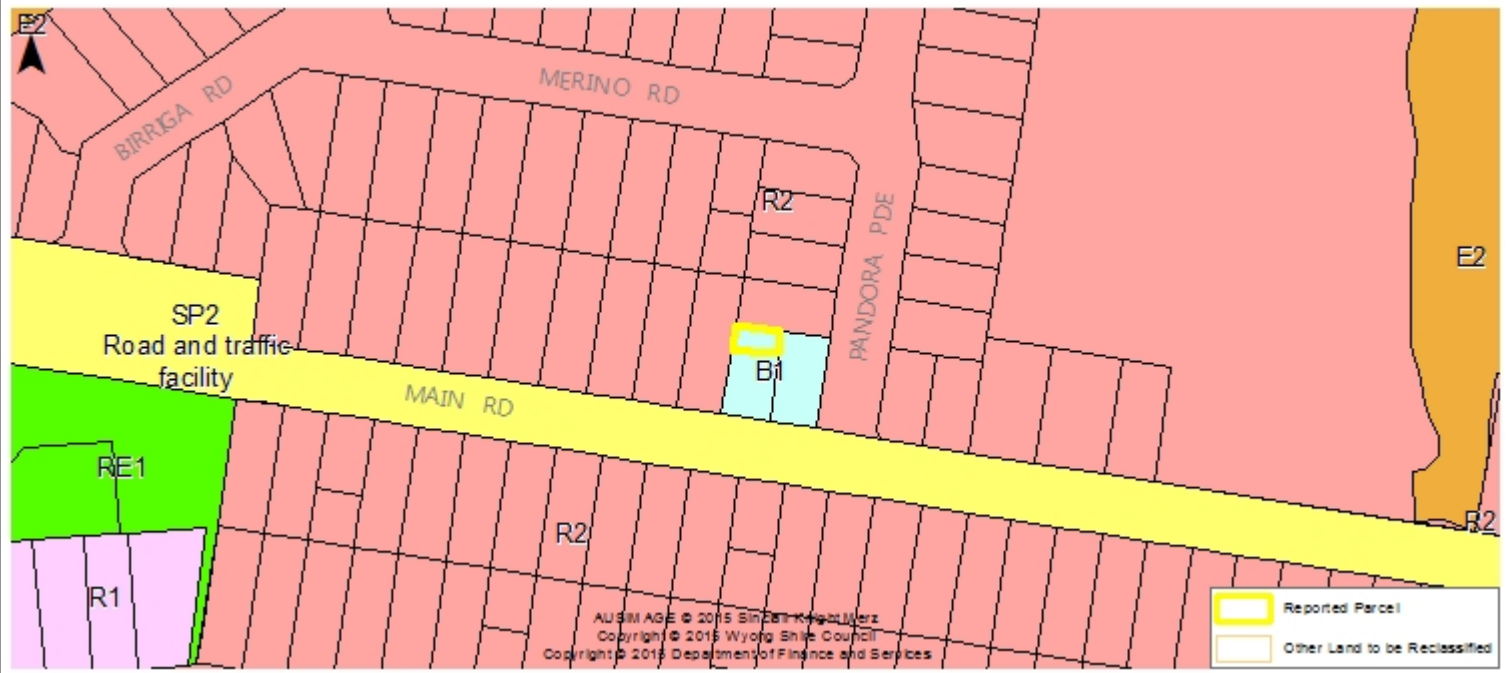
1. Address of Property	444A Main Road NORAVILLE NSW 2263
2. Land Area (Square Metres)	107 m2
3. Deposited Plan (DP) No.	Lot 22 DP 717325
4. Certificate of Title / Torrens Numbers	Folio Identifier 22/717325
5. Plan of Management (POM) Reference	N/A
6. Land Dedicated Under EP&A Act s.94	No
7. Council Resolution Required for s.94 Acquisitions	Nil
8. Acquisition Conditions	Nil
9. Discharges - LGA s.30 Impediments	Yes
10. Current Use	vacant land
11. Proposed Use	vacant land
12. Current Zone: Wyong Shire Council LEP 2013	B1 Neighbourhood Centre
13. Aerial Image	Included - Attached
14. Zoning Map LEP 2013	Included - Attached
15. Certificate of Title	Can be viewed upon request, the information in the Certificate of Title is contained in this document.

### Compliance with DoP Note PN09-003 - Check List

16. Reason (Overall) for Change of Classifications	The reclassification of Council's community landholdings is in accordance with Council's Property Strategy which is built upon ensuring adequate and well maintained property infrastructure is available for core Council services. A sustainable property portfolio will meet the diverse needs of the community whilst generating an on-going commercial revenue stream for Council which can be reinvested into improved property assets which are aligned with future service delivery needs.
17. Current Classification	Operational
18. Proposed New Classification	Operational
19. Specific Reason for Reclassification	Discharge S30 of LGA that may apply to the land
20. Council's Ownership	Yes
21. Council's Interest in the Land	Fee Simple
22. Acquisition Details	Transfer
23. Reason for Acquisition	Lane
24. Agreements Over the Land	No
25. Identification of Gain or Loss from Reclassification	Nil
26. Identify Asset Management Objectives	Council's Property Strategy sets a framework to ensure existing assets are aligned with service delivery objectives and asset use is optimised to reduce cost and improve efficiency. Any divestment of surplus and non-performing assets will provide Council with additional capital for reinvestment into improved property assets aligned with future service delivery needs.
27. Identify any Agreement for Sale or Lease of Land	No
28. Relevant Plan Making Matters Under EP&A Act	All relevant matters including zoning and current and proposed use are included
29. Copy of Practice Note Department of Planning PN09-003	Included
30. Definition of Public Land Check List	public land means any land (including a public reserve) vested in or under the control of the council, but does not include: (a) a public road, or (b) land to which the Crown Lands Act 1989 applies, or (c) a common, or (d) land subject to the Trustees of Schools of Arts Enabling Act 1902, or (e) a regional park under the National Parks and Wildlife Act 1974.
31. Definition of Public Reserve Check List	public reserve means: (a) a public park, or (b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or (d) any land dedicated or taken to be dedicated under section 49 or 50, or (e) any land

vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913 , or (f) any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989 , or (g) a Crown reserve that is dedicated or reserved: (i) for public recreation or for a public cemetery, or (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the Crown Lands Act 1989 , being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established, or (h) land declared to be a public reserve and placed under the control of a council under section 52 of the State Roads Act 1986 , or (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the Roads Act 1993

Zoning Map 2013 LEP



Aerial Image



## Wyong Shire Council Property Reference: WSC:2

Reclassification of these landholdings will enable Council to enter into longer term lease arrangements, make it easier and quicker to redevelop appropriate sites, and enable all sites to be managed operationally, allowing Council to be responsive to any operational issues with more flexibility and efficiency.

**Property Demographics**

1. Address of Property	8 Bay Village Road BATEAU BAY NSW 2261
2. Land Area (Square Metres)	1800 m2
3. Deposited Plan (DP) No.	Lot 51 DP 1154778
4. Certificate of Title / Torrens Numbers	Folio Identifier 51/1154778
5. Plan of Management (POM) Reference	N/A
6. Land Dedicated Under EP&A Act s.94	No
7. Council Resolution Required for s.94 Acquisitions	Nil
8. Acquisition Conditions	Nil
9. Discharges - LGA s.30 Impediments	Yes
10. Current Use	part vacant and part car park
11. Proposed Use	property sale for development
12. Current Zone: Wyong Shire Council LEP 2013	B4 Mixed Use
13. Aerial Image	Included - Attached
14. Zoning Map LEP 2013	Included - Attached
15. Certificate of Title	Can be viewed upon request, the information in the Certificate of Title is contained in this document.

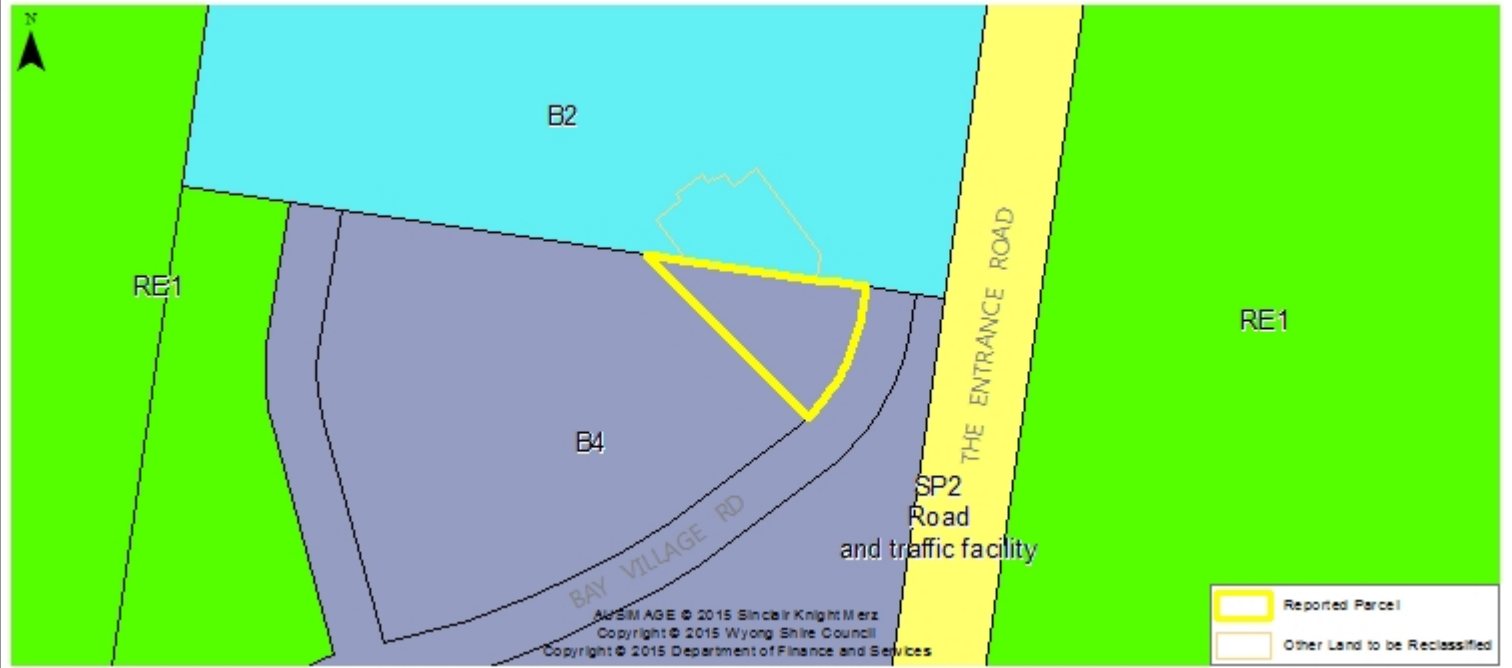
**Compliance with DoP Note PN09-003 - Check List**

16. Reason (Overall) for Change of Classifications	The reclassification of Council's community landholdings is in accordance with Council's Property Strategy which is built upon ensuring adequate and well maintained property infrastructure is available for core Council services. A sustainable property portfolio will meet the diverse needs of the community whilst generating an on-going commercial revenue stream for Council which can be reinvested into improved property assets which are aligned with future service delivery needs.
17. Current Classification	Operational
18. Proposed New Classification	Operational
19. Specific Reason for Reclassification	Discharge S30 of LGA that may apply to the land
20. Council's Ownership	Yes
21. Council's Interest in the Land	Fee Simple
22. Acquisition Details	Transfer
23. Reason for Acquisition	Vacant Land with car park encroachment.
24. Agreements Over the Land	No
25. Identification of Gain or Loss from Reclassification	Nil
26. Identify Asset Management Objectives	Council's Property Strategy sets a framework to ensure existing assets are aligned with service delivery objectives and asset use is optimised to reduce cost and improve efficiency. Any divestment of surplus and non-performing assets will provide Council with additional capital for reinvestment into improved property assets aligned with future service delivery needs.
27. Identify any Agreement for Sale or Lease of Land	Part leased car park for adjoining Medical Centre site.
28. Relevant Plan Making Matters Under EP&A Act	All relevant matters including zoning and current and proposed use are included
29. Copy of Practice Note Department of Planning PN09-003	Included
30. Definition of Public Land Check List	public land means any land (including a public reserve) vested in or under the control of the council, but does not include: (a) a public road, or (b) land to which the Crown Lands Act 1989 applies, or (c) a common, or (d) land subject to the Trustees of Schools of Arts Enabling Act 1902, or (e) a regional park under the National Parks and Wildlife Act 1974.
31. Definition of Public Reserve Check List	public reserve means: (a) a public park, or (b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or (d) any land dedicated or taken to be dedicated under section 49 or 50, or (e) any



land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913 , or (f) any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989 , or (g) a Crown reserve that is dedicated or reserved: (i) for public recreation or for a public cemetery, or (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the Crown Lands Act 1989 , being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established, or (h) land declared to be a public reserve and placed under the control of a council under section 52 of the State Roads Act 1986 , or (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the Roads Act 1993

Zoning Map 2013 LEP



Aerial Image





Reclassification of these landholdings will enable Council to enter into longer term lease arrangements, make it easier and quicker to redevelop appropriate sites, and enable all sites to be managed operationally, allowing Council to be responsive to any operational issues with more flexibility and efficiency.

### Property Demographics

1. Address of Property	10 Bay Village Road BATEAU BAY NSW 2261
2. Land Area (Square Metres)	1239 m2
3. Deposited Plan (DP) No.	Lot 2 DP 1154356
4. Certificate of Title / Torrens Numbers	Folio Identifier 2/1154356
5. Plan of Management (POM) Reference	N/A
6. Land Dedicated Under EP&A Act s.94	No
7. Council Resolution Required for s.94 Acquisitions	Nil
8. Acquisition Conditions	Nil
9. Discharges - LGA s.30 Impediments	Yes
10. Current Use	medical centre and library
11. Proposed Use	sale and lease back
12. Current Zone: Wyong Shire Council LEP 2013	B2 Local Centre
13. Aerial Image	Included - Attached
14. Zoning Map LEP 2013	Included - Attached
15. Certificate of Title	Can be viewed upon request, the information in the Certificate of Title is contained in this document.

### Compliance with DoP Note PN09-003 - Check List

16. Reason (Overall) for Change of Classifications	The reclassification of Council's community landholdings is in accordance with Council's Property Strategy which is built upon ensuring adequate and well maintained property infrastructure is available for core Council services. A sustainable property portfolio will meet the diverse needs of the community whilst generating an on-going commercial revenue stream for Council which can be reinvested into improved property assets which are aligned with future service delivery needs.
17. Current Classification	Operational
18. Proposed New Classification	Operational
19. Specific Reason for Reclassification	Discharge S30 of LGA that may apply to the land
20. Council's Ownership	Yes
21. Council's Interest in the Land	Fee Simple
22. Acquisition Details	Transfer
23. Reason for Acquisition	Exercised right of purchase under lease
24. Agreements Over the Land	No
25. Identification of Gain or Loss from Reclassification	Nil
26. Identify Asset Management Objectives	Council's Property Strategy sets a framework to ensure existing assets are aligned with service delivery objectives and asset use is optimised to reduce cost and improve efficiency. Any divestment of surplus and non-performing assets will provide Council with additional capital for reinvestment into improved property assets aligned with future service delivery needs.
27. Identify any Agreement for Sale or Lease of Land	Part leased to medical centre operator.
28. Relevant Plan Making Matters Under EP&A Act	All relevant matters including zoning and current and proposed use are included
29. Copy of Practice Note Department of Planning PN09-003	Included
30. Definition of Public Land Check List	public land means any land (including a public reserve) vested in or under the control of the council, but does not include: (a) a public road, or (b) land to which the Crown Lands Act 1989 applies, or (c) a common, or (d) land subject to the Trustees of Schools of Arts Enabling Act 1902, or (e) a regional park under the National Parks and Wildlife Act 1974.
31. Definition of Public Reserve Check List	public reserve means: (a) a public park, or (b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or (d) any land dedicated or taken to be dedicated under section 49 or 50, or (e) any

land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913 , or (f) any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989 , or (g) a Crown reserve that is dedicated or reserved: (i) for public recreation or for a public cemetery, or (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the Crown Lands Act 1989 , being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established, or (h) land declared to be a public reserve and placed under the control of a council under section 52 of the State Roads Act 1986 , or (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the Roads Act 1993

Zoning Map 2013 LEP



Aerial Image



Reclassification of these landholdings will enable Council to enter into longer term lease arrangements, make it easier and quicker to redevelop appropriate sites, and enable all sites to be managed operationally, allowing Council to be responsive to any operational issues with more flexibility and efficiency.

### Property Demographics

1. Address of Property	466 The Entrance Road BATEAU BAY NSW 2261
2. Land Area (Square Metres)	30740 m2
3. Deposited Plan (DP) No.	Lot 1 DP 614688
4. Certificate of Title / Torrens Numbers	Folio Identifier 1/614688
5. Plan of Management (POM) Reference	N/A
6. Land Dedicated Under EP&A Act s.94	No
7. Council Resolution Required for s.94 Acquisitions	Nil
8. Acquisition Conditions	Nil
9. Discharges - LGA s.30 Impediments	Yes
10. Current Use	Sewer treatment plant and vacant land
11. Proposed Use	Sewer treatment plant and lease back
12. Current Zone: Wyong Shire Council LEP 2013	SP2 Infrastructure
13. Aerial Image	Included - Attached
14. Zoning Map LEP 2013	Included - Attached
15. Certificate of Title	Can be viewed upon request, the information in the Certificate of Title is contained in this document.

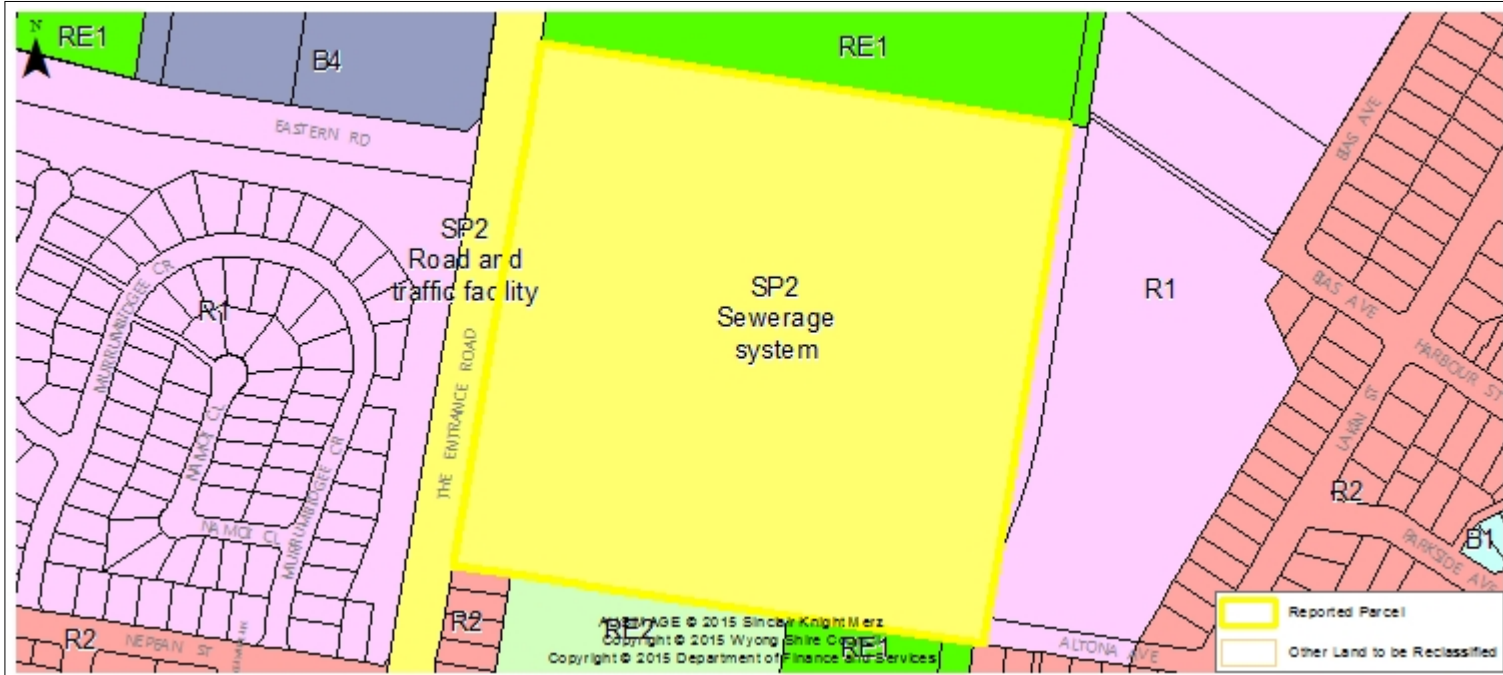
### Compliance with DoP Note PN09-003 - Check List

16. Reason (Overall) for Change of Classifications	The reclassification of Council's community landholdings is in accordance with Council's Property Strategy which is built upon ensuring adequate and well maintained property infrastructure is available for core Council services. A sustainable property portfolio will meet the diverse needs of the community whilst generating an on-going commercial revenue stream for Council which can be reinvested into improved property assets which are aligned with future service delivery needs.
17. Current Classification	Operational
18. Proposed New Classification	Operational
19. Specific Reason for Reclassification	Discharge S30 of LGA that may apply to the land
20. Council's Ownership	Yes
21. Council's Interest in the Land	Fee Simple
22. Acquisition Details	Proclamation
23. Reason for Acquisition	The Entrance Sewerage Scheme
24. Agreements Over the Land	Yes - Right of Way and easement for electricity purposes
25. Identification of Gain or Loss from Reclassification	Nil
26. Identify Asset Management Objectives	Council's Property Strategy sets a framework to ensure existing assets are aligned with service delivery objectives and asset use is optimised to reduce cost and improve efficiency. Any divestment of surplus and non-performing assets will provide Council with additional capital for reinvestment into improved property assets aligned with future service delivery needs.
27. Identify any Agreement for Sale or Lease of Land	Part Lease for use as golf driving range
28. Relevant Plan Making Matters Under EP&A Act	All relevant matters including zoning and current and proposed use are included
29. Copy of Practice Note Department of Planning PN09-003	Included
30. Definition of Public Land Check List	public land means any land (including a public reserve) vested in or under the control of the council, but does not include: (a) a public road, or (b) land to which the Crown Lands Act 1989 applies, or (c) a common, or (d) land subject to the Trustees of Schools of Arts Enabling Act 1902, or (e) a regional park under the National Parks and Wildlife Act 1974.
31. Definition of Public Reserve Check List	public reserve means: (a) a public park, or (b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or (d) any land dedicated or taken to be dedicated under section 49 or 50, or (e) any



land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913 , or (f) any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989 , or (g) a Crown reserve that is dedicated or reserved: (i) for public recreation or for a public cemetery, or (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the Crown Lands Act 1989 , being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established, or (h) land declared to be a public reserve and placed under the control of a council under section 52 of the State Roads Act 1986 , or (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the Roads Act 1993

Zoning Map 2013 LEP



Aerial Image



## Wyong Shire Council Property Reference: WSC:5

Reclassification of these landholdings will enable Council to enter into longer term lease arrangements, make it easier and quicker to redevelop appropriate sites, and enable all sites to be managed operationally, allowing Council to be responsive to any operational issues with more flexibility and efficiency.

**Property Demographics**

1. Address of Property	191 Wallarah Road KANWAL NSW 2259
2. Land Area (Square Metres)	2433 m2
3. Deposited Plan (DP) No.	Lot 21 DP 813270
4. Certificate of Title / Torrens Numbers	Folio Identifier 21/813270
5. Plan of Management (POM) Reference	Plan of Management No. 5 for Sportsgrounds, Parks and General Community Use
6. Land Dedicated Under EP&A Act s.94	No
7. Council Resolution Required for s.94 Acquisitions	Nil
8. Acquisition Conditions	Nil
9. Discharges - LGA s.30 Impediments	Yes
10. Current Use	Community facility
11. Proposed Use	Sale to adjoining landowner
12. Current Zone: Wyong Shire Council LEP 2013	RE1 Public Recreation
13. Aerial Image	Included - Attached
14. Zoning Map LEP 2013	Included - Attached
15. Certificate of Title	Can be viewed upon request, the information in the Certificate of Title is contained in this document.

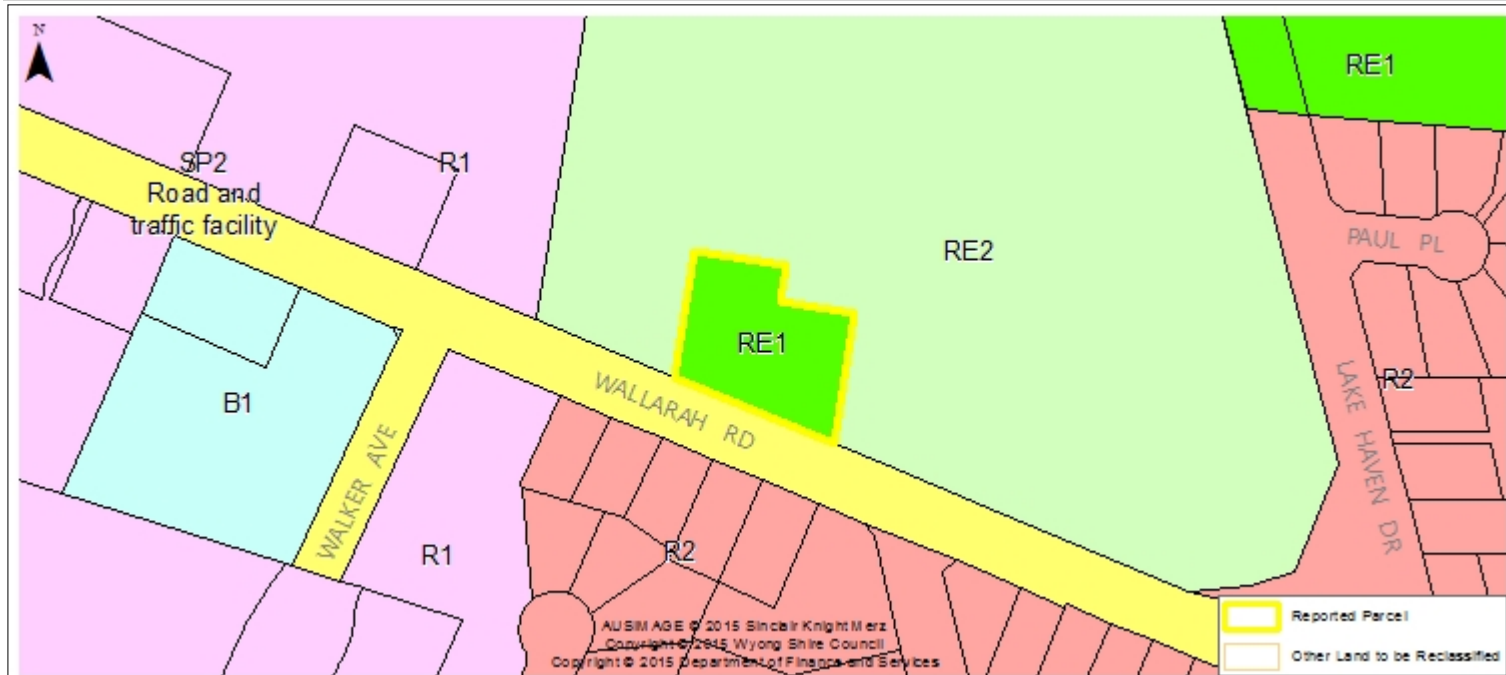
**Compliance with DoP Note PN09-003 - Check List**

16. Reason (Overall) for Change of Classifications	The reclassification of Council's community landholdings is in accordance with Council's Property Strategy which is built upon ensuring adequate and well maintained property infrastructure is available for core Council services. A sustainable property portfolio will meet the diverse needs of the community whilst generating an on-going commercial revenue stream for Council which can be reinvested into improved property assets which are aligned with future service delivery needs.
17. Current Classification	Community Land
18. Proposed New Classification	Operational
19. Specific Reason for Reclassification	Discharge S30 of LGA that may apply to the land
20. Council's Ownership	Yes
21. Council's Interest in the Land	Fee Simple
22. Acquisition Details	Transfer
23. Reason for Acquisition	Community facility
24. Agreements Over the Land	Yes Right of Way appurtenant to the subject over adjoining land
25. Identification of Gain or Loss from Reclassification	Nil
26. Identify Asset Management Objectives	Council's Property Strategy sets a framework to ensure existing assets are aligned with service delivery objectives and asset use is optimised to reduce cost and improve efficiency. Any divestment of surplus and non-performing assets will provide Council with additional capital for reinvestment into improved property assets aligned with future service delivery needs.
27. Identify any Agreement for Sale or Lease of Land	No
28. Relevant Plan Making Matters Under EP&A Act	All relevant matters including zoning and current and proposed use are included
29. Copy of Practice Note Department of Planning PN09-003	Included
30. Definition of Public Land Check List	public land means any land (including a public reserve) vested in or under the control of the council, but does not include: (a) a public road, or (b) land to which the Crown Lands Act 1989 applies, or (c) a common, or (d) land subject to the Trustees of Schools of Arts Enabling Act 1902, or (e) a regional park under the National Parks and Wildlife Act 1974.
31. Definition of Public Reserve Check List	public reserve means: (a) a public park, or (b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or (d) any



land dedicated or taken to be dedicated under section 49 or 50, or (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913, or (f) any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989, or (g) a Crown reserve that is dedicated or reserved: (i) for public recreation or for a public cemetery, or (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the Crown Lands Act 1989, being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established, or (h) land declared to be a public reserve and placed under the control of a council under section 52 of the State Roads Act 1986, or (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the Roads Act 1993

Zoning Map 2013 LEP



Aerial Image



Reclassification of these landholdings will enable Council to enter into longer term lease arrangements, make it easier and quicker to redevelop appropriate sites, and enable all sites to be managed operationally, allowing Council to be responsive to any operational issues with more flexibility and efficiency.

### Property Demographics

1. Address of Property	1 Devon Lane WYONG NSW 2259
2. Land Area (Square Metres)	572.9 m2
3. Deposited Plan (DP) No.	Lot 52 DP 1100416
4. Certificate of Title / Torrens Numbers	Folio Identifier 52/1100416
5. Plan of Management (POM) Reference	N/A
6. Land Dedicated Under EP&A Act s.94	No
7. Council Resolution Required for s.94 Acquisitions	Nil
8. Acquisition Conditions	Nil
9. Discharges - LGA s.30 Impediments	Yes
10. Current Use	Vacant land
11. Proposed Use	sale
12. Current Zone: Wyong Shire Council LEP 2013	B6 Enterprise Corridor
13. Aerial Image	Included - Attached
14. Zoning Map LEP 2013	Included - Attached
15. Certificate of Title	Can be viewed upon request, the information in the Certificate of Title is contained in this document.

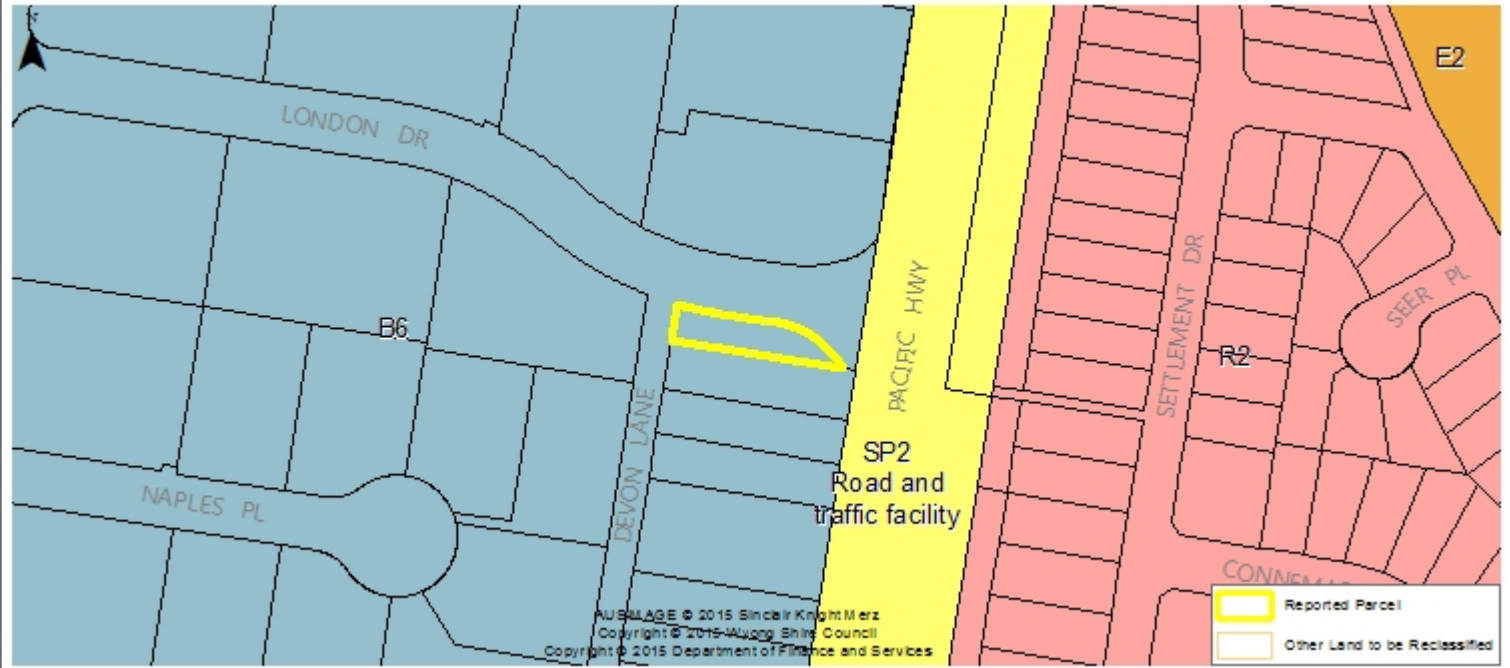
### Compliance with DoP Note PN09-003 - Check List

16. Reason (Overall) for Change of Classifications	The reclassification of Council's community landholdings is in accordance with Council's Property Strategy which is built upon ensuring adequate and well maintained property infrastructure is available for core Council services. A sustainable property portfolio will meet the diverse needs of the community whilst generating an on-going commercial revenue stream for Council which can be reinvested into improved property assets which are aligned with future service delivery needs.
17. Current Classification	Operational
18. Proposed New Classification	Operational
19. Specific Reason for Reclassification	Discharge S30 of LGA that may apply to the land
20. Council's Ownership	Yes
21. Council's Interest in the Land	Fee Simple
22. Acquisition Details	Transfer
23. Reason for Acquisition	Vacant land
24. Agreements Over the Land	No
25. Identification of Gain or Loss from Reclassification	Nil
26. Identify Asset Management Objectives	Council's Property Strategy sets a framework to ensure existing assets are aligned with service delivery objectives and asset use is optimised to reduce cost and improve efficiency. Any divestment of surplus and non-performing assets will provide Council with additional capital for reinvestment into improved property assets aligned with future service delivery needs.
27. Identify any Agreement for Sale or Lease of Land	No
28. Relevant Plan Making Matters Under EP&A Act	All relevant matters including zoning and current and proposed use are included
29. Copy of Practice Note Department of Planning PN09-003	Included
30. Definition of Public Land Check List	public land means any land (including a public reserve) vested in or under the control of the council, but does not include: (a) a public road, or (b) land to which the Crown Lands Act 1989 applies, or (c) a common, or (d) land subject to the Trustees of Schools of Arts Enabling Act 1902, or (e) a regional park under the National Parks and Wildlife Act 1974.
31. Definition of Public Reserve Check List	public reserve means: (a) a public park, or (b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or (d) any land dedicated or taken to be dedicated under section 49 or 50, or (e) any



land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913 , or (f) any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989 , or (g) a Crown reserve that is dedicated or reserved: (i) for public recreation or for a public cemetery, or (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the Crown Lands Act 1989 , being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established, or (h) land declared to be a public reserve and placed under the control of a council under section 52 of the State Roads Act 1986 , or (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the Roads Act 1993

Zoning Map 2013 LEP



Aerial Image





## Wyong Shire Council Property Reference: WSC:7

Reclassification of these landholdings will enable Council to enter into longer term lease arrangements, make it easier and quicker to redevelop appropriate sites, and enable all sites to be managed operationally, allowing Council to be responsive to any operational issues with more flexibility and efficiency.

**Property Demographics**

1. Address of Property	14 Cowan Street WATANOBBI NSW 2259
2. Land Area (Square Metres)	5252 m2
3. Deposited Plan (DP) No.	Lot 1 DP 800409
4. Certificate of Title / Torrens Numbers	Folio Identifier 1/800409
5. Plan of Management (POM) Reference	N/A
6. Land Dedicated Under EP&A Act s.94	No
7. Council Resolution Required for s.94 Acquisitions	Nil
8. Acquisition Conditions	Nil
9. Discharges - LGA s.30 Impediments	Yes
10. Current Use	Drainage
11. Proposed Use	sale
12. Current Zone: Wyong Shire Council LEP 2013	RE1 Public Recreation R2 Low Density Residential
13. Aerial Image	Included - Attached
14. Zoning Map LEP 2013	Included - Attached
15. Certificate of Title	Can be viewed upon request, the information in the Certificate of Title is contained in this document.

**Compliance with DoP Note PN09-003 - Check List**

16. Reason (Overall) for Change of Classifications	The reclassification of Council's community landholdings is in accordance with Council's Property Strategy which is built upon ensuring adequate and well maintained property infrastructure is available for core Council services. A sustainable property portfolio will meet the diverse needs of the community whilst generating an on-going commercial revenue stream for Council which can be reinvested into improved property assets which are aligned with future service delivery needs.
17. Current Classification	Operational
18. Proposed New Classification	Operational
19. Specific Reason for Reclassification	Discharge S30 of LGA that may apply to the land
20. Council's Ownership	Yes
21. Council's Interest in the Land	Fee Simple
22. Acquisition Details	Departmental Dealing
23. Reason for Acquisition	Drainage land
24. Agreements Over the Land	No
25. Identification of Gain or Loss from Reclassification	Nil
26. Identify Asset Management Objectives	Council's Property Strategy sets a framework to ensure existing assets are aligned with service delivery objectives and asset use is optimised to reduce cost and improve efficiency. Any divestment of surplus and non-performing assets will provide Council with additional capital for reinvestment into improved property assets aligned with future service delivery needs.
27. Identify any Agreement for Sale or Lease of Land	No
28. Relevant Plan Making Matters Under EP&A Act	All relevant matters including zoning and current and proposed use are included
29. Copy of Practice Note Department of Planning PN09-003	Included
30. Definition of Public Land Check List	public land means any land (including a public reserve) vested in or under the control of the council, but does not include: (a) a public road, or (b) land to which the Crown Lands Act 1989 applies, or (c) a common, or (d) land subject to the Trustees of Schools of Arts Enabling Act 1902, or (e) a regional park under the National Parks and Wildlife Act 1974.
31. Definition of Public Reserve Check List	public reserve means: (a) a public park, or (b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or (d) any land dedicated or taken to be dedicated under section 49 or 50, or (e) any

land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913 , or (f) any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989 , or (g) a Crown reserve that is dedicated or reserved: (i) for public recreation or for a public cemetery, or (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the Crown Lands Act 1989 , being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established, or (h) land declared to be a public reserve and placed under the control of a council under section 52 of the State Roads Act 1986 , or (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the Roads Act 1993

Zoning Map 2013 LEP



Aerial Image



## Wyong Shire Council Property Reference: WSC:8

Reclassification of these landholdings will enable Council to enter into longer term lease arrangements, make it easier and quicker to redevelop appropriate sites, and enable all sites to be managed operationally, allowing Council to be responsive to any operational issues with more flexibility and efficiency.

**Property Demographics**

1. Address of Property	50A Gorokan Dr LAKE HAVEN NSW 2263
2. Land Area (Square Metres)	15800 m2
3. Deposited Plan (DP) No.	LOT 41 DP 747946
4. Certificate of Title / Torrens Numbers	Folio Identifier 41/747946
5. Plan of Management (POM) Reference	N/A
6. Land Dedicated Under EP&A Act s.94	No
7. Council Resolution Required for s.94 Acquisitions	Nil
8. Acquisition Conditions	Nil
9. Discharges - LGA s.30 Impediments	Yes
10. Current Use	Drainage
11. Proposed Use	Drainage and sale for residential
12. Current Zone: Wyong Shire Council LEP 2013	R1 General Residential
13. Aerial Image	Included - Attached
14. Zoning Map LEP 2013	Included - Attached
15. Certificate of Title	Can be viewed upon request, the information in the Certificate of Title is contained in this document.

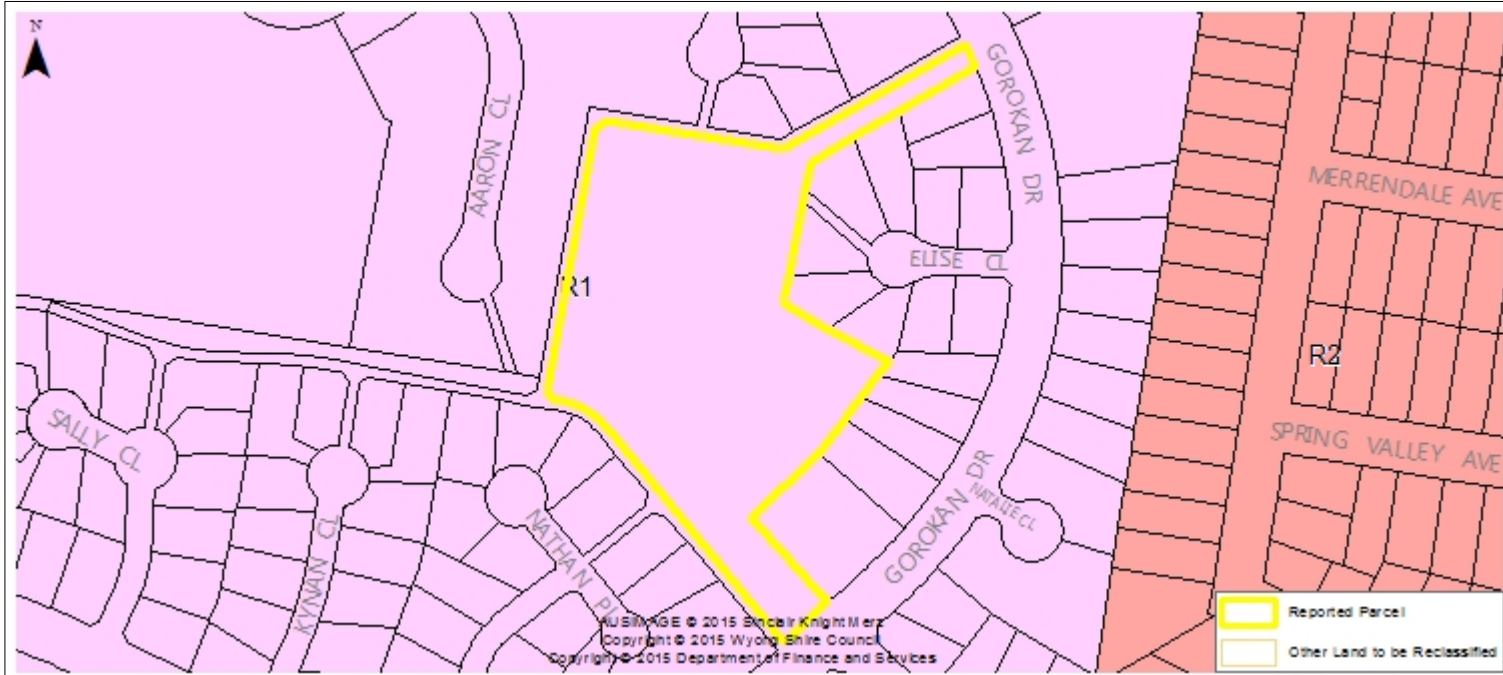
**Compliance with DoP Note PN09-003 - Check List**

16. Reason (Overall) for Change of Classifications	The reclassification of Council's community landholdings is in accordance with Council's Property Strategy which is built upon ensuring adequate and well maintained property infrastructure is available for core Council services. A sustainable property portfolio will meet the diverse needs of the community whilst generating an on-going commercial revenue stream for Council which can be reinvested into improved property assets which are aligned with future service delivery needs.
17. Current Classification	Operational
18. Proposed New Classification	Operational
19. Specific Reason for Reclassification	Discharge S30 of LGA that may apply to the land
20. Council's Ownership	Yes
21. Council's Interest in the Land	Fee Simple
22. Acquisition Details	Vested vide Government Gazette Notice
23. Reason for Acquisition	Drainage land
24. Agreements Over the Land	No
25. Identification of Gain or Loss from Reclassification	Nil
26. Identify Asset Management Objectives	Council's Property Strategy sets a framework to ensure existing assets are aligned with service delivery objectives and asset use is optimised to reduce cost and improve efficiency. Any divestment of surplus and non-performing assets will provide Council with additional capital for reinvestment into improved property assets aligned with future service delivery needs.
27. Identify any Agreement for Sale or Lease of Land	No
28. Relevant Plan Making Matters Under EP&A Act	All relevant matters including zoning and current and proposed use are included
29. Copy of Practice Note Department of Planning PN09-003	Included
30. Definition of Public Land Check List	public land means any land (including a public reserve) vested in or under the control of the council, but does not include: (a) a public road, or (b) land to which the Crown Lands Act 1989 applies, or (c) a common, or (d) land subject to the Trustees of Schools of Arts Enabling Act 1902, or (e) a regional park under the National Parks and Wildlife Act 1974.
31. Definition of Public Reserve Check List	public reserve means: (a) a public park, or (b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or (d) any land dedicated or taken to be dedicated under section 49 or 50, or (e) any



land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913 , or (f) any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989 , or (g) a Crown reserve that is dedicated or reserved: (i) for public recreation or for a public cemetery, or (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the Crown Lands Act 1989 , being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established, or (h) land declared to be a public reserve and placed under the control of a council under section 52 of the State Roads Act 1986 , or (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the Roads Act 1993

Zoning Map 2013 LEP



Aerial Image



## Wyong Shire Council Property Reference: WSC:9

Reclassification of these landholdings will enable Council to enter into longer term lease arrangements, make it easier and quicker to redevelop appropriate sites, and enable all sites to be managed operationally, allowing Council to be responsive to any operational issues with more flexibility and efficiency.

**Property Demographics**

1. Address of Property	6W Kingsland Close TACOMA SOUTH NSW 2259
2. Land Area (Square Metres)	1622 m2
3. Deposited Plan (DP) No.	Lot 6 DP 246346
4. Certificate of Title / Torrens Numbers	Lot 6/246346 being Vol 12346 Fol 67
5. Plan of Management (POM) Reference	Plan of Management No. 5 for Sportsgrounds, Parks and General Community Use
6. Land Dedicated Under EP&A Act s.94	Yes
7. Council Resolution Required for s.94 Acquisitions	Nil
8. Acquisition Conditions	Nil
9. Discharges - LGA s.30 Impediments	Yes
10. Current Use	Sewer pump station
11. Proposed Use	Sale
12. Current Zone: Wyong Shire Council LEP 2013	RE1 Public Recreation
13. Aerial Image	Included - Attached
14. Zoning Map LEP 2013	Included - Attached
15. Certificate of Title	Can be viewed upon request, the information in the Certificate of Title is contained in this document.

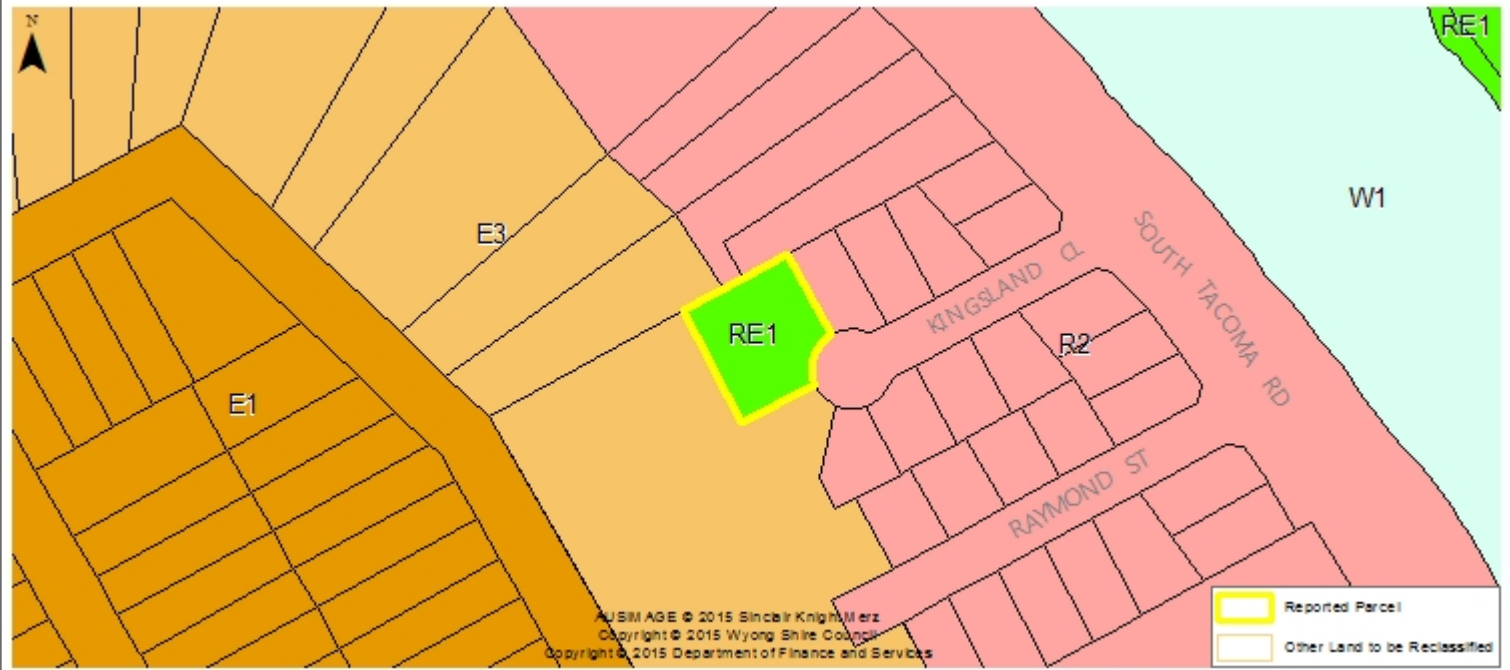
**Compliance with DoP Note PN09-003 - Check List**

16. Reason (Overall) for Change of Classifications	The reclassification of Council's community landholdings is in accordance with Council's Property Strategy which is built upon ensuring adequate and well maintained property infrastructure is available for core Council services. A sustainable property portfolio will meet the diverse needs of the community whilst generating an on-going commercial revenue stream for Council which can be reinvested into improved property assets which are aligned with future service delivery needs.
17. Current Classification	Community
18. Proposed New Classification	Operational
19. Specific Reason for Reclassification	Discharge S30 of LGA that may apply to the land
20. Council's Ownership	Yes
21. Council's Interest in the Land	Fee Simple
22. Acquisition Details	Dedicated in Deposited Plan 246346 as Public Reserve
23. Reason for Acquisition	Sewer pump station
24. Agreements Over the Land	No
25. Identification of Gain or Loss from Reclassification	Nil
26. Identify Asset Management Objectives	Council's Property Strategy sets a framework to ensure existing assets are aligned with service delivery objectives and asset use is optimised to reduce cost and improve efficiency. Any divestment of surplus and non-performing assets will provide Council with additional capital for reinvestment into improved property assets aligned with future service delivery needs.
27. Identify any Agreement for Sale or Lease of Land	No
28. Relevant Plan Making Matters Under EP&A Act	All relevant matters including zoning and current and proposed use are included
29. Copy of Practice Note Department of Planning PN09-003	Included
30. Definition of Public Land Check List	public land means any land (including a public reserve) vested in or under the control of the council, but does not include: (a) a public road, or (b) land to which the Crown Lands Act 1989 applies, or (c) a common, or (d) land subject to the Trustees of Schools of Arts Enabling Act 1902 , or (e) a regional park under the National Parks and Wildlife Act 1974.
31. Definition of Public Reserve Check List	public reserve means: (a) a public park, or (b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919 , or (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919 , or (d) any



land dedicated or taken to be dedicated under section 49 or 50, or (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913 , or (f) any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989 , or (g) a Crown reserve that is dedicated or reserved: (i) for public recreation or for a public cemetery, or (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the Crown Lands Act 1989 , being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established, or (h) land declared to be a public reserve and placed under the control of a council under section 52 of the State Roads Act 1986 , or (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the Roads Act 1993

Zoning Map 2013 LEP



Aerial Image



## **2.2 Outcomes of the Public Exhibition of draft Wyong Local Environmental Plan (LEP) 2013 - Major Amendment 1**

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TRIM REFERENCE: F2013/01345 - D12182585

MANAGER: Steven Mann, Manager

AUTHOR: Lynda Hirst; Senior Strategic Planner

### **SUMMARY**

This report seeks Council's endorsement of draft Wyong Local Environmental Plan (LEP) – Major Amendment 1. This will enable a submission to be provided to the Department of Planning & Environment (DP&E) requesting that the Minister for Planning make the draft LEP. The draft LEP was exhibited from 18 November 2015 to 18 December 2015. This report outlines the findings of the public exhibition period, recommends minor amendments to the Planning Proposal to address submissions received, and outlines the next steps to finalise the draft plan.

### **RECOMMENDATION**

- 1 That Council submit the Planning Proposal for Major Amendment 1 to the Department of Planning and Environment (DP&E) recommending that the Minister for Planning proceed with the steps for drafting and making of the amendment to Wyong Local Environmental Plan (LEP) 2013.**
- 2 That Council advise all those who made a submission of Council's decision.**

### **BACKGROUND**

On 23 December 2013, WLEP 2013 was made by a delegate of the then Minister for Planning & Infrastructure. Under Section 73 of the EP&A Act, Councils are required to keep their local environmental plans under regular review to ensure the objectives of the EP&A Act continue to be achieved. Accordingly, Council commenced preparation of Major Amendment 1 to the Wyong LEP 2013 in 2014. Major Amendment 1 is predominantly a housekeeping exercise, with the bulk of the proposed amendments involving rectification of anomalies and errors arising from the process of preparing Wyong LEP 2013. The remainder of the proposed amendments involve the incorporation of provisions from adopted Strategies/Plans that were not finalised in time to be incorporated into Wyong LEP 2013.

Council at its meeting held 23 July 2014:

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

- 1 That Council initiate the Local Environmental Plan “Gateway” process by the preparation of a Planning Proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979.**

## 2.2 Outcomes of the Public Exhibition of draft Wyong Local Environmental Plan (LEP) 2013 - Major Amendment 1 (contd)

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- 2 That Council forward the Planning Proposal to the Department of Planning and Environment requesting a “Gateway” determination, pursuant to Section 56(1) of the Environmental Planning and Assessment Act, 1979.
- 3 That Council advise the Department of Planning & Environment that it does not intend to apply for plan making delegations for the rezoning, pursuant to Section 23 of the Environmental Planning and Assessment Act, 1979.
- 4 That Council refer the project to appropriate public authorities for comment, subject to the determination of the Gateway Process, pursuant to Section 56(2) of the Environmental Planning and Assessment Act, 1979.
- 5 That Council undertake community consultation regarding the Planning Proposal, subject to the determination of the Gateway Process, pursuant to Section 57 of the Environmental Planning and Assessment Act, 1979.
- 6 That Council direct the General Manager to submit a further report to Council to report on the results of the public authorities’ consultation and community consultation phase.
- 7 That Council update its Section 149 Certificates accordingly.”

### CURRENT STATUS

In accordance with the DP&E revised Gateway Determination dated 22 June 2015, consultation with the following Public Authorities was conducted:

- Central Coast Aero Club;
- Civil Aviation Security Authority;
- Darkinjung Local Aboriginal Land Council (S117 Direction 2.3 Heritage Conservation);
- Delta Electricity;
- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land);
- NSW National Parks and Wildlife Services;
- NSW Trade and Investment – Resources and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries);
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection);
- Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones & Direction 2.3 Heritage Conservation);
- Government Property NSW;
- Transport for NSW;
- Transport for NSW – Roads and Maritime Services; and
- Transport for NSW – Regional Air.

The responses of the above Authorities were taken into account and resulted in minor variations to the Planning Proposal. The following table provides a summary of the agency concerns and Council’s actions to ensure the progression of the Planning Proposal.



Agency	Comments	Council Response	Action Taken
CASA	No input into proposal. Council should consult with helicopter operators at Wyong Hospital when considering DAs in the vicinity of the hospital. Council may wish to consider the impact of the proposed Central Coast Regional Airport.	Noted	No further action.
Transport for NSW	No objection.	Noted	No further action.
NSW RFS	No objection.	Noted	No further action.
Delta Electricity	Object to rezoning of 80 Highview Ave, San Remo (Camp Breakaway) from RE2 Private Recreation to RE1 Public Recreation. Would prefer the site to be zoned SP2 Infrastructure.	Future expansion of Camp Breakaway would be prohibited under the SP2 zone, however, development for electricity generating purposes is prohibited in the RE1 zone under the Infrastructure SEPP (as RE1 is deemed a 'conservation zone' for which the SEPP does not apply). Preferred zone is to remain RE2 which enables expansion of Camp Breakaway and allows for electricity generating works under the Infrastructure SEPP.	<b>Site removed from the Planning Proposal.</b>  Site will remain zoned RE2 Private Recreation.  This approach agreed to by DP&E and Delta Electricity.
	Request to rezone Vales Point Outlet Canal from RE1 Public Recreation to SP2 Infrastructure.	Agreed, however, as this site was not part of the gateway determination the rezoning cannot proceed under this LEP.	Site to be rezoned under draft Wyong LEP Miscellaneous Amendment 2.
	Request to rezone Vales Point Inlet Canal from RE1 Public Recreation to SP2 Infrastructure.	Agreed, however, as this site was not part of the gateway determination the rezoning cannot proceed under this LEP.	Site to be rezoned under draft Wyong LEP Miscellaneous Amendment 2.
	Request to rezone a small portion of Vales Point Ash Dam from E2 Environment Conservation to SP2 Infrastructure.	Agreed by Council's Ecologist, however, as this site is not part of the gateway determination the rezoning cannot proceed under this LEP.	Site to be rezoned under draft Wyong LEP Miscellaneous Amendment 2.

<b>Agency</b>	<b>Comments</b>	<b>Council Response</b>	<b>Action Taken</b>
Department of Industry – Resources & Energy	No resource issues to raise in relation to the Planning Proposal.	Noted	No further action.
RMS	No objection provided the Land Reservation Acquisition maps are included to incorporate the RMS requirements for road widening in the proposed amendments.	Noted. Some additional properties not identified in the original RMS maps, and not included in the gateway determination, will be included as part of draft Wyong LEP Miscellaneous Amendment 2.	New properties not identified in the gateway determination for this LEP will be included as part of draft Wyong LEP Miscellaneous Amendment 2.
OEH	Council should be satisfied that development within the environmental zoned portion of the site that forms Wadalba Corridor complies with the assumed concurrence consent area.	The drainage corridor was previously zoned residential until the E2 Environmental Conservation Zone was introduced with Wyong LEP 2013. The E2 zone should have referenced the drainage corridor dimensions specified in the development approval which was based on a more detailed analysis of flood constraints, rather than the earlier drainage corridor concept for the site. The Planning Proposal seeks to correct this issue.	No further action.
	Object to inclusion of an enabling clause to allow development for recreational purposes on Council land zoned SP2 Infrastructure at 121 Church Rd, Tuggerah (Mariners Centre for Excellence).	The enabling clause for this site was amended to remove Lots 60-64, 71-75 & 84-89 DP 4008 from the subject site. The proposed enabling clause now only applies to Lots 80, 81, 82, & 83 DP 4008, where the existing sporting field is located.	The enabling clause was amended to only apply to the existing sporting field.  <b>Subsequently OEH removed their objection to the Planning Proposal.</b>
	Object to rezoning of 14W Tirriki Cl, Buff Point from SP2 Infrastructure to R2 Low Density Residential due to potential impacts on biodiversity and flooding constraints.	Agreed. Site has ecological and flooding constraints which require further investigation to determine an appropriate zone for the site.	Site removed from Planning Proposal.  <b>Subsequently OEH removed their objection to the Planning Proposal.</b>

Agency	Comments	Council Response	Action Taken
	A number of sites within the LEP are floodprone, however, this can be adequately addressed at subdivision or DA stage.	Noted	No further action.
	An assessment of Aboriginal cultural heritage values should be undertaken for land subject to the draft LEP.	This request related to 121 Church Rd, Tuggerah and 14W Tirriki Cl, Buff Point. Given the above proposed amendments to these sites OEH have confirmed that no Aboriginal cultural heritage assessments are required for this planning proposal.	No further action.
Darkinjung Local Aboriginal Land Council	A number of properties (approximately 55) with areas of undisturbed land and/or vegetation should undergo an Aboriginal cultural heritage survey.	This issue can be addressed at DA stage if necessary. The amendments proposed under this Planning Proposal are to rectify errors or anomalies created during the preparation of Wyong LEP 2013. The majority of sites are already developed and the proposed changes are minor and will have limited impact on land uses permitted. To undertake an Aboriginal cultural heritage assessment on each property affected by the proposal would be a costly and timely exercise and is an inefficient use of Council resources given the minor nature of the proposed amendments.	No further action.

Table 1: Agency Consultation List

## CONSULTATION

The Planning Proposal was placed on public exhibition in accordance with the Gateway Determination and all affected landowners were notified in writing seeking their comments between 18 November 2015 to 18 December 2015. The exhibition was conducted via Council's website with a copy of the Planning Proposal and supporting documentation also available at all Council libraries and administration building.

## 2.2 Outcomes of the Public Exhibition of draft Wyong Local Environmental Plan (LEP) 2013 - Major Amendment 1 (contd)

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Ten (10) submissions were received during the Public Exhibition period. The issues raised in the submissions are summarised below. Two (2) minor changes are proposed to the Planning Proposal following review of the submissions.

### 1. 61 Alambee Crescent, Blue Haven

No objection to the proposed inclusion of the subject property within the Foreshore Building Line LEP map.

**Comment:**

Noted.

### 2. 370 Pacific Highway, North Wyong

Acknowledgement from the landowner that road widening may affect the subject property. The submission seeks Council confirmation that the road widening:

- will not diminish opportunities for left-in, left-out vehicle access to the site;
- adequate compensation will be received;
- will not impose a condition of consent requiring dedication of the land should it be developed prior to the road widening;
- will not restrict the redevelopment of the site and the existing gross area and dimensions of the site will remain "as is"; and
- will consider the potential for right-turn queuing and entry into the site as part of any road realignment.

**Comment:**

The inclusion of this site in the Planning Proposal has been undertaken at the request of the RMS to allow for potential future road widening/realignment of the Pacific Highway. A small portion of this property is included within Council's Land Reservation Acquisition (LRA) LEP map and is proposed to be rezoned to SP2 Infrastructure – Classified Road. As the Pacific Highway is a State Road the design and timing of the road widening/realignment is at the discretion of the RMS. Given this, Council is not in a position to agree to the requests above from the landowner. This submission will be forwarded to the RMS for their consideration and action.

### 3. 1 Youngs Road, Ourimbah

Supports the proposed rezoning of a portion of the land from E2 Environmental Conservation to E3 Environmental Management to enable retention of a dwelling entitlement for the site (refer to Figure 1). However, requests that a larger portion of E3 land, reducing the portion of E2 land, be rezoned to enable a suitable building envelope to be established on the site (refer to Figure 2).

**Comment:**

Council's Senior Ecologist has reviewed the submission and agrees to the extension of the E3 land as requested noting the following:

*“The 'triangle' in the E2 zone appears to be roughly mapped perhaps to the tree shadow, rather than the large tree on the fence line. Therefore I have no objection to changing the shape of the E2 zone as proposed in the submission. The intent of the zoning mapping and of the proposed placement of the dwelling envelope is to retain the large and mature tree (which would have historically formed part of the EEC) by both Council and the landowners. Therefore the proponents should be aware of not impacting significant tree root zones when considering development potential of the site.”*

It is therefore recommended that the draft LEP Major Amendment 1 be amended to rezone the subject site in line with that requested in the submission.

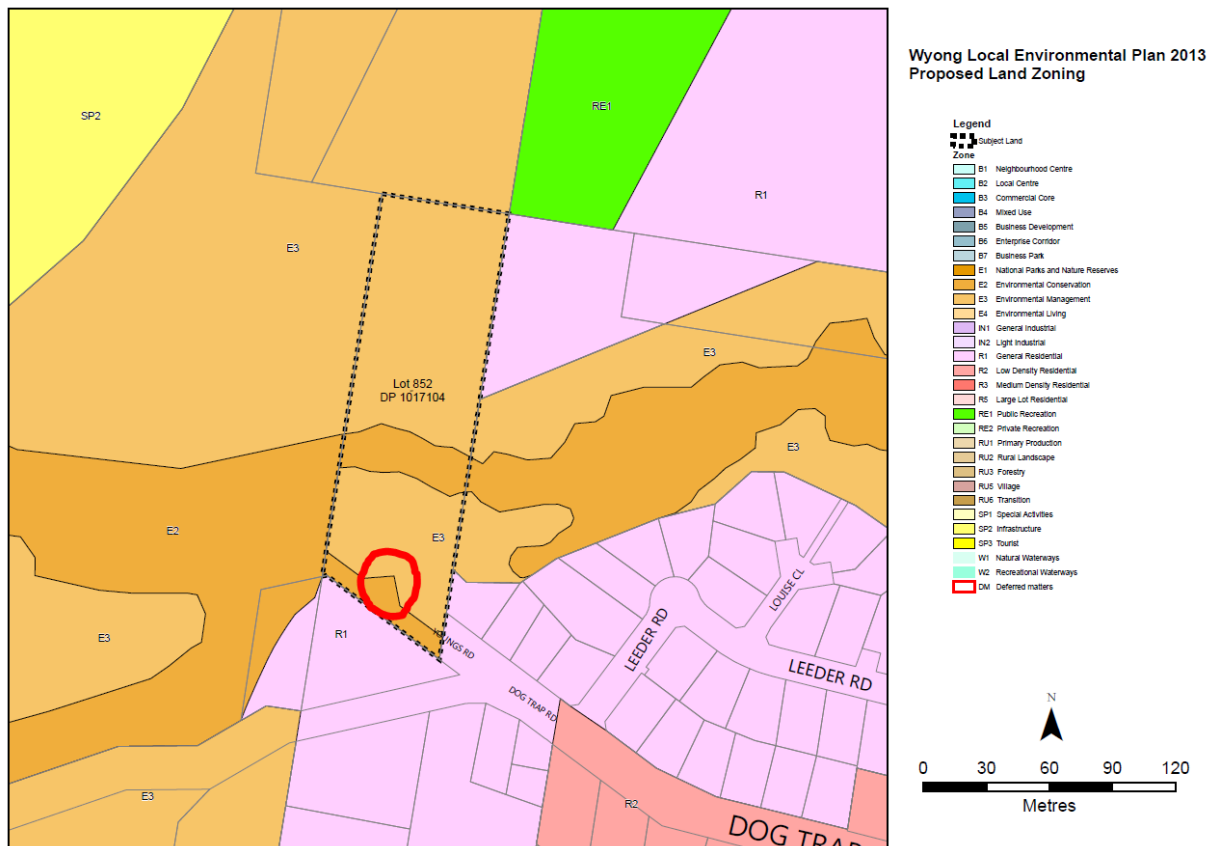


Figure 1 – Original proposed rezoning of 1 Youngs Rd, Ourimbah

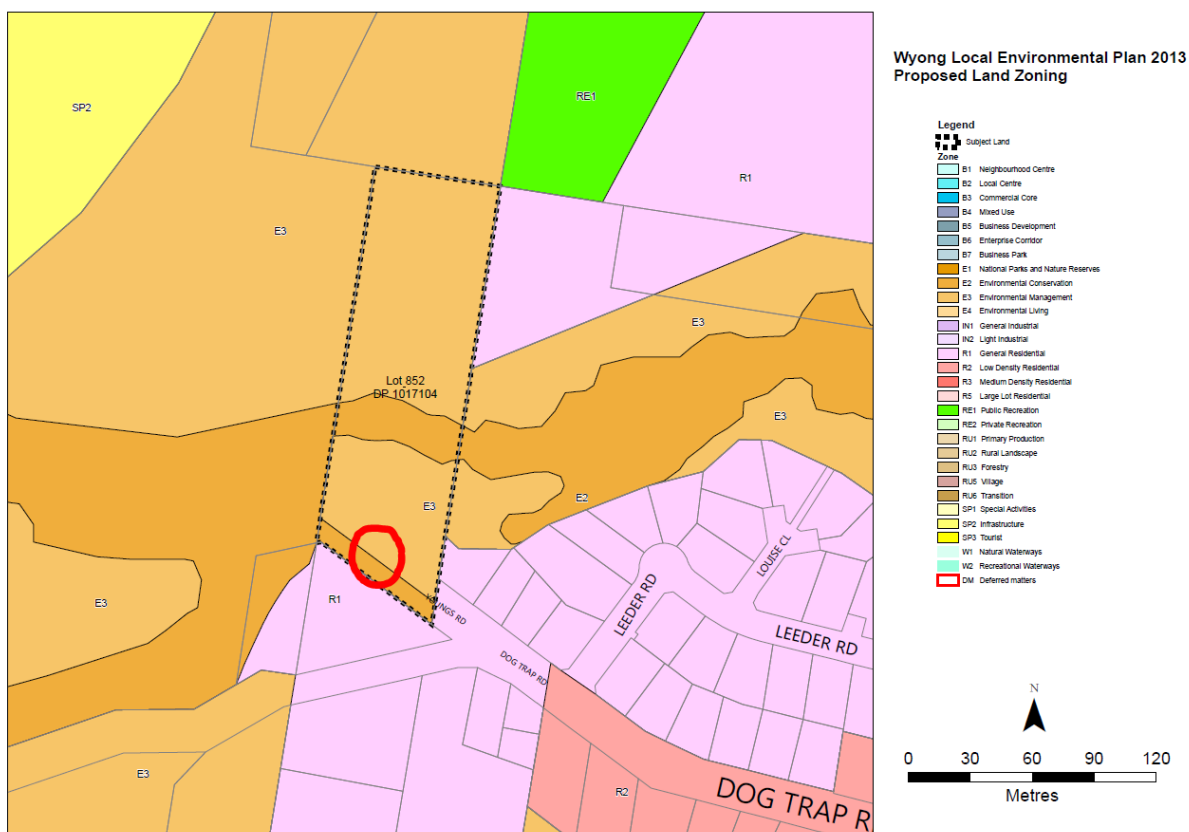


Figure 2 – Proposed amended rezoning of 1 Youngs Rd, Ourimbah

#### 4. 16 Turner Close, Blue Haven

Objection to the inclusion of 16 Turner Close, Blue Haven within Council's Foreshore Building Line (FBL) LEP map. The property was recently purchased in April 2015 and the 149 Planning Certificate did not note this restriction over the property which will impact the redevelopment potential of the site. The property is subject to the flooding provisions under Wyong LEP 2013 which are adequate to ensure a safe setback from the foreshore.

#### **Comment:**

Properties within the Blue Haven area have been subject to a Foreshore Building Line (FBL) restriction since 1978. This restriction was established via a Council resolution.

A FBL LEP map was recently introduced as part of the comprehensive Wyong LEP 2013, however, due to an administrative error the Blue Haven properties were not identified on the FBL LEP map when it was finalised in December 2013. It is now proposed to rectify this error.

The restriction would not have previously been identified in a 149 (2) Planning Certificate as this contains basic LEP information only. A more detailed 149 (2) and (5) Planning Certificate contains both basic and additional information, including additional planning controls outside of the LEP, and would have noted the FBL restriction.

The FBL restriction does not seek to address flooding constraints but aims to ensure that development within the foreshore area will not impact on natural foreshore processes (e.g. erosion) and will not affect the significance and visual amenity of the area. As such, it is recommended that this property remain on the FBL LEP map to ensure consistency with surrounding properties and require that any redevelopment of the site does not impact on the amenity of the foreshore or neighbouring views.

### **5. Crangan Bay Quarry**

Two (2) submissions have been received requesting rezoning of the Crangan Bay Quarry, Lots 2-7 DP 249281 and Lot 11 DP 598580 475-535 Pacific Highway Crangan Bay, from E3 – Environmental Management to RU1 Primary Production. The submission argues that the zoning of E3 Environmental Management under Wyong LEP 2013 was erroneous.

#### **Comment:**

The subject site was rezoned from 7(b) Scenic Protection Zone under Wyong LEP 1991 to E3 Environmental Management under Wyong LEP 2013. The zoning was informed by Council's Environmental Management Framework (EMF) which was developed to investigate the most appropriate conversion zones for environmental land under Wyong LEP 2013. The EMF identified that the E3 zone was the most appropriate general conversion zone for 7(b) land. The E3 zone prohibits land uses within this zone that have potentially significant environmental impacts. It is considered that the E3 zone is appropriate for the subject site as it contains areas of Endangered Ecologically Communities (EECs) and environmental constraint due to the continuing operations of the quarry which will require careful management and rehabilitation prior to other uses being developed on the site.

This request was previously considered as part of the finalisation of Wyong LEP 2013 and the main justification for the request to change the zone was to include extractive industries as a permissible land use. To address that issue Council included extractive industries as a permitted use for the site under Schedule 1 Additional Permitted Uses of Wyong LEP 2013.

As previously advised to the landowner by both Council and the DP&E, the rezoning of the site to E3 Environmental Management under Wyong LEP 2013 was not in error and was in accordance with the zoning assessment under the EMF. As such, including the site within Major Amendment 1 is not the appropriate process as this draft LEP is a housekeeping exercise to correct errors and anomalies.

Council could consider a future specific land use for the site that is currently prohibited under the E3 zone; however, any such proposal would require a new planning proposal accompanied by the relevant fees and supporting documentation. Such documentation would need to justify the suitability of the site for the proposed land use or zone based on the constraints and opportunities available to the site.

### **6. 91 Tumbi Road, Tumbi Umbi**

Request a change in the zone boundary for the site to increase the E3 Environmental Management zone and reduce the E2 Environmental Conservation zone.

#### **Comment:**

This request was previously considered as part of the finalisation of Wyong LEP 2013. Council's Senior Ecologist inspected the site and it was found to contain an EEC. The E2 zone has been applied over the particularly sensitive environmental lands to prevent any significant increase in the extent and intensity of agricultural uses on the site. The E3 zone already applies to an appropriate portion of the site to permit a dwelling.

As such, it is not recommended that the zone boundary be changed between the E2 Environmental Conservation and E3 Environmental Management zones for this site.

**7. 195 Birdwood Drive, Blue Haven**

Concern raised regarding the variation in the Foreshore Building Line (FBL) for properties at Blue Haven. Neighbouring blocks have variations of up to 6 metres. Also concern as to incorrect labelling of creeks with Spring Creek labelled as Wallarah Creek. Request clarification on how the amalgamation with Gosford Council will affect Wyong LEP 2013.

**Comment:**

At its meeting on 11 October 1978 Council adopted a FBL requiring buildings to be setback a minimum distance of 20m from the high water mark of any lake or river. However, conflict arose in the application of the policy at Bluehaven where many lots had insufficient area to satisfy both the front boundary setback and the FBL, and still retain sufficient area to site a dwelling. Furthermore, a substantial number of structures had previously been erected in the foreshore setback prior to the implementation of Council's FBL policy.

Given this, at its meeting on 24 November 1982, Council resolved to vary the FBL for properties at Blue Haven. It was resolved that the FBL setback for each vacant lot would be the average setback of the existing development on the two (2) adjoining lots, or if the adjoining lot was vacant a setback of 20m would be applied. A schedule of the FBL setbacks was adopted, which remains the same setbacks proposed for inclusion in the FBL LEP map under this draft LEP.

The identification of Wallarah Creek is based on information given to Council by the Geographic Names Board.

Given that the proposed amalgamation with Gosford Council is still in the early planning stages it is yet to be determined just what impact this will have on Council's Wyong LEP 2013.

**8. 1 Scenic Dr, Budgewoi**

Request that this property be rezoned from R2 Low Density Residential to R1 General Residential in line with adjoining properties to the west.

**Comment:**

The Planning Proposal rezones approximately 70 properties between Scenic Drive and Tenth Avenue/Michael Street/Natuna Avenue as per the recommendation of Council's Budgewoi Masterplan (refer to Figure 3). The purpose of the rezoning is to encourage greater intensity of residential density along Tenth Avenue, which will provide a greater degree of surveillance and activity for the Village Link and connect the two commercial centres.

The submission is considered to have merit given the strategic location of 1 Scenic Drive between the two commercial centres and directly adjacent to the properties subject to the rezoning. The site is currently vacant and the majority of the site is outside of the 1 in 100 year flood level.

It is therefore recommended that the draft LEP Major Amendment 1 be amended to rezone the subject site to R1 General Residential (refer to Figure 4).



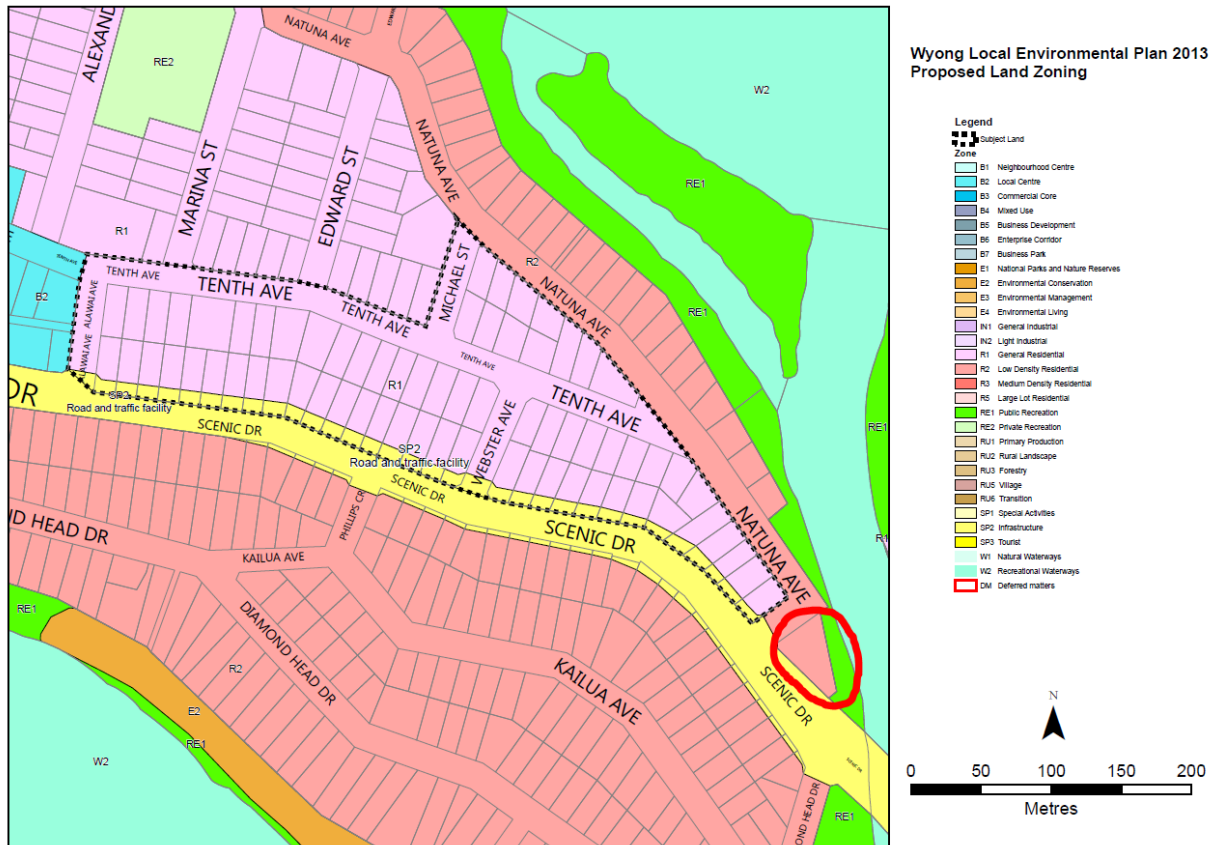


Figure 3 – Original proposed rezoning of land in Scenic Dr/Tenth Ave/Natuna Ave

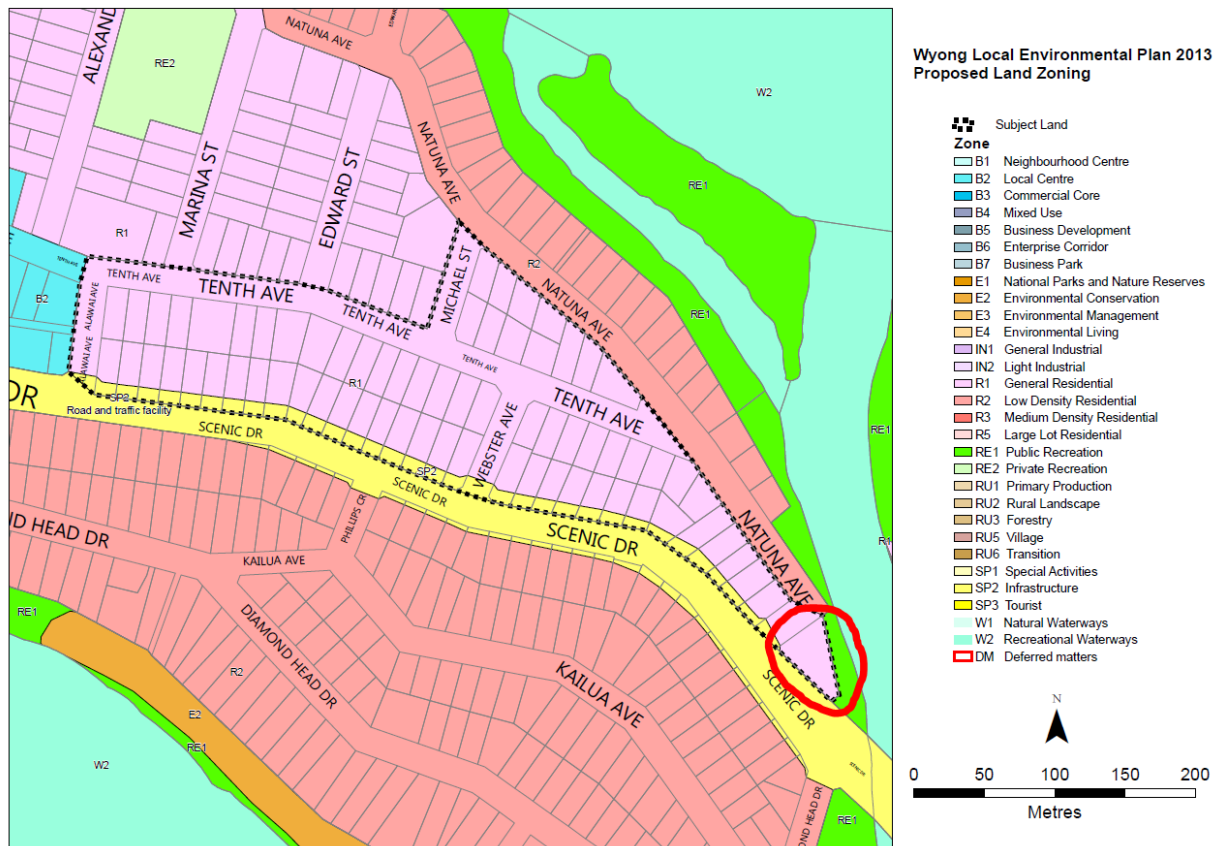


Figure 4 – Amended rezoning including 1 Scenic Dr, Budgewoi as R1 General Residential zone

**9. Land between Thompson and Pacific Streets, Long Jetty**

Submission that the rezoning of land at Long Jetty from R2 Low Density Residential to B2 Local Centre is premature and not sufficiently justified on the basis of Council’s Retail Strategy alone. Expansion of Long Jetty is supported as a medium to long term strategy only and the expansion of The Entrance Town Centre should be achieved prior to any expansion of Long Jetty being permitted.

*Comment:*

The rezoning of this land (refer to Figure 5) has been identified in all of Council’s recent strategic planning for this area including The Entrance Peninsula Planning Strategy (TEPPS, 2009), Iconic Development Sites (2011), Long Jetty Masterplan (2013) and Retail Strategy (2013). The zone change was excluded from the finalisation of Wyong LEP 2013 in error when both the Height of Buildings and FSR mapping was increased for this area.

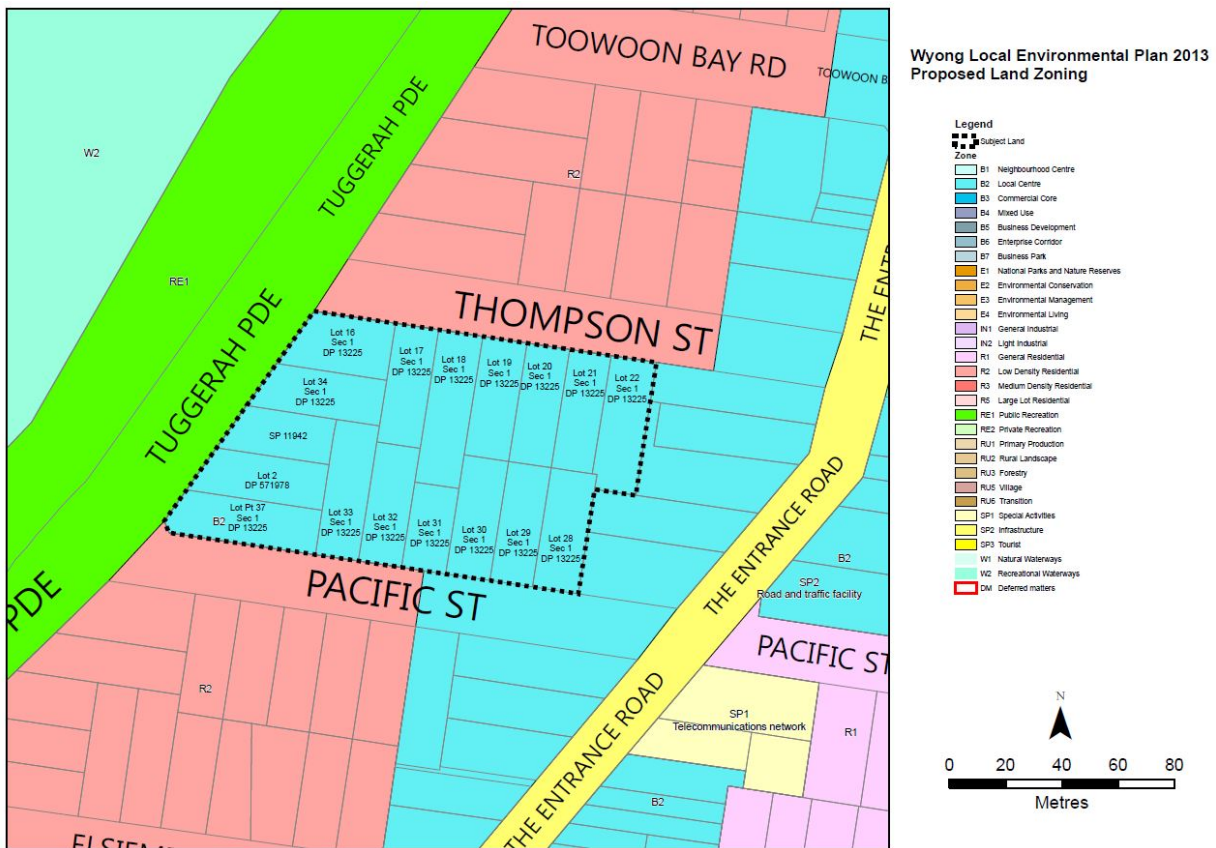


Figure 5 – Land subject to rezoning at Long Jetty (current zone R2 Low Density Residential, proposed zone B2 Local Centre)

Substantial justification for the rezoning is provided in each of the abovementioned planning strategies which propose the extension of the Long Jetty ‘urban core’ to enhance the connection to the foreshore. The Retail Strategy states:

*“The Long Jetty Centre currently turns its back on its relationship with the lake with all activity centred along the road spine through the centre. The provision of a small service centre appropriately located but which still relates to the centre as a whole could be provided without impacting on the tourist facilities provided in The Entrance.....based on our estimates of available expenditure and distribution of that expenditure it is considered that the centre is probably attracting in excess of that amount from its local catchment households. This suggests that there would be sufficient support if some additional convenience retail floorspace was included as part of the retail mix of the centre”.*

Given the above it is considered that adequate justification has been provided within Council’s Planning Strategies to support the rezoning of this land as part of this draft LEP.

## **GOVERNANCE**

### **Consideration of s.23A guidelines**

The Chief Executive of the NSW Office for Local Government has issued guidelines titled “Council Decision Making during Merger Proposal Periods” pursuant to s.23A(1) of the *Local Government Act 1993* (“LG Act”). The Council must consider those guidelines when making decisions during the “merger proposal period”, which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

## **PROCEDURE FOR FINALISATION**

In order to progress finalisation of the plan Council will request that the DP&E seek Parliamentary Counsel opinion that the Plan can legally be made. Subsequently, the DP&E will issue a request to the Minister for Planning to make the Plan.

## **CONCLUSION**

Council has prepared and exhibited a Planning Proposal to amend the WLEP 2013 to correct a number of minor errors and anomalies and incorporate provisions from adopted Strategies/Plans that were not finalised in time to be incorporated into Wyong LEP 2013. The requirements of the Gateway Determination have been fulfilled and NSW Agency matters have been resolved. Two (2) minor changes are proposed to the Planning Proposal to address submissions received. It is recommended that Council proceed to finalise Major Amendment 1 to the WLEP 2013.

## **ATTACHMENTS**

*Nil.*

### **3.1 Proposed Grant of Easement for Electricity Purposes over Lot 12 DP 1204397 at Tumbi Umbi**

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TRIM REFERENCE: F2015/01183 - D12206522

MANAGER: Peter Stokes, Manager Property Management

AUTHOR: Julie Tattersall; Property Officer

#### **SUMMARY**

Approval is sought to grant an Easement for Electricity Purposes to the owner of Lot 100 DP 1001482 at 6 Mingara Drive, Tumbi Umbi (Lot 100).

#### **RECOMMENDATION**

- 1 That Council grant an Easement for Electricity purposes over Lot 12 DP 1204397 at 2 Mingara Drive, Tumbi Umbi to provide electricity services to Lot 100 DP 1001482 at 6 Mingara Drive, Tumbi Umbi for an amount of compensation agreed at \$3,910.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to related documents as required.**
- 3 That Council authorise the Acting Chief Executive Officer to execute all documents relating to the grant of easement between Wyong Shire Council and the owner of Lot 100 DP 1001482.**

#### **BACKGROUND**

RPM Consulting, on behalf of Raytug Pty Ltd, the Owner of Lot 100 (the Owner) has requested that Council grant an Easement for Electricity Purposes over Council land Lot 12 DP 1204397 at 2 Mingara Drive, Tumbi Umbi (Lot 12) in order to provide upgraded electricity services to Lot 100 in association with its redevelopment of Lot 100 which has been approved by Development Consent DA/941/2015. The development is for the demolition of the existing building and the construction of a restaurant on Lot 100.

The Easement for Electricity Purposes is to be located on Lot 12 parallel to the boundary of Lot 12 with Lot 4 DP 863731 owned by McDonalds Properties (Aust) Pty Ltd and will be 1 metre wide. The Owner has advised that, after discussions with Ausgrid, the proposal is the only suitable location for the electricity works. Lot 12 is zoned RE1 Public Recreation, has an area of approximately 2902 square metres and is classified as Operational land. Lot 12 is burdened by other easements, including easements for drainage, services and water supply.

Compensation for the grant of the easement has been assessed by a registered Valuer at \$3,910. The Owner will be required to pay all costs pertaining to registration of the easement.

### 3.1 Proposed Grant of Easement for Electricity Purposes over Lot 12 DP 1204397 at Tumbi Umbi (contd)

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#### THE PROPOSAL

The Owner of Lot 100 has requested that Council grant an Easement for Electricity Purposes over Lot 12 and has agreed to pay \$3,910 compensation for the grant of the easement and to pay Council's costs. The Owner will also be responsible for constructing and maintaining the Easement.

The grant of the Easement will enable the Owner to construct the restaurant on Lot 100 in accordance with the terms of the Development Consent.

#### OPTIONS

If Council does not grant the Easement for Electricity Purposes, the Owner will not be able to satisfy the requirements of Ausgrid for the location of the electricity services.

#### Budget Impact

There is no cost to Council to grant the easement. The Owner has agreed to pay compensation to Council and all other costs associated with the grant of rights including registration fees at Land and Property Information.

#### CONSULTATION

The Owner has approached Council to grant the easement. The Owner has agreed to pay compensation as assessed.

The Manager, Open Space and Recreation; Section Manager Planning, Wyong Water and the Section Manager Assets and Planning, Roads and Drainage have no objections to the proposal.

#### GOVERNANCE AND POLICY IMPLICATIONS

There is no impediment to the grant of an easement over Operational land.

#### Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

#### MATERIAL RISKS AND ISSUES

Nil.





## CONCLUSION

It is proposed that Council grant an Easement for Electricity Purposes over Council land Lot 12 DP 1204397 at Tumbi Umbi to enable the Owner to provide electricity services to construct a restaurant on Lot 100 in accordance with the terms of the Development Consent and Ausgrid's requirements.

## ATTACHMENTS

*Nil.*

### **3.2 Classification of Land, Lot 306 DP 1209924 at 155 Johns Road, Wadalba**

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TRIM REFERENCE: F2015/01727 - D12206590

MANAGER: Peter Stokes, Manager Property Management

AUTHOR: Julie Tattersall; Property Officer

#### **SUMMARY**

Authority is sought to classify Lot 306 DP 1209924 at 155 Johns Road, Wadalba (Lot 306) as Operational Land.

#### **RECOMMENDATION**

- 1 That Council adopt the classification of Lot 306 DP 1209924 at 155 Johns Road, Wadalba as Operational Land.**
- 2 That Council note that:**
  - a Nothing in the above resolution authorises the sale of the subject land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of land can only be by resolution of Council).**
  - b Section 31 (3) of the Local Government Act 1993 provides that Council must not resolve that land be classified as operational land if the resolution is inconsistent with the terms of any trust applying to the land.**

#### **BACKGROUND**

Rexel Pty Ltd was required to make provision for drainage reserve as part of its development of 105 residential lots from the subdivision of Lots 229 and 230 DP 1105837 at 155 Johns Road, Wadalba. Lot 306 has been dedicated to Council pursuant to a condition of development consent of DA/1082/2011/C as drainage reserve.

Lot 306 is zoned R2 Low Density Residential and has an area of approximately 980 square meters.

Under Section 34 of the Local Government Act 1993, Council is required to give public notice of the proposal to classify land for a period of 28 days before confirming classification. If no adverse submission is received Council may resolve to adopt the classification.

Public Notice was given on 20 January 2016 of the proposal to classify the land as operational land and no submissions were received.

## **THE PROPOSAL**

It is proposed to classify Lot 306 as Operational Land.

The Policy for Property Transactions – Sales and Acquisitions adopted 14 May 2014, provides that all future land purchases by Council should generally be designated as operational land irrespective of the intended or existing use. This is to maximise flexibility in the management and use of Council's property portfolio and improve community and service delivery outcomes.

The proposed resolution to classify Lot 306 as Operational land will not authorise this land to be used for any purpose that is inconsistent with the purposes for which the land was dedicated to Council, namely a drainage reserve.

## **OPTIONS**

Council may resolve to apply either a "community land" or an "operational land" classification. Lot 306 should be classified as Operational Land in accordance with the Policy for Property Transactions – Sales and Acquisitions adopted by Council.

## **Budget Impact**

There is no cost to Council to classify the land.

## **GOVERNANCE AND POLICY IMPLICATIONS**

Under Section 31 of the Local Government Act 1993, land acquired by Council is taken to be classified as Community Land unless Council resolves that the particular land concerned be classified as Operational Land.

### **Consideration of s.23A guidelines**

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.





### CONCLUSION

Lot 306 has been dedicated to Council and requires classification under the Local Government Act 1993 (Chapter 6, Part 2, s.25-34). In this instance, Operational Classification is proposed on the basis of the use of the land for drainage reserve in accordance with Council policy.

### ATTACHMENTS

*Nil.*

#### **4.1 Update on Contract CPA/246855 - SPS WS29 and WS30 Vacuum SPS Upgrades and DV10 Installation**

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TRIM REFERENCE: CPA/246855-03 - D12200446

MANAGER: Stuart Hull, Manager

AUTHOR: John Tennant; Engineer

#### **SUMMARY**

This report details the progress made on Contract CPA/246855 – SPS WS29 and WS30 Vacuum SPS Upgrades and DV10 installation and the costs likely to be incurred to bring the contact to completion.

#### **RECOMMENDATION**

- 1 That Council authorise the Acting Chief Executive Officer to enter into negotiations with Kerroc Constructions for the completion of WS29 in accordance with its amended design and subject to the upper amount and under the terms and conditions detailed in Confidential Attachment "A".**
- 2 That Council determine the Report remains confidential in accordance with Section 10 A (2) (c) of the Local Government Act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting business.**
- 3 That Council approve the amended contract budget detailed in Confidential Attachment "A".**

#### **BACKGROUND**

At its ordinary meeting held on 11 March 2015, Council:

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

*209/15 That Council accepts the tender from the company nominated as Tenderer No 4, Kerroc Constructions Pty Ltd, in the attached Tender Evaluation Report, for the lump sum amount of \$1,513,183.00 (excl. GST) for Contract CPA/246855 – WS29 and WS30 Vacuum SPS Upgrades and DV10 Installation.*

*210/15 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.*

#### **4.1 Update on Contract CPA/246855 - SPS WS29 and WS30 Vacuum SPS Upgrades and DV10 Installation (contd)**

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211/15 *That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A."*

The contingency sum detailed in the confidential Tender Evaluation Report – Attachment A (TRIM D11848697) was in the amount of \$300,000.

The scope of the works to be performed under Contract CPA/246855 included the construction of two new vacuum sewage pumping stations (SPS) to replace the aging and overloaded existing vacuum SPS's, WS29 and WS30 which serve the suburbs of Tacoma, Rocky Point and parts of Tuggerawong. In both cases the new pumping stations are located on the same site as the existing stations.

The design for the two stations was undertaken under a separate contract by engineering consultant GHD. The design of the two stations is almost identical and comprises an in-ground reinforced concrete rectangular chamber 6.5 metres long, 4.1 metres wide and between 4.1 to 4.4 deep. Each chamber houses a vacuum pressure vessel and the sewage delivery pumps and the associated pipework controls and instrumentation.

The successful tenderer, Kerroc Constructions Pty Ltd based its tender on an alternative design which involved the construction of the pumping station chambers being constructed by the sinking caisson method.

The contract was awarded on 24 March 2015.

The report in Confidential Attachment "A" provides an update on the status of the project, costs incurred to date and those costs foreseen to complete the project.

#### **FINANCIAL IMPLICATIONS**

There are sufficient funds available in the current financial years Water and Sewer Capital Works budget to fund these works including those matters addressed in Confidential Attachment "A".

#### **CRITICAL DATES / TIME FRAMES**

Subject to Council's approval of the matters contained in this report it is anticipated that the works will be available to be put into service by 31 July 2016

## GOVERNANCE

### Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

## ATTACHMENTS

- 1 Confidential Attachment A to Council Report 14 Feb 2016 - D12210132

## **4.2 Update on Contract CPA/249913 - Sewage Pumping Stations BB05 and BB06 Upgrades**

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TRIM REFERENCE: CPA/249913 - D12211568

MANAGER: Greg McDonald, Director

AUTHOR: Gary Kinney; Project Director

### **SUMMARY**

This report details the results of the successful negotiations and contract entered into by the former General Manager. It also provides an update on the status of the contract, costs incurred to date and the costs likely to be incurred to bring the contract to completion.

### **RECOMMENDATION**

- 1 That Council note the former General Manager's approval to enter into a contract with McNamee Constructions Pty Ltd for the lump sum amount of \$2,195,825.00 (excl GST) for Contract CPA/249913 – Upgrade of Sewage Pump Stations BB05 and BB06.**
- 2 That Council note the variations under the contract approved to date, costs incurred to date and costs forecast to bring the contract to completion, as detailed in Confidential Attachment "A".**
- 3 That Council approve the amended contract budget, including contingency sum, as detailed in Confidential Attachment "A".**
- 4 That Council determine the Report in Attachment A remains confidential in accordance with Section 10 A (2) (c) of the Local Government Act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business.**

### **BACKGROUND**

Sewage Pumping Stations (SPS) BB05 & BB06 are scheduled for upgrades to improve capacity and address a number of service deficiencies including:

- Insufficient Control Volume;
- Insufficient Emergency Storage Volume;
- Discharges to residential properties during emergency scenarios (SPS BB06);
- Aged and corroded assets;
- WHS risks maintaining pumps in the existing dry wells.

SPS BB05 is located at the bottom of a steep access road that continues from the eastern end of Binburra Avenue in Toowoon Bay, adjacent to Toowoon Bay Beach and the exclusive Kims Beach Hideaway Resort (Kims Resort). SPS BB06 is located in a public car park off Werrina Parade in Blue Bay, adjacent to Blue Bay Beach.

## 4.2 Update on Contract CPA/249913 - Sewage Pumping Stations BB05 and BB06 Upgrades (contd)

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Contract CPA/218854 for the design of upgrades of SPS BB05 & BB06 formed part of a larger brief for the upgrade of five SPS. The design contract was managed by Wyong Water and awarded to GHD Pty Ltd (GHD) on 22 February 2013.

The construction upgrades of SPS BB05 & BB06 were identified in the 2015/2016 Water and Sewer Capital Works budget. The projects were handed over to C&PM unit to manage construction on 28 August 2015.

Tenders for Contract CPA/249913 for the construction of SPS BB05 and BB06 were previously sought and presented in a Tender Evaluation Report submitted to Council at the Ordinary Meeting held 25 March 2015 (Trim D11872781). The proposed contract included two separable portions; Separable Portion 1 (Upgrade of SPS BB05) and Separable Portion 2 (Upgrade of SPS BB06).

At the Ordinary Meeting held 25 March 2015, Council resolved unanimously:

- ”1 That Council decline to accept any of the tenders received for Contract CPA/249913 – Upgrade of Sewage Pump Stations BB05 & BB06.
- 2 That Council decline to invite fresh tenders for the reasons that the tenders received provide appropriate market responses and no further commercial advantage could be expected by calling fresh tenders.
- 3 That Council determine to enter into negotiations with conforming tenders for the reason that the conforming tenders received provide a strong basis for negotiating a best value contract outcome.
- 4 That Council authorise the General Manager to conduct and conclude negotiations and, subject to a satisfactory outcome being reached, enter into a contract in relation to the subject matter of the tender and the results of the successful negotiation be reported to Council for its information.
- 5 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.”

The report in Confidential Attachment “A” summarises the negotiations that occurred since the 25 March 2015 Meeting with conforming tenderers, and the decision made by the former General Manager to award a Contract for the construction upgrades of both SPS.

The report in Confidential Attachment “A” also provides an update on the status of the project, costs incurred to date and foreseen to complete the project.

### FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year’s Water and Sewer Capital Works budget to fund these works including those matters addressed in Confidential Attachment “A”.

**CRITICAL DATES / TIME FRAMES**

Subject to Council’s approval of the matters contained in this report, it is anticipated that the works will be available to put into service by the dates identified in Confidential Attachment “A”.

**GOVERNANCE**

**Consideration of s.23A guidelines**

The Chief Executive of the NSW Office for Local Government has issued guidelines titled “*Council Decision Making during Merger Proposal Periods*” pursuant to s.23A(1) of the *Local Government Act 1993* (“LG Act”). The Council must consider those guidelines when making decisions during the “merger proposal period”, which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

**ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | Confidential Attachment A - Contract No. CPA/249913 - Upgrade of SPS BB05 & BB06 | D12203863 |
|---|--|-----------|

**ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Confidential Attachment, CPA 249913 - Upgrade of Sewage Pump Stations BB05 & BB06 - | D12213181 |
|---|---|-----------|

## 5.1 Proposed Councillors' Community Improvement Grants

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TRIM REFERENCE: C2015/01723 - D12175190  
MANAGER: Lesley Crawley, Manager Corporate Governance  
AUTHOR: Lisa Martin; Administration Assistant

### SUMMARY

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

### RECOMMENDATION

***That Council allocate an amount of \$2400 from the 2015-16 Councillors' Community Improvement Grants as follows:***

<b><i>All Saints Anglican Church (\$4000)</i></b>	<b><i>To build an access ramp.</i></b>	<b><i>\$1,600</i></b>
<b><i>House with No Steps</i></b>	<b><i>For tools and a projector and screen for disability woodworking workshop</i></b>	<b><i>\$800</i></b>

### BACKGROUND

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

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

### THE PROPOSAL

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

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

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

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





**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**

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

**Principles of Sustainability**

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

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

**CONSULTATION**

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

**GOVERNANCE**

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

**Consideration of s.23A guidelines**

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

**CORPORATE RISKS**

Nil Impact.

**CONCLUSION**

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

**ATTACHMENTS**

Nil

## 5.2 Community Subsidy Program and Sport and Cultural Sponsorship Program

TRIM REFERENCE: F2008/02110 - D12186018  
MANAGER: Julie Vaughan, Manager  
AUTHOR: Kay Matthews; Grants Support Officer

### SUMMARY

This report provides consideration of applications and recommendations for the Community Subsidy Program and Sport and Cultural Sponsorship Program funding received prior to 25 December 2015.

The Community Subsidy Program provides in-kind assistance to support community efforts to maintain the quality of life of the Wyong Shire Community.

The Sport and Cultural Sponsorship Program assists Wyong Shire residents to participate in sporting and cultural events of Regional, State and/or National significance.

### RECOMMENDATION

- 1 ***That Council allocate \$635.27 from the 2015-16 Community Subsidy Program as follows:***

<i>Applicant</i>	<i>Project</i>	<i>Staff Funding Recommended</i>
<i>Mannering Park Country Women's Association</i>	<i>Rates Subsidy 2014-15</i>	<i>\$635.27</i>
<i>Total</i>		<i>\$635.27</i>

- 2 ***That Council allocate \$4,000.00 from the 2015-16 Sport and Cultural Sponsorship Program as follows:***

<i>Applicant</i>	<i>Project</i>	<i>Staff Funding Recommended</i>
<i>Tami Caffyn</i>	<i>Disney International Youth Netball Tournament 2016, USA, team representing Central Coast</i>	<i>\$1,250.00</i>
<i>Jade-Anne Kroemer</i>	<i>Brazil Centre of Excellence Futsal Tour, Brazil, representing Australia</i>	<i>\$1,000.00</i>
<i>Ross Hampton</i>	<i>Australian Trans Tasman Oz Tag Tour 2016, New Zealand, representing Australia</i>	<i>\$1,000.00</i>
<i>Bree Akhurst</i>	<i>National Waterpolo Championships 2016, representing Central Coast</i>	<i>\$ 500.00</i>
<i>Jemma Caldwell</i>	<i>State Waterpolo Championships 2016, representing Central Coast</i>	<i>\$250.00</i>
<i>Total</i>		<i>\$4,000.00</i>

## 5.2 Community Subsidy Program and Sport and Cultural Sponsorship Program (contd)

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

<b><i>Applicant</i></b>	<b><i>Project</i></b>	<b><i>Staff Recommendation</i></b>
<b><i>Shana O'Brien</i></b>	<b><i>Nganmariyanga Immersion Program, Northern Territory</i></b>	<b><i>Applicant doesn't reside in Wyong Shire; application is for a program not a competition</i></b>

### **BACKGROUND**

Council currently provides \$30,000.00 annually for the Community Subsidy Program, which supports community efforts to maintain the quality of life of the Wyong Shire Community. Council does this through the provision of assistance to events, activities and programs that express community and cultural values, protect our natural environment, improve the urban environment and create jobs. The available balance for this program as at 25 December 2015 is \$24,524.09. Funds not expended by 30 June 2016 will be returned to general revenue.

Council currently provides \$20,000.00 annually for the Sport and Cultural Sponsorship Program, which assists Wyong Shire residents to participate in sporting and cultural events of Regional, State and/or National significance. The Sport and Cultural Sponsorship Program aims to recognise individuals and groups who achieve excellence in their field and represent the Central Coast. The available balance for this program as at 25 December 2015 is \$4,000.00. Funds for this program for this financial year have now been exhausted and no further applications will be accepted.

Since 1 July 2015 the Sport and Cultural Sponsorship Program has assisted 23 local residents/teams, including 1 individual representation at a state level, 12 individual representations at a national level, 9 individual representations at an international level and 1 team representation at a state level.

Funding is provided every two months for these two programs.

This report provides details on the applications and recommendations for funding.

**GOVERNANCE****Consideration of s.23A guidelines**

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

**ATTACHMENTS**

Nil

## 6.1 Road Capital Works Program

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TRIM REFERENCE: F2011/00879 - D12201942

MANAGER: Daryl Mann, Project Manager

AUTHOR: Stuart Baverstock; Construction Manager

### SUMMARY

Council's 2015/16 Strategic Plan commits Council to a road pavement renewal, upgrade and resealing rolling works program with the objective of improving the overall pavement network condition and corresponding levels of service. The following report summarises the timing of projects planned for the following 12 month period.

### RECOMMENDATION

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

### BACKGROUND

Council's 2015/16 Strategic Plan has committed \$26.06M for the renewal, upgrading and expansion of its road and drainage assets. The majority of these funds (\$16.6M) are committed to road pavement upgrade/renewals and road stormwater drainage works (\$7.6M). The remaining \$1.86M is allocated to shared pathways, footpath, kerb & gutter, bridges and road safety improvement projects.

#### **The target volume outputs for 2015/16 are:**

- Pavement resealing = 45 km                      9 km achieved to date
- Road upgrade / renewal = 13.5 km            4.5 km achieved to date
- Footpath = 4.5 km                                3.9 km achieved to date

Council continues to operate an advanced Pavement Management System which is used to measure and model network condition and to develop optimised works programs. The allocation of funding is consistent with this strategic approach that continues to see an overall improvement in network condition towards the 2015/16 target Pavement Condition Index (PCI) of 7.2.

The attached table provides a schedule of all road upgrades, renewals & reseal projects proposed for all Council controlled Local Roads for 2015/16.

In December 2015 / January 2016 the following major achievements in the Road Capital Works program were achieved:



## 6.1 Road Capital Works Program (contd)

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- Works commenced on the next stage of the major Wyong CBD drainage upgrade. Crews were given a demanding timeline to complete the concrete drainage pit in Hely Street before the Christmas break to allow the roof to cure, and this was achieved with the final pour completed on 23<sup>rd</sup> December. The crew has subsequently installed the remaining drainage culverts, thus providing a linked system from Hope Street all the way to Pacific Highway.
- Works continued on two other major road and drainage projects at Goorama Avenue San Remo and Lakeside Parade, The Entrance.
- Footpaths/shared paths were completed at;
  - Johnson Road, Tuggerah,
  - Carters Road, Lake Munmorah,
  - Central Coast Highway, Bateau Bay.
- Road renewal projects were completed at;
  - Brush Creek Road, Cedar Brush Creek.
- Road pavement asphalt works were completed on;
  - Hume Boulevard, Killarney Vale,
  - Tall Timbers Road Lake Munmorah,
  - Elizabeth Bay Drive Budgewoi.
- Kerb and gutter repairs and upgrades were completed at;
  - Watanobbi Road, Watanobbi,
  - Byron Street, Wyong,
  - Scott Bruce Place, Tumby Umbi.

## GOVERNANCE

### Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled *“Council Decision Making during Merger Proposal Periods”* pursuant to s.23A(1) of the *Local Government Act 1993* (“LG Act”). The Council must consider those guidelines when making decisions during the “merger proposal period”, which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

## ATTACHMENTS

- 1 CAPEX and Resealing Programme Attachment - February 2016  
Business Paper

D12206366

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR																	
			Legend														
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing			Project Status Project Completed	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues									Project Status	
Suburb Location	Capital RC Name	Project Description DO NOT CHANGE	July-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	June-16	Project Status		
Bateau Bay	Local Roads Rehab Works/Road Pavement Renewals	Hillcrest Avenue - Block 1 : Pavement Renewal Programme															
		Norah Head Close - Block 1 : Pavement Renewal Programme															
	Reseals Local Roads-General	Adrian Close - Block 1 Reseal Programme															
		Augustus Place - Block 1 Reseal Programme															
		Bateau Bay Road - Block 6 Reseal Programme															
		Bateau Bay Road - Block 7 Reseal Programme															
		Katungal Street - Block 1 Reseal Programme															
		Kipling Drive - Block 1 Reseal Programme															
		Kipling Drive - Block 2 Reseal Programme															
		Masefield Avenue - Block 1 Reseal Programme															
		Peta Close - Block 1 Reseal Programme															
		Reserve Drive - Block 1 Reseal Programme															
		Reserve Drive - Block 2 Reseal Programme															
		Reserve Drive - Block 3 Reseal Programme															
Reserve Drive - Block 4 Reseal Programme																	
Reserve Drive - Block 5 Reseal Programme																	
Roads To Recovery Program	Debra Anne Drive - Block 1, 2 and 3 : Pavement Renewal Programme																
Berkeley Vale	Capital Local Roads Rehab - General/Roads Upgrade	Q3 - Berkeley Vale - Road Upgrade With Stormwater Drainage Upgrade (Blenheim, Buckingham, St James, Windsor)															
	Footpath Construction	Q1 - Lorraine Avenue, Berkeley Vale : Footpath Programme (New)															
	Reseals Local Roads-General	Clare Crescent - Block 1 Reseal Programme															
		Colleen Street - Block 1 Reseal Programme															
		Jean Avenue - Block 2 Reseal Programme															
		Keren Avenue - Block 1 Reseal Programme															
	Keren Avenue - Block 2 Reseal Programme																
	Lakedge Avenue Shops C/P at Bluebell Avenue Reseal Programme																

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR																
			Legend													
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing		✓	Project Status Project Completed	✗	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues								Project Status
Suburb Location	Capital RC Name	Project Description DO NOT CHANGE	July-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	June-16	Project Status	
Blue Bay	Capital Local Roads Rehab - General/Roads Upgrade	Bay Road, Blue Bay : Road Upgrade Including Stormwater Drainage														
	Reseals Local Roads-General	Boondilla Road - Block 3 Reseal Programme														
		The Crescent - Block 1 Reseal Programme														
		The Crescent - Block 2 Reseal Programme														
		The Crescent - Block 3 Reseal Programme														
		The Crescent - Block 4 Reseal Programme														
Budgewoi	Capital Local Roads Rehab - General/Roads Upgrade	Continuation - 33 SUNRISE AVENUE														
		Villa Close, Budgewoi : Road Upgrade With Stormwater Drainage														
	Reseals Local Roads-General	Natuna Avenue - Block 2 Reseal Programme														
Bushells Ridge	Reseals Local Roads-General	Bushells Ridge Road - Block 1 Reseal Programme														
		Bushells Ridge Road - Block 2 Reseal Programme														
		Bushells Ridge Road - Block 3 Reseal Programme														
Cedar Brush Creek	Reseals Local Roads-General	Brush Creek Road - Block 1 Reseal Programme														
		Brush Creek Road - Block 11 Reseal Programme														
		Brush Creek Road - Block 3 Reseal Programme														
		Brush Creek Road - Block 4 Reseal Programme														
		Brush Creek Road - Block 5 Reseal Programme														
		Brush Creek Road - Block 6 Reseal Programme														
		Brush Creek Road - Block 7 Reseal Programme														
		Brush Creek Road - Block 9 Reseal Programme														
Chain Valley Bay	Shared Pathways	Q1 - Tall Timbers Road, Scaysbrook Avenue : Shared Pathway														

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR																
			Legend													
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing			✓	Project Status Project Completed	✗	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues							
Suburb Location	Capital RC Name	Project Description DO NOT CHANGE	July-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	June-16	Project Status	
Chain Valley Bay	Reseals Local Roads-General	Scaysbrook Avenue - Block 1 Reseal Programme						■								
		Scaysbrook Avenue - Block 2 Reseal Programme						■								
		Tall Timbers Road - Block 2 Reseal Programme														
		Tall Timbers Road - Block 3 Reseal Programme										■				
		Tall Timbers Road - Block 4 Reseal Programme										■				
		Tall Timbers Road - Block 5 Reseal Programme										■				
		Tall Timbers Road - Block 6 Reseal Programme										■				
		Tall Timbers Road - Block 7 Reseal Programme									■					
Charmhaven	Footpath Construction	Pacific Highway Charmhaven : Footpath Programme (New)														
	Reseals Local Roads-General	Dixie Lane - Block 1 Reseal Programme						■								
	Roads To Recovery Program	Removed in Continuation - Chelmsford Road (West), Charmhaven : Roads To Recovery													✗	
	Shared Pathways	Pacific Highway Charmhaven Stage 1: Shared Pathway Programme (New)													✓	
Chittaway Point	Local Roads Rehab Works/Road Pavement Renewals	Removed in Continuation - Geoffery Road - Block 9 : Pavement Renewal Programme													✗	
	Reseals Local Roads-General	Geoffrey Road - Block 10 Reseal Programme									■					
		Geoffrey Road - Block 11 Reseal Programme									■					
		Geoffrey Road - Block 12 Reseal Programme									■					
		Geoffrey Road - Block 13 Reseal Programme									■					
		Vesta Close - Block 1 Reseal Programme						■								
Durren Durren	Roads Rehab Minor Rolling Works	Continuation - SMITHS ROAD @ DURREN DURREN ROAD. Road upgrade (seal)								■						
Fountaindale	Reseals Local Roads-General	Old Chittaway Road - Side Road) Reseal Programme								■						

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR																
			Legend													
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing										Project Status Project Completed	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues		
Suburb Location	Capital RC Name	Project Description DO NOT CHANGE	July-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	June-16	Project Status	
Glenning Valley	Reseals Local Roads-General	Glenning Road - Block 1 Reseal Programme														
		Glenning Road - Block 2 Reseal Programme														
		Glenning Road - Block 3 Reseal Programme														
		Glenning Road - Block 4 Reseal Programme														
		Palm Springs Avenue - Block 1 Reseal Programme														
		Palm Springs Avenue - Block 2 Reseal Programme														
		Toona Way - Block 1 Reseal Programme														
Gorokan	Reseals Local Roads-General	Beryl St - Block 1 Reseal Programme														
		Jacqueline Avenue - Block 1 Reseal Programme														
		Jacqueline Avenue - Block 2 Reseal Programme														
		Ocean View Road - Block 1 Reseal Programme														
		Ocean View Road - Block 2 Reseal Programme														
		Odette Avenue - Block 2 Reseal Programme														
		Sadie Avenue - Block 2 Reseal Programme														
		Suncrest Parade - Block 1 Reseal Programme														
		Sylvia Avenue - Block 1 Reseal Programme														
	Roads To Recovery Program	Spring Valley Avenue - Block 1 : Roads To Recovery														
Gwandalan	Capital Local Roads Rehab - General/Roads Upgrade	Continuation - QUINALUP ROAD (Imga Street) Gwandalan : Road Upgrade														
	Footpath Construction	Gamban Road, Gwandalan : Footpath Programme (New)														
	Reseals Local Roads-General	Orana Road - Block 2 Reseal Programme														
Halekulani	Reseals Local Roads-General	Huene Avenue - Block 1 Reseal Programme														
		Huene Avenue - Block 2 Reseal Programme														
Kangy Angy	Reseals Local Roads-General	Orchard Road - Block 1 Reseal Programme														
Kanwal	Footpath Construction	Wallarah Road, Kanwal : Footpath Programme (New)														

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR																
			Legend													
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing		✓	Project Status Project Completed	✗	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues								Project Status
Suburb Location	Capital RC Name	Project Description DO NOT CHANGE	July-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	June-16	Project Status	
Killarney Vale	Capital Local Roads Rehab - General/Roads Upgrade	Continuation - HUME BOULEVARD. Road Upgrade													✓	
	Reseals Local Roads-General	East St - Block 1 Reseal Programme									■					
		East St - Block 2 Reseal Programme									■					
		Oxley Road - Block 1 Reseal Programme									■					
		Robert Bourke Street - Block1 Reseal Programme									■					
		Robert Bourke Street - Block2 Reseal Programme								■						
Kulnura	Works	Cherry Road, Kulnura : Road Upgrade (Seal)									■					
		Finns Road, Kulnura : Road Upgrade (Seal)									■				✓	
		Forest Road, Kulnura : Road Upgrade (Seal)									■				✓	
		Hunts Road, Kulnura : Road Upgrade (Seal)									■					
Lake Haven	Footpath Construction	Lake Haven - Footpath Programme (New)								■						
Lake Munmorah	Footpath Construction	Continuation - ANITA AVENUE. Footpath Programme													✓	
	Reseals Local Roads-General	Elizabeth Bay Drive - Block 7 Reseal Programme						■								
	Shared Pathways	Continuation - PACIFIC HIGHWAY - Shared Pathway (New Construction)													✓	

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR																
			Legend													
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing			✓	Project Status Project Completed	✗	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues							Project Status
Suburb Location	Capital RC Name	Project Description DO NOT CHANGE	July-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	June-16	Project Status	
Long Jetty	Works/Road Pavement	Mayfair Street - Block 1 : Road Pavement Renewal													✗	
	Reseals Local Roads-General	Archbold Road - Block 1 Reseal Programme									■					
		Archbold Road - Block 2 Reseal Programme									■					
		Archbold Road - Block 3 Reseal Programme									■					
		Bonnieview Street - Block 6 Reseal Programme									■					
		Nirvana Street - Block 1 Reseal Programme									■					
		Nirvana Street - Block 2 Reseal Programme									■					
		Nirvana Street - Block 3 Reseal Programme									■					
		Remove in Q1 - McLachlan Avenue - Block 4 Reseal Programme														✗
		Rhodin Drive - Block 1 Reseal Programme										■				
		Rhodin Drive - Block 2 Reseal Programme										■				
	Surf Street - Block 2 Reseal Programme										■					
	Surf Street - Block 3 Reseal Programme										■					
	Thompson Street - Block 3 Reseal Programme										■					
	Toowoan Bay Road - Block 4 Reseal Programme										■					
	Remove in Q1 - McLachlan Avenue - Block 5 Reseal Programme														✗	
Manning Park	Shared Pathways	Griffith Street, Manning Park : Shared Pathway Programme (New)									■					



ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR																
			Legend													
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing										Project Status	Project Status		
			July-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	June-16	Project Status	
Norah Head	Capital Local Roads Rehab - General/Roads Upgrade	Bald Street, Norah Head : Road Upgrade With Stormwater Drainage														
		Including Stormwater Drainage														
	Reseals Local Roads- General	Bungary Road - Block 1 Reseal Programme														
		Bungary Road - Block 2 Reseal Programme														
		Bungary Road - Block 4 Reseal Programme														
		Bungary Road - Block 5 Reseal Programme														
		Park Street - Block 1 Reseal Programme														
		Victoria Street - Block 1 Reseal Programme														
		Victoria Street - Block 2 Reseal Programme														
		Victoria Street - Block 3 Reseal Programme														
Noraville	Footpath Construction	Remove in Q1 - Pandora Parade, Noraville : Footpath Programme (New)														
Ourimbah	Capital Local Roads Rehab - General/Roads Upgrade	Glen Road, Ourimbah : Road Renewal With Stormwater Drainage And Guard Rail														
	Footpath Construction	Coachwood Drive, Ourimbah : Footpath Programme (New)														
	Reseals Local Roads- General	Alex Close - Block 1 Reseal Programme														
		Ourimbah Road - Block 1 Reseal Programme														
Roads Rehab Minor Rolling Works	Removed in Continuation - Bridge Street, Ourimbah : Road Upgrade (Seal)															
Roads To Recovery Program	Ourimbah Creek Road - Block 5 : Pavement Renewal Programme															

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR																
			Legend													
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing			✓	Project Status Project Completed	✗	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues							
Suburb Location	Capital RC Name	Project Description DO NOT CHANGE	July-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	June-16	Project Status	
Palmdale	Roads Rehab Minor Rolling Works	Fern Tree Lane, Palmdale : Road Upgrade (Seal)														
		Palmdale Road, Palmdale : Road Upgrade (Seal)														
San Remo	Capital Local Roads Rehab - General/Roads Upgrade	Goorama Avenue, San Remo : Road Upgrade/Renewal Including Stormwater Drainage														
	Reseals Local Roads-General	Barker Avenue - Block 1 Reseal Programme													✓	
		Wills Road - Block 1 Reseal Programme														
Summerland Point	Reseals Local Roads-General	Bambara Avenue - Block 1 Reseal Programme													✓	
		Government Road - Block 2 Reseal Programme														
		Murrumbong Road - Block 1 Reseal Programme														✓
		Yeramba Road - Block 3 Reseal Programme														✓
		Yeramba Road - Block 4 Reseal Programme														✓
The Entrance	General	Boomerang Road - Block 1 Reseal Programme														
		Boomerang Road - Block 2 Reseal Programme														
		Norfolk Street - Block 1 Reseal Programme														
		Norfolk Street - Block 2 Reseal Programme														
	Roads To Recovery Program	Gosford Avenue - Block 1 : Roads To Recovery														
	Lakeside Parade, The Entrance : Road Upgrade With Stormwater Drainage															

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR																	
			Legend														
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing		✓	Project Status Project Completed	✗	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues									Project Status
Suburb Location	Capital RC Name	Project Description DO NOT CHANGE	July-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	June-16	Project Status		
Toukley	Footpath Construction	Continuation - HOLMES AVENUE. Footpath Programme – renewal													✓		
		Dunleigh Street, Toukley : Footpath Programme (New)														✓	
	Reseals Local Roads-General	Evans Road - Block 2 Reseal Programme							■							✓	
		Evans Road - Block 3 Reseal Programme							■							✓	
		Evans Road - Block 4 Reseal Programme							■							✓	
	James Road - Block 1 Reseal Programme							■							✓		
Tuggerah	Roads To Recovery Program	Continuation - JOHNSON ROAD. Road Pavement Renewal (Roads to Recovery)													✓		
Tuggerawong	Capital Local Roads Rehab - General/Roads Upgrade	Warner Avenue, Tuggerawong : Road Upgrade With Stormwater Drainage										■					
	Reseals Local Roads-General	Tuggerawong Road - Block 10 Reseal Programme									■						
		Tuggerawong Road - Block 11 Reseal Programme									■						
	Tuggerawong Road - Block 8 Reseal Programme									■							
Tumbi Umbi	Reseals Local Roads-General	Alimah Close - Block 1 Reseal Programme										■					
		Hansens Road - Block 1 Reseal Programme										■					
		Lees Lane - Block 1 Reseal Programme										■					
		Marilyn Crescent - Block 1 Reseal Programme										■					
Watanobbi	Reseals Local Roads-General	Watanobbi Road - Block 1 Reseal Programme									■						
		Watanobbi Road - Block 2 Reseal Programme									■						
		Watanobbi Road - Block 3 Reseal Programme									■						

ROAD UPGRADE /RENEWAL / RESEAL PROJECTS - 2015 / 2016 FINANCIAL YEAR																
			Legend													
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	Project Phasing			✓	Project Status Project Completed	✗	Project Status Project deferred or removed from 2015/16 programme due to constructability related issues							
Suburb Location	Capital RC Name	Project Description DO NOT CHANGE	July-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	June-16	Project Status	
Woongarah	Reseals Local Roads-General	Hakone Road - Block 10 Reseal Programme														
		Hakone Road - Block 11 Reseal Programme														
		Hakone Road - Block 12 Reseal Programme														
		Hakone Road - Block 8 Reseal Programme														
		Hakone Road - Block 9 Reseal Programme														
Wyang	Local Roads Rehab Works/Road Pavement Renewals	Robleys Lane - Block 1 : Pavement Renewal Programme														
		Reseals Local Roads-General														
		Byron Street - Block 1 Reseal Programme														
		Pollock Avenue - Block 1 Reseal Programme														
	Pollock Avenue - Block 2 Reseal Programme															
Wyang Creek	Roads Rehab Minor Rolling Works	Remove in Q1 - Amber Lane, Wyong Creek : Road Upgrade (Seal)													✗	
Wyangah	Capital Local Roads Rehab - General/Roads Upgrade	Kilpa Road, Wyongah : Road Upgrade With Stormwater Upgrade														
	Local Roads Rehab Works/Road Pavement Renewals	Murrawal Road, Wyongah : Traffic Calming and Road Upgrade														

## **6.2 Disclosure of Interest Returns - 1 October to 31 December 2015**

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TRIM REFERENCE: F2015/00788 - D12213236

AUTHOR: Jade Maskiewicz; Councillor Services Officer

MANAGER: Sonia Witt, TL Governance and Councillor Services

### **SUMMARY**

The Local Government Act, 1993 requires Disclosure of Interest (DOI) Returns for Councillors and Designated Persons to be lodged with the General Manager who, in turn is required to keep a register of the Disclosure of Interest Returns.

The Act further requires the DOI Returns lodged with the General Manager to be tabled at a meeting of Council.

### **RECOMMENDATION**

***That Council receive the report on Disclosure of Interest Returns 1 October to 31 December 2015.***

### **BACKGROUND**

In accordance with the Local Government Act 1993, Councillors, the General Manager and designated staff are required to lodge a return by 30 September each year. Newly appointed staff and Councillors are also required to lodge a return within three months of being appointed to a designated position.

Section 450A also specifies that the General Manager must table the returns lodged under these Sections and, in accordance with this Section of the Act, the returns for the period 1 October to 31 December 2015 are tabled, together with those new staff who commenced in designated positions between 1 October to 31 December 2015.

#### **Consideration of s.23A guidelines**

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

NB

Sections 449(1) and (5) of the Local Government Act, 1993 - Disclosure of Interest Returns for Councillors and Designated Persons to be lodged with GM

Section 450A(1) – register required of the Disclosure of Interest Returns lodged.

Section 450A(2) - Returns lodged with the General Manager under section 449(1) to be tabled at a meeting of Council.

## **ATTACHMENTS**

- 1 List of Disclosures of Interest Returns 1 October to 31 December 2015 D12222248

**List of Disclosures of Interest Returns  
1 October to 31 December 2015**

**Staff**

Byfield, S  
Cameron, L  
Chan, F  
Coleman, M  
Hull, S  
Noble, R  
Reedman, L  
Shiel, C (resignation)  
Thompson, K

**Councillors**

Nil



### **6.3 Outstanding Questions on Notice and Notices of Motion**

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TRIM REFERENCE: F2016/00012 - D12213194  
MANAGER: Sonia Witt, TL Governance and Councillor Services  
AUTHOR: Jacque 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.***

#### **Consideration of s.23A guidelines**

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

#### **ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Table of Outstanding Questions and Notice of Motions - 10 February 2016 | D12220999 |
|---|---|-----------|

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
115	Chief Executive Officer's Unit	Stephen Naven	<p>7.2 Notice of Motion - Government Rating Outrage</p> <p>50/15 <i>That Council <u>note</u> with great concern the likely significant escalation of the 2015 rate burden on the local lower to mid-market property sector.</i></p> <p>51/15 <i>That Council <u>note</u> the significant escalation is as a consequence of the recent property market increases and unfair rerating formulas dictated to Council by the State Government Valuer General and Office of Local Government.</i></p> <p>52/15 <i>That Council <u>call</u> on the State Government to conduct a thorough review into the Valuer General's and Office of Local Government's outdated and discriminatory rating methods that will place undue hardship on many in our community.</i></p> <p>53/15 <i>That Council <u>investigate</u> a shire wide, online petition in partnership with the community, to give ratepayers a voice to call upon the State Government to reject this outrageous and out of touch taxing.</i></p> <p>54/15 <i>That Council <u>include</u> in its 2015 Strategic Planning Process a review of all options to assist in reducing the impact of the Government's looming rerating charges.</i></p>	<p>28 January 2015</p> <p>Cr Best</p>	<p>Response to be provided at Ordinary Meeting 24 February 2016.</p>
150	Development and Building	Jamie Loader	<p>6.1 Notice of Motion - Council's Animal Care Facility</p> <p>539/15 <i>That Council recognise the outstanding work over the past few years by staff and more recently by the current animal care contractor and that this management team has delivered an outcome of near zero euthanising of stray and abandoned pets.</i></p> <p>540/15 <i>That Council recognise that the current Charmhaven Animal Care Facility is approaching end of its asset life.</i></p> <p>541/15 <i>That Council take a more strategic and regional approach through opening dialogue with Gosford City Council and the current animal care contractors both at Charmhaven and Erina, with the view to establishing a regional, Central Coast animal care facility that will service the future needs of the Coast as a whole.</i></p>	<p>Cr Best</p> <p>27 May 2015</p>	<p>Investigations are underway, with a response to be provided at a future meeting of Council.</p> <p>Further NOM on the subject provided in current, 27 January 2016, business paper.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>542/15 That Council consider any such centrally located regional facility in tandem with innovative satellite offices in the region's north and far south to assist residents in outer areas to access these important services.</p> <p>543/15 That Council request the General Manager to provide a report back to Council.</p>		
170	Infrastructure and Operations	Peter Ham	<p>1.6 Mayoral Minute - Vandalism Reward Doubling</p> <p>837/15 That Council <u>double</u> its current reward under its Policy for Reporting Vandalism in respect of the EDSAAC Bateau Bay amenities/clubhouse building destroyed by fire last weekend.</p> <p>838/15 That Council <u>publicise</u> this increased reward extensively through Council's media and communication channels.</p> <p>839/15 That Council <u>publicise</u> the names of those convicted, subject to any prosecution.</p>	Cr Eaton 26 August 2015	WAM staff are consulting with our Comms Business Partner in publicising the reward for information relating to the vandalism that occurred at EDSAAC Bateau Bay amenities/clubhouse building.
180	Property and Economic Development	Mike Dowling	<p>1.6 Mayoral Minute - The Entrance Surf Club Lease</p> <p>984/15 That Council <u>request</u> The Entrance Surf club enter into suitable arrangements with Council for the clearance of the outstanding rates and charges.</p> <p>985/15 That Council <u>request</u> for additional purpose to be added to the Reserve under Section 121A of the Crown Lands Act 1989.</p> <p>986/15 That Council <u>amend</u> the lease to include a sub-lease permitting a café/restaurant to be included in the footprint of The Entrance Surf Club.</p> <p>987/15 That Council <u>share</u> the rental derived from the commercial operation with The Entrance Surf Club.</p> <p>988/15 That Council <u>require</u> The Entrance Surf Club to spend their share of the rental on Surf Life Saving activities and/or equipment, and provide annual financial statements to show how these funds have been distributed.</p>	Cr Eaton 23 September 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
181	Community and Recreation Services	Brett Sherar	<p>8.1 Notice of Motion - Shark Summit</p> <p>1037/15 That Council <u>note</u> the increased number of shark attacks in and around our coastal waters due to the rise in shark numbers.</p> <p>1038/15 That Council <u>take</u> proactive and pre-emptive steps to mitigate further local attacks.</p> <p>1039/15 That Council <u>recognise</u> that not only do the current shark attacks highlight the need for better public safety they have the potential to affect summer time tourism and its associated employment.</p> <p>1040/15 That, having regard to the far reaching potential of these events, Council <u>convene</u> in partnership with Surf Life Saving and Professional Life Guards a Shark Summit that includes all key stakeholder groups, rescue organisations, applicable agencies, tourism representatives and specialist marine experts.</p> <p>1041/15 That Council <u>request</u> the Acting Chief Executive Officer to report on the feasibility of auditing our ocean coast line with a view to identifying suitable sites to create shark proof ocean bathing areas/enclosures, however this does not include traditional netting.</p> <p>1042/15 That staff <u>investigate</u> the effectiveness and practicality of making available to bathers, technology such as the shark shield devices on a short term hire basis.</p>	Cr Best 23 September 2015	<p>1037/15: Noted</p> <p>1038/15: Addressed through the undertakings of the Shark Summit with identified outcomes.</p> <p>1039/15: Recognised</p> <p>1040/15: Shark Summit held at Wyong Council on 4 November 2015.</p> <p>1041/15: A report will be provided to Council on outcomes in March 2016.</p>
186	Infrastructure and Operations	Daryl Mann	<p>Q42/15 Kanwal Traffic Calming Devices</p> <p>"Mr Mayor,</p> <p>As the local area Councillor, my question is on behalf of the good folk of Walker Avenue/ Braithwaite, Kanwal. I am hearing of outrageous driving behaviour that is endangering public</p>	Cr Best 23 September 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>safety, I appreciate it's a policing matter, however could you have staff look into the possibility of installing some traffic calming devices in this area, particularly leading from the high pedestrian area, Kanwal shops?"</i>		
195	Infrastructure and Operations	Greg McDonald	<p>7.1 Notice of Motion - Norah Head / Cabbage Tree Bay "Missing Link"</p> <p>1169/15 <i>That Council notes the excellent work carried out by staff in delivering the complex engineering of the Cabbage Tree Bay (CTB) seawall and more recently the CTB ocean ramps, further it is noted both these facilities were severely tested in the April 2015 storms with no reported damage.</i></p> <p>1170/15 <i>That Council notes these much needed multimillion dollar Bay works have now highlighted the extremely poor condition of Mazlin Reserve Cliff Face and in particular the Norah Head Search and Rescue site, this has now become known as the "Missing Link".</i></p> <p>1171/15 <i>That Council recognises that both these sites are the ownership of the State Government and are their full responsibility.</i></p> <p>1172/15 <i>That Council seeks to work with the State Government through convening an initial meeting of all key stakeholder groups with a view to making a whole of community representation seeking upgrade funding in the 2016/17 State Budget.</i></p> <p>1173/15 <i>That Council notes the outstanding support Karen McNamara our Federal Member for Dobell and State Agencies provided in assisting Council and the community in delivering the much needed Cabbage Tree Bay Ocean Ramp and the bay retaining wall.</i></p>	Cr Best 28 October 2015	This is subject to confidential legal proceedings. Refer to General Counsel.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
196	Infrastructure and Operations	Daryl Mann	<p>7.2 Notice of Motion - Toukley Speed Bump Shambles</p> <p>1164/15 <i>That Council, on behalf of the community, again call on the RMS to rip up the failed and controversial Toukley speed bumps.</i></p> <p>1165/15 <i>That Council notes the reports that these 'safety devices' have actually caused accidents involving both pedestrians and motorists, further there is emerging anecdotal evidence that shop trade is also beginning to be affected.</i></p> <p>1166/15 <i>That Council call on the RMS to release its 'Black Spot' funding submission, including the statistics it relied upon to convince the Federal Government to fund these controversial speed bumps."</i></p> <p>1167/15 <i>That Council further notes that some 50 accidents have been reported in the last 6 years on this road, with only 4 actually occurring in the Toukley CBD. Further, Council notes that there are two other 40km/h speed zones in Main Road Toukley that do not rely on speed bumps for their effective management.</i></p>	Cr Best 28 October 2015	Council is currently drafting a letter to the RMS to respond to the issues raised in items 1164/15 and 1166/15 of the NOM.
200	Property and Economic Development	Mike Dowling	<p>1.6 Mayoral Minute - Wyong Grove</p> <p>1187/15 <i>That Council <u>authorise</u> the Acting CEO to acquire the School Site and the School Carriageway at fair market value.</i></p> <p>1188/15 <i>That Council <u>authorise</u> the Acting CEO to execute all necessary documentation relevant to the acquisition of the School Site and the School Carriageway.</i></p> <p>1189/15 <i>That Council <u>resolve</u> that the School Site be classified as "Operational" land for the purposes of the Local Government Act 1993, when that land is acquired by the Council.</i></p>	Cr Eaton 11 November 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>1190/15 That the Council <u>resolve</u> to acquire the School Site and the and the School Carriageway by agreement or compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991.</p> <p>1191/15 That Council <u>note</u> that for the purposes of resolutions 1 – 4 above the following terms have the following meanings:</p> <p>a “School Site” means all right title and interest in the part of the land known as Lot 1 DP 123075, with a street address of 1North Rd, Wyong, that is occupied buildings B , C , D and the COLA and identified and marked in yellow boundaries and hatching in Attachment 1 to this Mayoral Minute; and</p> <p>b “School Carriageway” means a Right of Carriageway, on terms set out in Part 1 of Schedule 4A to the Conveyancing Act 1919, benefitting the School Site and burdening that part of the land known as Lot 1 DP 123075 that is identified and marked with blue boundaries and hatching in Attachment 1 to this Mayoral Minute.</p>		
202	Property and Economic Development	Mike Dowling	<p>7.1 Notice of Motion - Waste Management Contract</p> <p>1279/15 That Council thank the Transport Workers Union for presenting at the Wyong Council Resident’s Forum held on Wednesday 11 November 2015.</p> <p>1280/15 That Council acknowledge the clause provided by the Transport Workers Union to protect workers’ wages and conditions and public safety;</p> <ul style="list-style-type: none"> <li>Campbelltown Council’s recent waste contract renewal process included the following clause:</li> </ul>	Cr Eaton 25 November 2015	Response to be provided at a future meeting.



No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>“The Contractor must, as a minimum requirement, preserve employee pay rates and pay-related conditions(for all employees of the Contractor) as those provided in either the Remondis Enterprise Agreement 2018 or, Any enterprise agreement approved by Fair Work Australia which applies to employees previously subject to the Remondis Australia Enterprise Agreement 2018 and comes into operation prior to the commencement of the Contract”</i></p> <ul style="list-style-type: none"> <li>• <i>The current Sydney Metropolitan Bus Service Contract included the clause: “33.8 Successor Operator to Make Offers (a) TfNSW must procure that any Successor Operator makes offers of employment on equivalent terms and conditions (including all accrued entitlements) to Contract Bus Services Employees (other than the persons named in Schedule 11). Offers made by a Successor Operator must take effect from the expiry or termination of this Contract.”</i></li> </ul> <p>1281/15 <i>That Council staff advise at what part of the tendering process it would be appropriate for Council to consider the inclusion of the proposed clause in the new Waste Management Contract?</i></p>		
203	Community and Recreation Services	Brett Sherar	<p>7.2 Notice of Motion - Shark Summit Update / Community Forum</p> <p>1282/15 <i>That Council, in partnership with Surf Life Saving and our Professional Life Guards, <u>conduct</u> a Community Forum to update key stakeholder groups and interested parties on the findings and initiatives recommended by the expert scientific panel at Council’s recent Shark Summit.</i></p>	Cr Best 25 November 2015	A Report will be provided to Council in February 2016.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>1283/15 That Council, with the assistance of our community and marine experts, <u>identify</u> suitable trial projects that could be submitted for consideration in the recently announced State Government Shark Management Project.</p> <p>1284/15 That Council <u>note</u>, as the Central Coast was the first region to conduct a local Shark Summit since the State Government's announcement of the \$16million Shark Fund, the Coast is now ideally positioned to contribute and access these resources subject to developing our submission expeditiously.</p>		
204	Infrastructure and Operations	Greg McDonald	<p>U5/15 Extension of Dredging at The Entrance</p> <p>1286/15 That Council extend the period of dredging The Entrance channel by one week with the sand pumped onto The Entrance Beach.</p>	Cr Taylor 25 November 2015	Response to be provided at a future meeting.
205	Community and Recreation Services	Brett Sherar	<p>6.2 Notice of Motion - Rock Fishing Deaths at "Drowning Rocks", Wybung Head</p> <p>1344/15 That Council <u>recognise</u> rock fishing is one of Australia's most dangerous recreational pursuits accounting for 16 deaths alone on the Central Coast in the past 8 years (no victims were wearing life jackets).</p> <p>1345/15 That, as a consequence of these deaths, the emotional trauma and the huge cost of recovery, Council <u>calls on</u> National Parks to support suitable multicultural "shock signage" in a desperate effort to curb the rising death toll.</p> <p>1346/15 That, further to the coroner's recommended initiative of shock signage, Council also <u>investigate</u> and <u>report</u> on the possibility of formalising the unofficial name of "Drowning Rocks" platform located on the south eastern side of Wybung Head.</p>	Cr Best 9 December 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>1347/15 That Council, in consultation with Roads and Maritime Services (RMS), Central Coast Surf Life Saving and key user groups, <u>investigate</u> the feasibility of installing a trial "ocean life buoy" in suitable proximity to the shelf to provide floatation and day/night EPIRB (distress beacon) facility.</p> <p>1348/15 That Council again <u>lend</u> its support to Central Coast Surf Life Saving for their continuing campaign to make buoyancy vests mandatory when rock fishing.</p>		
206	Community and Recreation Services	Maxine Kenyon	<p>7.1 Notice of Motion - Busker Encouragement</p> <p>1 That Council <u>adopt</u> a new policy on a trial basis, to encourage busking in the Shire.</p> <p>2 That Council <u>request</u> the Acting Chief Executive Officer to prepare the policy on the basis that the process for approval is simple, cheap and easy for the applicant.</p> <p>3 That Council <u>request</u> the Acting Chief Executive Officer include the following elements in the trial policy:</p> <p>(a) A 6 month permit on a single page application for a \$10 fee.</p> <p>(b) The busker must produce photo identification, mobile number and address details.</p> <p>(c) Conditions of permit should include no impediment to pedestrians or shopkeepers, use of battery powered amplifiers (ie. no power leads), no risk of harm to the public etc.</p> <p>(d) Council may revoke the permit at any time without notice.</p> <p>(e) There be no requirement for any insurances by Council.</p> <p>4 That Council <u>request</u> the Acting Chief Executive Officer to prepare the new policy to Council with a view to swift implementation of the trial.</p> <p>5 That Council <u>request</u> the Acting Chief Executive Officer</p>	Cr's Webster & Eaton 27 January 2016	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>to report on the results of this trial in August 2016.</i>		
207	Community and Recreation Services	Maxine Kenyon	<p>7.2 Notice of Motion - Central Coasts New and Innovative Regional Animal Care Facility</p> <p>1 <i>That Council in partnership with Gosford City Council <u>recognise</u> the urgent need to upgrade current animal care facilities and that such a project to assist 'man's best friend' would be a fitting inaugural community project that clearly highlights the benefits of regionalisation and indeed amalgamation.</i></p> <p>2 <i>That Council <u>note</u> that both Wyong and Gosford current animal care facility/pounds appear to have reached their asset lives despite these challenging conditions Council recognises the excellent efforts of staff, contractors and our valuable volunteers for their dedication in delivering such outstanding animal welfare outcomes.</i></p> <p>3 <i>That Council <u>request</u> that this important animal welfare issue be placed on the next Joint Wyong Gosford Regional Meeting (CCROC) with a view to bringing this important issue forward on the regional agenda and to confirm project priority status in the lead up to amalgamation.</i></p> <p>4 <i>That Council <u>consider</u> a report on the current operational status of the Animal Care Facility at Charmhaven and any interim initiatives that are being considered/deployed to maintain the current facilities, service delivery and the required level of animal welfare.</i></p>	Cr's Best & Webster 27 January 2016	Response to be provided at a future meeting.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE  
27 JANUARY 2016**

<b>No#</b>	<b>Department</b>	<b>Question on Notice / Notice of Motion</b>	<b>Date Asked/ Councillor</b>	<b>Status</b>
Nil	Nil	Nil	Nil	Nil

10 February 2016

To the Ordinary Council Meeting

Councillor

## **7.1 Notice of Motion - Protecting Neighbourhood Properties**

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TRIM REFERENCE: F2010/00500 - D12213345

AUTHOR: Lloyd Taylor; Councillor

Councillor Taylor has given notice that at the Ordinary Council Meeting to be held on Wednesday 10 February 2016 he will move the following Motion:

- "1 That Council fund an increase to the public tree risk management budget of \$250,000 to reduce the backlog of requests to remove dead, dying or dangerous trees.*
- 2 That Council request a report on public tree risk management tree procedures in response to the recent significant in April and October 2015 and more recently 15 January 2016, as many trees on public land have fallen or been reported as being dangerous."*

### **RESOURCES**

Current resources would be used to prepare the report to Council. Contractors would be engaged to undertake the backlog of tree removal works.

The \$250,000.00 is not available in Open Space Operational Funding.

### **COUNCILLORS NOTE**

Council has limited resources in the budget for the removal of such trees and the limited resources need to be increase to facilitate the removal of the fallen vegetation and the removal of trees that could cause injury or damage to property.

#### **Consideration of s.23A guidelines**

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

### **ATTACHMENTS**

*Nil.*

10 February 2016

To the Ordinary Council Meeting

Councillor

## **7.2 Notice of Motion - Chinese Theme Park Confidential**

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TRIM REFERENCE: F2011/00192 - D12222725

AUTHOR: Greg Best; Councillor

Councillor Greg Best has given notice that at the Ordinary Council Meeting to be held on 10 February 2016 he will move the following Motion:

- "1 That, due to strong community interest in the proposed \$500 million dollar Chappypie China Time Theme Park, Council now with the consent of the proponent and having regard to the need for transparency and good governance, seek to release to the community confidential documentation around the Warnervale Chinese Theme Park proposal.*
- 2 That Council notes that this is a private project and that Council has no financial involvement in, or is involved in the proposal.*
- 3 That Council note that this is a proposal from the Chinese Theme Park consortium and that it has lawfully lodged a DA that Council must evaluate under the appropriate planning legislation and a formal determination must be made."*

### **RESOURCES**

This matter can be actioned using existing resources.

### **COUNCILLORS NOTE**

*Nil.*

### **Consideration of s.23A guidelines**

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

### **ATTACHMENTS**

*Nil.*